



# **Hackney Carriage and Private Hire Licensing Policy**

**1 February 2023 – 31 January 2028**

## Contents

Section	Contents	Page
1	Introduction	3
2	Delegation of Decision-Making Powers	3
3	Failure to Disclose Information	4
4	Complaint Against Licence Holders	4
5	Drivers Licences	5
6	Operator Licence	13
7	Vehicle Licences	17
8	Appendices	
Appendix A	Assessment of Previous Convictions	22
Appendix B	Agreed Medical Examination Providers	25
Appendix C	Approved Safeguarding and Child Sexual Exploitation Awareness Training	25
Appendix D	Approved Disability Awareness Training courses and providers	25
Appendix E	Approved Language Proficiency Assessment providers	26
Appendix F	Policy on the NR3 Database	27
Appendix G	Knowledge Test	32
Appendix H	Scheme of Delegation	33
Appendix I	Hackney Carriage Bylaws	34
Appendix J	Hackney Carriage Vehicle Licence Conditions	40
Appendix K	Private Hire Vehicle Licence Conditions	43
Appendix L	List of Consultees for this policy	45

## 1. Introduction

- 1.1. The overriding aim of Brentwood Borough Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one cohesive document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in Brentwood Borough.
- 1.3. Each case will always be considered on its merits having regards to this policy. Brentwood Borough Council will only depart from this policy where it considers appropriate to do so.
- 1.4. This policy came into effect on the 1 February 2023 and will be reviewed every 5 years, or sooner should there be a significant issue in Borough, or reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix H.
- 1.6. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will be stated in this policy against the requirement.

## 2. Delegation of Decision-Making Powers

- 2.1. The taxi and Private Hire Vehicle licensing functions of local councils are non-executive functions i.e., they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews, and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee, or an officer.
- 2.2. Brentwood Borough Council's Scheme of Delegation is attached as Appendix H
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Brentwood Borough Council Constitution is published on the [Council's website](#).
- 2.4. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Members and Officers. This training will at least meet the minimum requirements of the DFT standards. Member training requirements and obligations are contained within the Council Constitution.

### 3. Failure to Disclose Information

- 3.1. Withholding information when submitting an application may be interpreted as deception and may lead to refusal of the application for this reason alone.
- 3.2. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, may also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

### 4. Complaints against licence holders

- 4.1. Complaints about licence holders will be recorded on the Council's database. All complaints will be investigated, and appropriate action taken, which may include, no further action, a written warning, referral to a licensing sub-committee for consideration, or suspension or revocation of the licence.
- 4.2. A pattern of complaints about a licence holder may be sufficient on the balance of probabilities to take more formal action than an individual complaint may warrant alone.
- 4.3. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to conviction may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

## 5. Driver Licences

### 5.1. Overview

- 5.1.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Brentwood Borough Council, must hold the relevant driver's licence that is also issued by Brentwood Borough Council.
- 5.1.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.
- 5.1.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).
- 5.1.4. In determining if a person is "fit and proper", this authority will consider the updated expression "safe and suitable" and will largely apply the test:  
  
'Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'
- 5.1.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

### 5.2. Duration of Licences

- 5.2.1. A Driver's licence will normally be issued for a three-year duration.
- 5.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, such as when the applicant has requested a one-year licence or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

### 5.3. Pre-Licensing Requirements

- 5.3.1. To qualify for a driver's licence, you must:
  - Hold a full DVLA or equivalent driver's licence for at least 2 years.
  - Have the right to work in the UK.
  - Complete the tax check requirements for taxi and private hire drivers.
  - Submit a fully completed application form.
  - Be subject to an Enhanced DBS check.
  - Sign up to the DBS update service (after the initial DBS check has been completed).

- If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
- Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence.
- Have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard.
- Have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria.
- Have passed the Council's Knowledge Test.
- Have met the Council's approved disability awareness training requirements.
- Have met the Council's Language proficiency requirements.
- Have paid the licence fee (please see current fees list).

#### 5.4. Disclosure and Barring Service (DBS) Check

- 5.4.1. An enhanced DBS check must include a check of the children and adult barred Lists (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2).
- 5.4.2. Licence holders should maintain their DBS Certificate through the DBS Update service continuously through the duration of their licence, failure to do so is likely to lead to the immediate suspension of the licence.
- 5.4.3. Existing licence holders will need to undertake a new enhanced DBS check and maintain their DBS Certificate within 6 months from the implementation of this policy, or at the next renewal of their licence if that is sooner.
- 5.4.4. The DBS update service can be registered for upon application for the enhance DBS check as in 5.4.1, or within 28 days of the certificate being issued. Failure to register for the update service is likely to lead to the immediate suspension of the licence and will require the payment of a further fee.
- 5.4.5. Applicants that are already registered for the DBS update service, must submit the original DBS Certificate, that is associated with the update service registration, and that certificate must have been issued in line with the checks required in 5.4.1 above.
- 5.4.6. Manual DBS certificates in rare circumstances are issued by the DBS when an automated DBS certificate cannot be issued. Unfortunately, manual certificates cannot be used to join the DBS Update Service and they cannot be added to an existing Update Service subscription. If a manual certificate is used after an Update Service subscription has been paid for, a refund will be issued by the DBS.
- 5.4.7. Where an applicant has been issued with a manual certificate, an Enhanced DBS check will be undertaken every 6 months, with no additional cost to the licence holder. Failure to reapply for a DBS when requested by the Licensing Department, may result in the immediate suspension of the licence.

#### 5.5. Assessment of Previous Convictions

- 5.5.1. The criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.
- 5.5.2. Appendix A sets out the council's criteria for assessing previous convictions for all driver applications and licence holders.

## 5.6. Tax Check Requirements

- 5.6.1. The HMRC Tax Check requirement does not apply on first application unless the applicant has held the same licence with the Council or any other local authority within the past 12 months.
- 5.6.2. For renewal applications and applicants that have held the same licence with the Council or any other local authority within the past 12 months, a licence will not be issued without a satisfactory tax check code being provided.

## 5.7. Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

- 5.7.1. A check of the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence (NR3 database) will be made for every licence application.
- 5.7.2. The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked, or suspended by any other licensing authority.
- 5.7.3. Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant's fitness to be licensed.
- 5.7.4. Brentwood Borough Council's policy on how we use the NR3 Database can be found at Appendix F.

## 5.8. Medical Fitness Criteria

- 5.8.1. Up to the age of 70 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every five years, or any lesser period that the examining doctor may decide.
- 5.8.2. Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
- 5.8.3. All medical examinations will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.
- 5.8.4. All medical examinations must be undertaken at one of the Council's agreed medical examination providers as in Appendix B.



## 5.9. Safeguarding and Child Sexual Exploitation Awareness Training

- 5.9.1. All applicants must have undergone the council's approved Safeguarding and Child Sexual Exploitation Awareness Training before a licence is granted.
- 5.9.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.9.3. The Council's approved Safeguarding and Child Sexual Exploitation Awareness Training courses and providers are detailed in Appendix C.
- 5.9.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

## 5.10. Disability Awareness Training

- 5.10.1. All applicants must have undergone the council's approved Disability Awareness Training before a licence is granted.
- 5.10.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.10.3. The Council's approved Disability Awareness Training courses and providers are detailed in Appendix D.
- 5.10.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

## 5.11. Language Proficiency Requirements

- 5.11.1. All new applicants must undertake the Council's language proficiency assessment before a licence will be granted. This assessment will cover both oral and written English language skills.
- 5.11.2. Existing licence holders will need to undertake this assessment within 12 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 5.11.3. The Council's approved language proficiency assessment process and providers are detailed in Appendix E.
- 5.11.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

## 5.12. Knowledge Test

- 5.12.1. The Council's Knowledge Test is an electronic test that covers different sections as set out in Appendix G.

- 5.12.2. An application fee allows a maximum of 4 attempts at the knowledge test.
- 5.12.3. There is a fee for additional tests that must be paid for before the test is taken.
- 5.12.4. If you are not successful on a particular test, you will only be expected to answer questions on the sections you did not previously pass.

### 5.13. Conditions

- 5.13.1. The non-compliance with a licence condition may lead to revocation or suspension of a licence for this reason alone.

### 5.14. Private Hire Driver Conditions

- 5.14.1. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)
- 5.14.2. Any of the following events in respect of licence holder must be reported by email to [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk) within 48 hours giving full details:
- a) Any charge or conviction.
  - b) Any caution (issued by the Police or any other agency).
  - c) An arrest and release for any offence (whether or not charged).
  - d) Issue of any fixed penalty notice for any matter.
  - e) Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar.
  - f) Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence.
- 5.14.3. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
- 5.14.4. No person shall, being the driver of a Private Hire Vehicle, without reasonable excuse:
- a) Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.
  - b) Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog.
  - c) No person shall, being the driver of a Private Hire Vehicle, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair.
- 5.14.5. A driver shall not refuse to carry fewer persons than the number marked on the plate.
- 5.14.6. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

- 5.14.7. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall:
- a) Unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
  - b) When picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 5.14.8. A driver shall:
- a) Convey a reasonable quantity of luggage.
  - b) Afford reasonable assistance in loading and unloading such luggage.
- 5.14.9. If the Private Hire Vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means (Subject to the Equalities Act 2010):
- a) When the hirer enters the vehicle.
  - b) When the driver has attended at an appointed place and has made their presence known to the hirer.
  - c) When the driver has presented themselves at an appointed place at a specified time.
- The requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.
- 5.14.10. The driver of a Private Hire Vehicle shall at all times when the vehicle is hired:
- a) Take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle.
  - b) Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).
- 5.14.11. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 5.14.12. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
- 5.14.13. The driver shall not demand from any hirer of a Private Hire Vehicle a fare greater than that agreed with the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.14.14. The driver of a Private Hire Vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Brentwood Borough Council, Town Hall, Ingrave Rd, Brentwood CM15 8AY, and deposit it there.

## 5.15. [Hackney Carriage Bylaws - Drivers](#)

- 5.15.1. All Holders of a Hackney Carriage Licence are subject to the Hackney Carriage Bylaws which are attached to this policy as Appendix I.

## 6. Private Hire Operator Policy and Conditions

### 6.1. Overview

- 6.1.1. For the safety and protection of the public, Private Hire Operators within Brentwood must have a licence issued by Brentwood Borough Council. The licence permits you to accept bookings for Private Hire work.
- 6.1.2. If you intend to take bookings from an operating base situated outside Brentwood, you must apply for an Operator's licence from the appropriate local council.
- 6.1.3. The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 6.1.4. Private Hire Vehicle Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.
- 6.1.5. Failure to comply with any condition of the licence may be grounds for revocation of the licence for that reason alone.

### 6.2. Duration of Licences

- 6.2.1. An Operator licence will normally be issued for a five year duration.
- 6.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, when the licensee has request it or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

### 6.3. Suitability of applicant/licence holder

- 6.3.1. Where a Private Hire Vehicle Operator licence is applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 6.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.
- 6.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a Private Hire Vehicle Operator licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### 6.4. Pre-Licensing Requirements

- 6.4.1. To apply for a Private Hire Operator licence you need to submit the following:
  - A completed application form
  - Have the right to work in the UK
  - A basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Borough Council)
  - If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
  - The fee (please see current fees list)

### 6.5. Conditions

- 6.5.1. Existing licence holders will need to be compliant with all the below conditions within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

#### 6.5.2. General Conditions

- 6.5.2.1. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.
- 6.5.2.2. The licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk) immediately within 48hrs of the change.

#### 6.5.3. Criminality Checks/reporting Convictions and Other Relevant Matters

- 6.5.3.1. The licence holder must complete a basic disclosure from the DBS annually (unless the licence holder is also a licensed driver with Brentwood Borough Council - Should the individual cease to hold a driver licence a basic certificate will be required immediately).

6.5.3.2. Any of the following events in respect of licence holder, director or partner must be reported by email to [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk) within 48 hours giving full details:

- Any conviction (criminal or driving matter)
- Any caution (issued by the Police or any other agency)
- An arrest and release for any offence (whether or not charged)
- Issue of any fixed penalty notice for any matter
- Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar

## 6.6. Booking and Dispatch Staff

- 6.6.1. An up-to-date register of all staff that take bookings or dispatch vehicles must be kept. This record shall be produced on request to any Authorised Officer of the Council or to any Constable for inspection.
- 6.6.2. When being added to the register, all individuals must have provided a recently issued (within 3 months) Basic DBS. This should be compatible with the Operator's policy on employing ex-offenders. Alternatively the Operator could use a 'responsible organisation' to request the check on their behalf.
- 6.6.3. A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 6.6.4. Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any convictions while they are employed in this role.
- 6.6.5. The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.
- 6.6.6. Operators may outsource booking and dispatch functions, however Operators have an obligation to protect children and vulnerable adults and they must evidence that comparable protections are applied by the company to which they outsource these functions.
- 6.6.7. Operators or applicants for a licence must provide to the Licensing Authority, their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a Private Hire Vehicle Operator's licence, those with a conviction for offences provided in the annex to this document (Appendix A – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## 6.7. Record Keeping

6.7.1. Operators must record the following information for each booking:

- the name of the passenger
- the time of the request
- the pick-up point
- the destination
- the name of the driver
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle

6.7.2. Records must be retained for a minimum of twelve months.

## 6.8. Use of passenger carrying vehicles (PCV) licensed drivers

6.8.1. A Driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) such as a minibus to undertake a Private Hire Vehicle booking is not permitted without the informed consent of the booker. Where a Private Hire Vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.



## 7. Vehicle Licences

### 7.1. Overview

- 7.1.1. The objective of vehicle licensing is to protect the public, who trust that vehicles dispatched are above all else safe. It is important therefore that Brentwood Borough Council is assured that those granted a vehicle licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles used to carry passengers are properly licensed and so maintain the safety benefits of the licence regime.

### 7.2. Duration of Licences

- 7.2.1. A Vehicle Licence will only be issued for a one-year duration.

### 7.3. Suitability of the Applicant/Licence Holder

- 7.3.1. Where a Private Hire Vehicle Operator licence is applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 7.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.
- 7.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e., it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### 7.4. Pre-Licensing Requirements

- 7.4.1. To apply for a Vehicle licence, you need to submit the following:
- A completed application form
  - A basic disclosure from the DBS issued in the last 12 months (unless the applicant is also a licensed driver with Brentwood Borough Council)
  - If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
  - The fee (please see current fees list)
  - The original V5C vehicle registration certificate (logbook), which must be in the applicant's name and current address
  - Proof of ownership by means of bill of sale or hire purchase agreement
  - A current MOT test certificate
  - A valid vehicle test sheet issued by Brentwood Borough Council approved testing garage

- A valid insurance certificate
- The old licence plate and window card (if renewing the licence)
- If the vehicle is hired or leased, proof of hire the contract must be provided which must clearly state that that the vehicle will be used as a licensed vehicle. In these circumstances the logbook may remain in the name of the organisation providing hire

7.4.2. Existing licence holders will need to comply with the above basic disclosure requirement within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

#### 7.5. [Hackney Carriage and Private Hire Vehicle Pre- Licence Standards](#)

7.5.1. In order that a reliable hackney carriage or private hire service of an acceptable standard is provided within the Borough, a person to be considered for a Hackney Carriage or Private Hire Vehicle Licence on the first or subsequent occasions shall:

7.5.1.1. Have a vehicle which is in satisfactory mechanical order and body condition and in operational order in every respect, having regard to the requirements of 7.5.10 to these Conditions.

7.5.1.2. In addition, any vehicle first used before 1.4.1987 must be fitted with rear seat belts as if that vehicle was first used on or after that date.

7.5.2. Be a vehicle which is a saloon, a minibus, a hatchback, an estate motor car (or hackney carriage only a London type cab) which according to the manufacturers unaltered specifications has:

7.5.2.1. Seats with a minimum width of not less than 16 inches (40.64cm) per person.

7.5.2.2. Separate front seats to accommodate one person in addition to the driver, save in the case of limousines and vintage cars which may have a bench seat separated by an arm (and in respect of purpose-built hackney carriages not fitted with a front passenger seat).

7.5.2.3. An internal height of not less than 44 inches (111.76cm).

7.5.2.4. Not less than 11 inches (28cm) clearance between the forward edge of the front seat and the instrument panel or any other part of the vehicle.

7.5.2.5. Not less than 10 inches (25.4cm) clearance between the forward edge of the seats and any other seats.

7.5.2.6. Doors which have a minimum rear opening of 37 inches (93.98cm).

7.5.2.7. Accommodation for not less than four passengers.

7.5.2.8. In the case of a standard saloon, hatchback, or estate car with two rows of forward-facing seats, a minimum of four doors. Each adjacent to and allowing direct access to and from seats and rear seat accommodation for not less than three passengers.

- 7.5.2.9. In the case of an estate car with three rows of forward-facing seats, a minimum of five doors, four of which are adjacent to and allowing direct access to the front two rows of seats. The rear row of seats may be accessed by moving one or more of the second row of seats. Vehicles will not be licensed to carry more than the maximum number of adult passengers recommended to be carried in the vehicle according to the manufacturer's specification.
- 7.5.2.10. In the case of a limousine, a minimum of four doors. Seats may be accessed by moving one or more of the second row of seats.
- 7.5.2.11. In the case of minibus, not less than two doors allowing access to the passenger seats, in addition to any provided for the driver.
- 7.5.3. Veteran and vintage cars and minibuses
- 7.5.3.1. Nothing in condition 7.5.2 shall prevent the licensing of veteran and vintage cars. However, such cars shall be subject to the same conditions as all other vehicles.
- 7.5.3.2. Hackney Carriage in the case of a minibus where wheelchair accessibility is provided to the rear passenger compartment, access to that compartment shall be available from both sides of the vehicle.
- 7.5.4. Reasonable accommodation shall be provided for the hirer's luggage. Vehicles not constructed with separate luggage accommodation shall be provided with fixed fence or secure parcel shelf, so as to prevent the contents being dislodged into the passenger and driver compartments, see 7.5.7.
- 7.5.5. The applicant shall submit the vehicle for mechanical and/or such other inspection as the Council may require, in compliance with 7.5.8 to these Conditions. Save that when a vehicle is new and has no more than 500 miles recorded on the odometer it shall not require such certification until:
- 7.5.6. SIX calendar months after the vehicle is first registered subject to the Licensing Manager being satisfied that it is a suitable vehicle to be licensed as a hackney carriage or private hire vehicle.
- 7.5.7. Interpretation, In these conditions:
- "Council" means "Brentwood Borough Council"
  - "Borough" means "Brentwood Borough Council Administrative Area"
  - "Veteran" means "Manufactured prior to 31.12.1916"
  - "Vintage" means "Manufactured between 1.1.1917 and 31.12.1930"
  - "Inspection" means "An inspection of the vehicle covering those items set out in Schedule 2 to these conditions"
  - "Date of first registration" means "as stated on the Vehicle Registration Document"
  - "Fixed Fence" means "a substantial fence securely fixed in position" a loosely fitted dog guard held in place by rubber suction feet or spring apparatus is not acceptable
  - Hackney Carriage only "taxi roof sign" means "a sign stating the word TAXI which is a minimum of 20 inches in length and which is capable of being illuminated only when the vehicle is for hire" The words FOR HIRE may also be included upon such sign.

#### 7.5.8. Vehicle Inspection

The inspection will check for damage, corrosion, and cleanliness in the following areas:

##### Ground Level Checks

Doors - Seating - Heating - Lighting - Floors - Carpets - Fare Charges Displayed - Luggage Arrangements - Licence Plate - Rear Bumper - Front Bumper - For Hire Device - Mirrors.

##### Cab Items

Horn - Panel Lights - Gauges - Interior Light Switch - Driving Seat - Mirror Setting - Fire Extinguisher - Seat Belts - Signage - Smoking Signage.

##### Other Items

Fold Away Seat - Drivers Safety Screen - Passenger Steps - Ramps - Estate Luggage Guard.

##### Under-Bonnet Item

Wiring Security - Brake Pipes - Brake Flexible Hose - Oil & Fuel Leaks - Exhaust Flange and Manifold Security - Emission of Smoke - Operation of Bonnet - Battery Security.

##### Steering

Steering Column, Drop Arm, Box Security - Drag Link - Drag Link Ends - Steering Box/Rack, Oil Leaks and Condition - Track Rod, Play in Rod Ends - Steering Lock Stops, No Fouling - Swivel Pins, Bushes, Thrusts - Stub Axles - Wheel Bearings - Idler Security Condition.

##### Under Vehicle

Coil Suspension/Spring - Suspension Bushes and Fulcrum Pins - Suspension Main Member, Bottom Pans - Shock Absorbers & Rubbers - Shock Absorbers Links and Arms - Broken/Displaced Leaves - Leaf Retailing Clip - Shackle Pins & Bushes - Hanger Brackets and Chassis Bracket - U Belts - Transmission - Exhaust System - Chassis - Engine Mountings - Body.

##### Brakes

Flexible Brake Hoses - Brake Fluid Leaks, Including Master Cylinder - Footbrake Operation - Brake Meter Test - Pipe Condition - Cable/Rod/Pivots/Fulcrum & Pins - Handbrake, Rods, Cables, Shafts/Pivot/Compensation.

##### Wheels/Tyres

Hub Bearings - Wheels - Tyres - Spare Wheel.

##### Safety Features

The fire extinguisher must be of a suitable type having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B.

#### 7.6. Hackney Carriage Vehicle Licence Conditions

7.6.1. The conditions that are applied to a Hackney Carriage Vehicle Licence are attached as Appendix J.

## 7.7. Private Hire Vehicle Licence Conditions

7.7.1. The conditions that are applied to a Private Vehicle Licence are attached as Appendix K.

## Appendix A – Assessment of Previous Convictions

1. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
2. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
3. In the case of any new applicant who has been charged with any offence and is awaiting trial and / or sentencing, the determination will be deferred until the trial and / or sentencing has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
4. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

1. Crimes resulting in death.

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

2. Exploitation.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

3. Offences involving violence against the person.

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Possession of a weapon.

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

5. Sexual offences.

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

6. Dishonesty.

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

7. Drugs.

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

8. Discrimination.

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

9. Motoring convictions.

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Drink driving/driving under the influence of drugs.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11. Using a hand-held device whilst driving.

Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

12. Hackney Carriage and Private Hire offences.

Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13. Vehicle use offences.

Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.



## Appendix B- Agreed Medical Examination Providers

The following medical providers are approved by the Council to undertake a medical examination to the group 2 standards for licence holders and applicants.

- The GP surgery at which the applicant /licence holder is registered.
- Cotswold Medicals
- Just Health
- D4Drivers
- Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

## Appendix C - Approved Safeguarding and Child Sexual Exploitation Awareness Training

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Safeguarding and Child Sexual Exploitation Awareness Training licence holders and applicants.

- Thurrock Council's Safeguarding and Child Sexual Exploitation Awareness Training for Taxi Drivers
- The Blue Lamp Trust Taxi Safeguarding <https://www.bluelamptrust.org.uk/safeguarding/>

## Appendix D - Approved Disability Awareness Training courses and providers

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Disability Awareness Training.

- The Blue Lamp Trust Disability Awareness Course <https://www.bluelamptrust.org.uk/disability-classroom-course/>

## Appendix E– Approved Language Proficiency Assessment providers

Documentary evidence of a qualification (whether or not the qualification was obtained in the United Kingdom) on the basis of which the Council is satisfied that the applicant's level of proficiency in the English language is equivalent to level B1 on the CEFR or above, or;

A certificate from one of the Council's Secure English Language Test (SELT) providers confirming that the applicant's level of proficiency in the English language is at level B1 on the Common European Framework of Reference for Languages: ("CEFR").

### Examples of suitable evidence

This is a list of examples of suitable evidence you can supply to prove you meet the requirement. The list is not exhaustive. The subject of the qualification does not matter as long as it was taught in English.

- UK GCSE/O level (or equivalent) certificate at grades A\* to G
- UK AS-Level/A level certificate
- UK NVQ\*/BTEC/City & Guilds qualification, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above (for example, a Blue Badge Guide qualification)
- UK BA Hons, BSc Hons degree or higher i.e. master's, PhD
- UK HNC/HND qualification
- SELT certificate at B1 level or higher, issued by Trinity College London or IELTS showing proficiency in reading, writing, speaking and listening

### Replacement certificates

There are four accredited Ofqual awarding organisations offering GCSEs in England: AQA, OCR, Pearson and WJEC. There are also others for the rest of the UK. Replacement certificates are available from those organisations. A certified confirmation of results from the relevant awarding body will be acceptable.

### Language requirement

There are currently two approved interim English language test providers: Trinity College London and IELTS (International English Language Test System).

Trinity College London's ISE I qualification will be accepted as evidence of meeting the English language requirement. [Find out more about Trinity, and how you can book the ISE I language test.](#)

IELTS Academic and General Training tests are both accepted as evidence of meeting the new English language requirement. [Find out more about IELTS, and how you can book their tests.](#)

## Appendix F - Policy for Brentwood Borough Council in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

### **I. Overarching principles**

This policy covers the use that this authority, Brentwood Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence<sup>8</sup>. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Brentwood Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Brentwood Borough Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

---

<sup>8</sup> Throughout this policy reference is made to 'taxi drivers licence.' This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>9</sup>.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>10</sup>. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined<sup>11</sup>.

The data will be held securely in accordance with Brentwood Borough Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Brentwood Borough Council's general policy on the erasure and destruction of personal data. Information regarding the retention and destruction of personal data policies of Brentwood Borough Council, including a subject access request, can be found at [Brentwood Council - Information about you](#).

---

<sup>9</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

<sup>10</sup> Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

<sup>11</sup> Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

## **II. Making a request for further information regarding an entry on NR3<sup>12</sup>**

When an application is made to Brentwood Borough Council for the grant of a new, or renewal of, a taxi driver's licence, Brentwood Borough Council will check the NR3.

Brentwood Borough Council will make and then retain a clear written record<sup>13</sup> of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If Brentwood Borough Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Brentwood Borough Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the template form. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **III. Responding to a request made for further information regarding an entry on NR3<sup>14</sup>**

When Brentwood Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years<sup>15</sup>.

Brentwood Borough Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

Brentwood Borough Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that

---

<sup>12</sup> This section of the policy relates to the submission of a request by the second authority.

<sup>13</sup> This can be electronic, rather than "pen and paper" hard copy.

<sup>14</sup> This section of the policy relates to the handling by the first authority of a request for information by the second authority.

<sup>15</sup> This record can be combined with the written record of the action taken as a result of the request.

if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Brentwood Borough Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed<sup>16</sup>. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Brentwood Borough Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Brentwood Borough Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within Brentwood Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters<sup>17</sup>. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Brentwood Council's statement of policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Brentwood Council's statement of policy) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. Brentwood Borough Council will make and then retain a clear written record<sup>18</sup> of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

---

<sup>16</sup> If the 1<sup>st</sup> authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1<sup>st</sup> authority and the 2nd authority.

<sup>17</sup> Available at [Licensing Policy statement on the Relevance of Convictions](#)

<sup>18</sup> This can be electronic, rather than "pen and paper" hard copy.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

#### **IV. Using any information obtained as a result of a request to another authority**

When Brentwood Borough Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications and Brentwood Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.

Brentwood Borough Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Brentwood Borough Council will make in relation to the application.

## Appendix G - Knowledge Test

The Knowledge test is a multiple choice electronic test that is split into 6 sections, and consists of 55 questions lasting for a maximum of 50 minutes.

	Topic	Description	Pass mark
1	<b>Highway code</b> 10 questions	Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking and are similar to questions asked on the DVLA theory test.	All 10
2	<b>Road signs</b> 5 questions	Road signs that you need to recognise.	All: 5
3	<b>Places of interest</b> 10 questions	Landmarks such as pubs, clubs, restaurants, schools, churches, and public buildings you need to be aware of.	Hackney Carriage: 9 Private Hire: 7
4	<b>Routes</b> 15 questions for Hackney Carriage drivers only	You'll be expected to select the shortest route between 2 places in the borough. It'll be assumed that there are no roadworks, blockages or anything to stop you going by the direct route. You should note things like roundabouts, no entry signs and one-way streets when giving your answer.	Hackney Carriage: 13 Private Hire: not taken
5	<b>Conditions and law</b> 10 questions	Conditions relate to both Hackney Carriages and Private Hire Vehicles and drivers.	All: 10
6	<b>Numeracy</b> 5 questions	Questions relate to the cost of fares and the change you must give the customer.	All



## Appendix H – Scheme of Delegation

The Authority discharges its functions as described within the Council’s Constitution. Licensing matters relating to this policy are discharged through the Licensing Committee and the Licensing Sub Committee with delegations to officers for certain functions. Restrictions on the exercise of delegated functions are detailed in the scheme of delegation below.

The full terms of reference for the various committees, the arrangements for delegation and officer functions are detailed in the [Council’s Constitution](#) which is published on the Council’s website.

Licensing Function	Licensing Sub Committee	Licensing Manager	Licensing Officer
Grant of licence where there is no reason for refusal.	ü	ü	ü
Refusal or Grant of a licence where there may be reasons for refusal, such as; applications where any pre-licensing conditions are not met; matters falling outside policy guidance; matters giving rise to serious concern that the granting or the continuation of the licence may undermine public safety.	ü		
Suspension of a licence	ü	ü	ü
Revocation of a licence	ü	ü	
Revocation/Refusal where the applicant/licence holders does not hold a DVLA driving licence.		ü	
Agreement to depart form policy where policy allows officer discretion.		ü	

## Appendix I – Hackney Carriage Bylaws

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Brentwood District Council with respect to hackney carriages in the District of Brentwood.

### Interpretation

1. Throughout these byelaws “the Council” means Brentwood District Council and “the district” means the District of Brentwood.

### Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly marked on the outside and inside of the carriage on plates affixed thereto, such plates to be of the colour, size and shape as determined by the Council, but such plate or plates must be surrendered to the Council on the expiry, suspension, or revocation of the licence.
  - (b) A proprietor of a hackney carriage shall:-
    - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
    - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall at all times keep and maintain the carriage in accordance with the standards set out in the Council’s Licensing Conditions current at the time and in particular shall comply with the following requirements to: -
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver.
  - (b) cause the roof or covering to be kept watertight.
  - (c) provide any necessary windows and provide a means of opening and closing not less than one of the said windows on each side.
  - (d) cause the seats to be properly cushioned or covered.
  - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering.
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.

- (g) the carriage to be so constructed as to carry luggage for passengers and to provide means for securing luggage.
  - (h) provide an efficient fire extinguisher which shall be carried in such a position to be readily available for use.
  - (i) provide at least one door in the front of the carriage and two doors in the rear for use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
  - (j) have fitted in the carriage in a position approved by the Council an electric light for the use of any person being driven therein and sufficient to illuminate the interior thereof.
  - (k) provide for such access for disabled passengers to the carriage as set out in the Council's said Licensing Condition.
4. The proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter which shall be so constructed, attached, and maintained as to comply with the following requirements, that is to say: -
- (a) the taximeter shall be fitted with a key, flag, switch or other device the operating of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of the taximeter.
  - (b) such key, flag, switch or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring and the switch for operating the light providing the said illumination shall be incorporated in and operated in conjunction with the key, flag, switch or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with

them except by breaking, damaging, or permanently displacing the seals or other appliances.

5. The proprietor or a driver of a hackney carriage shall not place any advertisement sign, light, either inside or outside the carriage, which is not required by law to be displayed or fitted, except: -
- (a) as required by other byelaws hereto.
  - (b) a "TAXI" sign which has a minimum width of twenty inches and six inches in height and is not illuminated when the carriage is not available for hire, save for a London style cab which is fitted as standard with a roof mounted "TAXI" sign.
  - (c) an inscription not exceeding thirty six inches in size identifying the proprietor of such carriage or the association of proprietors to which he belongs on the panels of the rear doors;
  - (d) a panel not exceeding ten inches by six inches inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from the outside of the carriage.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district of their several employments**

6. The driver of a hackney carriage provided with a taximeter shall: -
- (a) when standing or plying for hire keep the key, flag, switch or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag, switch or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, being the hours between half an hour after sunset and half an hour before sunrise, and also at any time at the request of the hirer;
  - (d) report immediately to the Council any failure of the taximeter.
7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof or with the seals affixed hereto.

8. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands fixed in that behalf and specified in the First Schedule hereto or other approved place;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it as specified in the First Schedule hereto and, if more than one stand is fixed as specified in the First Schedule hereto, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, and where the physical layout of the stand allows, station the carriage immediately behind (or where the stand does not allow this, to the side of) the carriage or carriages on the stand and so as to face in the same direction;
  - (d) where the physical layout of the stand allows, from time to time, when any other carriage immediately in front is driven off or moved forward
  - (e) remain with the carriage and be ready to be hired at once by any person when his carriage has remained on the stand for a longer period of time than any other carriage waiting to be hired on the said stand.
9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the service of any other person for the purpose.
10. A proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the carriage.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. The proprietor or driver of a hackney carriage shall not there allow to be conveyed in the front of the carriage:-
  - (a) any child below the age of ten years; or
  - (b) more than one person above that age.

14. The driver of a hackney carriage shall not convey in the hackney carriage any animal belonging to, or in the custody of, himself or the proprietor of the vehicle. Any animal belonging to or in the custody of any passenger which, in the driver's discretion, may be conveyed in that carriage, shall only be conveyed in the rear of the carriage.
15. If an identity card has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire and when hired, display the identity card in such a position and manner as to be plainly visible.
16. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in removing such luggage to and from the entrance of any building, station or place at which he may take up or set down such person.
17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed in the following table contained in the Second Schedule hereto, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.
18. The proprietor or driver of a hackney carriage shall, if requested by the hirer of the hackney carriage, provide him with a written receipt for the fare paid.
19. (a) The proprietor of a hackney carriage shall cause a current statement of fares issued by the Council and prescribed in the Second Schedule hereto to be exhibited inside the carriage, in clearly distinguishable letters and figures.  
  
(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages**

20. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property.
21. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:-

- (a) carry it as soon as possible and in any event within 72 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council's Environmental Services and leave it in the custody of the officer in charge of the office.
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Environmental Services, whichever is the greater) but not more than five pounds (£5.00).

### **Penalties**

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds (£2.00) for each day during which the offence continues after conviction, therefore.

### **Repeal of Byelaws**

23. The byelaws relating to hackney carriages which were made by the Brentwood District Council, and which were confirmed by one of Her Majesty's Principal Secretaries as coming into operation on the first day of April 1986 are hereby repealed.

THE COMMON SEAL OF BRENTWOOD DISTRICT COUNCIL was hereunto affixed pursuant to a Resolution passed at a meeting of the Council held on the Third day of March One Thousand, Nine Hundred and Ninety Two in the presence of: -

J SHAWCROSS, CHAIRMAN OF THE COUNCIL  
KENNETH A BAKER, ASSISTANT CLERK OF THE COUNCIL

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 11th day of November 1992.

P R PICKERING, An Assistant Secretary in the Department of Transport on behalf of the Secretary for Transport, Home Office, London SW1.

## Appendix J – Hackney Carriage Vehicle Licence Conditions

- 1.0 The licence is valid for the period stated thereon, unless previously surrendered or revoked
- 2.0 The plate supplied by the Council bearing the number of the licence granted and the number of passengers for which the vehicle is licensed shall be displayed on the outside of the vehicle adjacent to the rear number plate.
  - 2.1 A tariff card supplied by the Council stating the number of the licence, the current tariff, the proprietor's name and the registration mark of the vehicle shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle
  - 2.2 The vehicle shall not be used to convey a greater number of passengers than prescribed in the licence for the vehicle
- 3.0 Advertisements, signs and lights
  - 3.1 A Hackney carriage shall be fitted with a TAXI roof sign which is illuminated when the vehicle is for hire, and which is not illuminated when the vehicle is not available for hire.
  - 3.2 Save for purpose-built vehicles which have an integral TAXI roof sign, the TAXI roof sign shall have a minimum width of 20 inches.
  - 3.3 There shall be displayed such signs and in such locations on and in the vehicle as may be required by the Council in writing.
  - 3.4 Prior to any signs or advertisements being displayed on and in the hackney carriage, the written approval of the Head of Environmental Health and Licensing shall be obtained by the licence holder.
- 4.0 No material alteration or change in the manufacturer's specification, design. Condition or appearance of the vehicle shall be made without the prior written approval of the Council.
- 5.0 Reasonable accommodation shall be provided for the hirer's luggage. Vehicles not constructed with separate luggage accommodation shall be provided with a fixed fence or secure parcel shelf, so as to prevent the contents being dislodged into the passenger and driver compartments. (See Schedule 1).
- 6.0 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B. Such equipment shall be accessible to the occupiers of the carriage. (See Schedule 3).
- 7.0 Any vehicle first used before 1.4.1987 must be fitted with rear seat belts as if that vehicle was first used on or after that date.
- 8.0 The holder of a Hackney Carriage Licence shall submit the vehicle for mechanical and/or such other inspection as the Council may require. (See Schedule 2)



8.1 The vehicle shall be fitted with an approved taxi meter which complies with the requirements of the Councils Hackney Carriage Byelaws.

8.1.1 An approved taxi meter shall be one which has Public Carriage Office and British Standards Institution approval.

8.1.2 A taxi meter must be capable of displaying the fare structure as required by the Council.

8.1.3 A taxi meter must be programmed as a calendar clock meter so that the operation of the meter is achieved by the use of a single button/switch, irrespective of the time of day or day of week.

8.1.4 Condition 8.1.3 above shall not apply to a taxi meter already fitted to a hackney carriage licensed by the Council on or before 26.10.93 nor to a taxi meter transferred from such an existing licensed hackney carriage when the proprietor changes that vehicle, provided that such a meter remains in good working order and is suitable in style and type to be fitted to the new vehicle.

## 9.0 Use of Trailers

9.1 No trailer is to be towed when the vehicle is used for hire unless it complies with all relevant requirements of current legislation in respect of construction and use, lighting and insurance.

9.2 Any trailer so used must be fitted with a securely fastened cover which can be hard top or canvas tarpaulin type.

9.3 A spare wheel and tyre for the trailer shall be carried when a trailer is in use.

9.4 When a trailer is used with the vehicle, the identifying plate issued by the Council shall be displayed on the rear of the trailer.

9.5 Any trailer towed when the vehicle is used for hire shall be submitted for mechanical and/or such other inspection as the Council may require.

10.0 During the period of the licence, the holder shall:

10.1 be in direct control of the day to day running of the carriage.

10.2 provide such supporting evidence in connection with 10.1 as may be required by the Council from time to time.

11.0 The licence holder must notify the Licensing Department of any change of home address as soon as it is reasonably practicable to do so, and in all cases within SEVEN days. All notifications shall be confirmed by the production to an authorized officer of the Vehicle Registration Document on which the new address is shown, except in the case of leased vehicles where the owner's name is shown.

## 12.0 Notification of Convictions

12.1 In the event that the licence holder is cautioned for or convicted of any criminal offence, he shall within SEVEN days of the date of such caution or conviction report such caution or conviction in writing to the Licensing Department and give particulars of each caution or conviction and any penalty points imposed in respect of it.

- 12.2 In the event that the licence holder is issued with a fixed penalty notice, he or she shall produce the said notice to the Licensing Department within SEVEN days of receipt of the said notice.
- 12.3 Following any convictions or the issue of any fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence, that licence must be produced to the Licensing Department within SEVEN days of its return from DVLA or a court or a fixed penalty office following the endorsement of the offence thereon

## Appendix K – Private Hire Vehicle Licence Conditions

- 1.0 The licence is valid for the period stated thereon, unless previously surrendered or revoked
- 2.0 The plate supplied by the Council bearing the number of the licence granted and the number of passengers for which the vehicle is licensed shall be displayed on the outside of the vehicle adjacent to the rear number plate.
  - 2.1 A card supplied by the Council stating the number of the licence, the number of passengers which may be carried and the holder of the operators licence shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle
  - 2.2 The vehicle shall not be used to convey a greater number of passengers than prescribed in the licence for the vehicle
- 3.0 Advertisements, signs and lights
  - 3.1 A private hire vehicle shall display such signs and in such locations on the vehicle as may be required by the Council.
  - 3.2 Prior to any other signs or advertisements being displayed on or in the private hire vehicle, written approval of the Head of Environmental Health and Licensing must be obtained.
- 4.0 The display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in singular or plural and whether alone or as part of another word or the words "FOR HIRE" or any form of wording which may in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it or would be so available if not already hired is not permitted.
- 5.0 No material alteration or change in the manufacturer's specification design condition or appearance of the vehicle shall be made without prior written approval of the Council.
- 6.0 Reasonable accommodation shall be provided for the hirer's luggage. Vehicles not constructed with separate luggage accommodation shall be provided with a fixed fence or secure parcel shelf, so as to prevent the contents being dislodged into the passenger and driver compartments.
- 7.0 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B. Such equipment shall be accessible to the occupiers of the carriage.
- 8.0 Any vehicle first used before 1.4.1987 must be fitted with rear seat belts as if that vehicle was first used on or after that date.

- 9.0 If the private hire vehicle is fitted with a taximeter, it shall be a meter approved by the Public Carriage Office (Metropolitan Police) and the British Standards Institution.
- 9.1 A taximeter must be programmed as a calendar clock meter so that the operation of the meter is achieved by the use of a single button/switch, irrespective of the time of day or day of week and must be capable of displaying the fare structure notified to the Council by the operator.
- 10.0 The holder of a Private Hire Vehicle Licence shall submit the vehicle for mechanical and/or such other inspection as the Council may require.
- 11.0 Use of Trailers
- 11.1 No trailer is to be towed when the vehicle is used for hire unless it complies with all relevant requirements of current legislation in respect of construction and use, lighting and insurance.
- 11.2 Any trailer so used must be fitted with a securely fastened cover which can be hard top or canvas tarpaulin type.
- 11.3 A spare wheel and tyre for the trailer shall be carried when a trailer is in use.
- 11.4 When a trailer is used with the vehicle, the identifying plate issued by the Council shall be displayed on the rear of the trailer.
- 11.5 Any trailer towed when the vehicle is used for hire shall be submitted for mechanical and/or such other inspection as the Council may require.
- 12.0 The licence holder must notify the Licensing Department of any change of home address as soon as it is reasonably practicable to do so, and in all cases within SEVEN days. All notifications shall be confirmed by the production to an authorized officer of the Vehicle Registration Document on which the new address is shown, except in the case of leased vehicles where the owner's name is shown.
- 13.0 Notification of Convictions
- 13.1 In the event that the licence holder is cautioned for or convicted of any criminal offence, he shall within SEVEN days of the date of such caution or conviction report such caution or conviction in writing to the Licensing Department and give particulars of each caution or conviction and any penalty points imposed in respect of it.
- 13.2 In the event that the licence holder is issued with a fixed penalty notice, he or she shall produce the said notice to the Licensing Department within SEVEN days of receipt of the said notice.
- 13.3 Following any convictions or the issue of any fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence, that licence must be produced to the Licensing Department within SEVEN days of its return from DVLA or a court or a fixed penalty office following the endorsement of the offence thereon.

## Appendix L – List of Consultees for this policy

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- Public consultation via Brentwood Borough Council website.