

AGENDA

Regulatory Panel

Wednesday, 23 November 2022 AT 16:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions.

DECLARATIONS OF INTEREST

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

PUBLIC AND PRESS

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

MINUTES OF PREVIOUS MEETINGS

To note that Council, at its meeting on 8 November 2022, received and adopted the minutes of the meeting held on 14 September and 19 October 2022. The Chair will sign the minutes.

[Copy minutes in Minute Book Vol 49(3)]

PART A

To be considered when the Public and Press are present

- A.1 APPLICATION FOR A NEW PRIVATE HIRE VEHICLE LICENCE 5 - 12**
- The Licensing Manager to submit a report regarding applications for Private Hire Vehicles Licenses for two Mercedes vehicles with tinted windows darker than the Council's required specification.
(Copy Report GD.67/22 herewith)
- A.2 PRIVATE HIRE DRIVER – DRIVING UNLICENSED VEHICLE 13 - 34**
- The Licensing Manager to present a report regarding the use of an unlicensed vehicle by a Private Hire driver.
(Copy Report GD.66/22 herewith)
- A.3 PRIVATE HIRE DRIVER – MOTORING CONVICTIONS 35 - 46**
- The Licensing Manager to submit a report regarding a licensed Private Hire Driver who had three motoring convictions which had not been declared to the Licensing Team.
(Copy Report GD.68/22)

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members of the Regulatory Panel:

Conservative – Mrs Bowman, Ms Ellis-Williams (Chair), Mrs Mitchell, Meller, Morton, Shepherd, Bainbridge (sub), Mrs Mallinson (sub), J Mallinson (sub)

Labour – Alcroft, Sunter, Dr Tickner, Miss Whalen (Vice Chair), Birks (sub) Patrick (sub), Miss Sherriff (sub)

Independent and Liberal Democrat - Pickstone, Allison (sub)

Independent Member for Stanwix and Houghton - Nedved

Enquiries, requests for reports, background papers etc to:
democraticservices@carlisle.gov.uk

Report to Regulatory Panel

Item
A.1

Meeting Date: 23rd November 2022
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework: No
 Public / Private: Public

Title: Application for a new Private Hire Vehicle Licence
 Report of: Corporate Director of Governance and Regulatory Services
 Report Number: GD.67/22

Purpose / Summary: Purpose / Summary

Mr David Lyttle has applied to Carlisle City Council for Private Hire Vehicle Licences for two Mercedes vehicles. The vehicles have tinted rear windows darker than the Councils required specification of 70% visual light transmission. Members are asked to consider whether the applications should be granted outside of policy.

Recommendations:

To reach a decision to determine the Private Hire Vehicle Licence applications.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

- 1.1. Mr David Lyttle has submitted two applications to the Licensing Authority to licence two vehicles as Private Hire Vehicles. **(Appendix 1)**
- 1.2. The fee for the applications has been received and Mr Lyttle has submitted Registration Documents, MOT records and insurance details. There are some queries with the insurance which can be followed up should the Regulatory Panel resolve to grant the licences.
- 1.3. Carlisle City Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 states that rear windows should allow 70% visual light transmission and that vehicles presented for their first licence with need to comply with this public safety requirement prior to the licence being issued.
- 1.4. Mr Lyttle's vehicles have tints considerable darker than the policy allows but has requested that we accept the applications and that the Regulatory Panel consider granting the licences outside Council policy.

2. APPLICATIONS

- 2.1. Mr Lyttle's applications are for an 8 seater S Class Mercedes and a 5 seater V Class Mercedes. Both vehicles have factory fitted rear tinted windows.
- 2.2. Window tints are measured by the percentage of how much light can pass through the windows. This is called Visible Light Transmission or VLT. The lower the percentage VLT is the darker the tint.
- 2.3. The S Class has a tint reading of 0.2% on the rear passenger windows and the V-Class a reading of 10%. The front windscreen and driver and adjacent passenger windows are clear.
- 2.4. The Council's policy of a requirement of 70% VLT has been explained to the applicant, however he wishes to proceed with the applications and request that the Regulatory Panel consider licencing these outside the Councils policy.
- 2.5. Mr Lyttle has submitted a letter which can be found at **Appendix 2** with the text as follows:

I run an executive car company called Carlisle Executive Cars, I have recently applied for licensing in the Carlisle area, I am not a taxi company and will not be sitting at taxi ranks, all our clients are very high end and we will be moving them all over the UK, the Council have asked recently about the tinted blacked out windows on our two vehicles which are a Mercedes S Class and Mercedes V Class. Most of our clients can range from pop stars, movie star to high court judges

and MPs, so they need to be moved around very discretely without causing too much attention to the public.

- 2.6. A link to the business' website has been provided within a footer of the applicants email www.carlisleexecutivecars.com . The website details the offer of the business which also includes prom transfers, golfing trips, business trips and airport transfers. Wedding services are also an offer of the business but no Private Hire Vehicle Licence is required for the use of vehicles at weddings and funerals.

3. HACKNEY CARRAIGE AND PRIVATE HIRE LICENSING POLICY 2022-2027

- 3.1. Carlisle City Council first adopted a policy on tinted windows for licensed vehicles in 2004 and this was carried forward when the Hackney Carriage and Private Hire Licensing Policy was consolidated in April 2022 following wide consultation.
- 3.2. The Policy states in Section 2.36:

Tinted Windows

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.

The rear passenger windows should allow 70% visual light transmission (with the exception of the glass to the luggage compartment).

Vehicles presented for their first licence will need to comply with this public safety requirement prior to the licence being issued. Licensing Officers have a calibrated standard tint meter that can be used to check rear passenger windows.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

4. GUIDANCE, LEGISLATION AND LEGAL COMMENTS

- 4.1. As members are aware Officers do not have the delegated powers to permit any deviation from the Council's Policy which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Carlisle City Council are, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences. It is however acknowledged that a 'blanket' policy cannot be applied in every circumstance and there needs to be a process in place for any departure from the Policy to be considered on a case-by-case basis. While the policy binds officers in

their decision making it is not binding for Members. Members should consider if it is appropriate to depart from the Policy without compromising public safety.

4.2. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, Licensing of Private Hire vehicles, states:

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

3.1 Members should consider that the impact on a person's family of losing or not obtaining a licence is not a relative consideration and cannot be taken into account. Leeds City Council v Hussain [2003] RTR 13 DC & Cherwell DC v Anwar [2012] RTR Admin Ct

4, OPTIONS

Members should reach a decision in line with the following options

- To authorise officers to grant a Private Hire Vehicle Licence
- To refuse the application

Contact Officer: Alex.Kemp@carlisle.gov.uk

Appendices attached to report:

1. Private Hire Vehicle Applications
2. Letter from Mr Lyttle

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Carlisle City Council Hackney Carriage and Private Hire Licensing Policy 2022-2027

CORPORATE IMPLICATIONS:

LEGAL – contained within report

FINANCE – None

EQUALITY – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

INFORMATION GOVERNANCE – No Information Governance implications

Lalpac No.	032015
Fee Paid	244.00
Receipt No	00690
FUND 31 HI	
Inspected	
Lic. issued	

CITY OF CARLISLE
APPLICATION FOR A PRIVATE HIRE
VEHICLE LICENCE

Before completing this form you should read the notes overleaf.

1. Full name and Address of Applicant (Including Postcode) DAVID LITTLE
2. Tel No:
3. Under which company's radio system do you intend to work? NONE NOT A TAXI
4. Type of application (Tick appropriate box)
- | | |
|----------------------------|-------------------------------------|
| a) New | <input checked="" type="checkbox"/> |
| b) Renewal | <input type="checkbox"/> |
| c) Vehicle change/Transfer | <input type="checkbox"/> |

DETAILS OF VEHICLE

5. Make, model and colour MERCEDES S-CLASS - BLACK
6. Registration No. and date of first registration
7. Engine capacity 3L
8. Seating capacity (excluding driver) 5
9. Make and model of taximeter (if fitted) NO METER
- + 10. Private Hire Vehicle Licence No.

DECLARATION

In accordance with the provision of the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a private hire vehicle.

Will the Private Hire Vehicle be used primarily within Carlisle City Council area? Yes/No

I have read and understood the conditions under which the licence will be issued. The information above is true to the best of my knowledge and belief.

DATE: 28/10/22

SIGNATURE: _____

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form 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 purposes. For further information phone the Council Corporate Information Officer on 01228 817165

Lalpac No.	030216
Fee Paid	244.00
Receipt No	00690
FUND 31 HI	
Inspected	
Lic. issued	

CITY OF CARLISLE
APPLICATION FOR A PRIVATE HIRE
VEHICLE LICENCE

Before completing this form you should read the notes overleaf.

1. Full name and Address of Applicant (Including Postcode) DAVID LITTLE
2. Tel No: _____
3. Under which company's radio system do you intend to work? NONE - NOT A TAXI
4. Type of application (Tick appropriate box)
- | | |
|----------------------------|-------------------------------------|
| a) New | <input checked="" type="checkbox"/> |
| b) Renewal | <input type="checkbox"/> |
| c) Vehicle change/Transfer | <input type="checkbox"/> |

DETAILS OF VEHICLE

5. Make, model and colour MERCEDES V-CLASS - BLACK
6. Registration No. and date of first registration _____
7. Engine capacity 2.5
8. Seating capacity (excluding driver) 8
9. Make and model of taximeter (if fitted) NO METER
- X 10. Private Hire Vehicle Licence No. _____

DECLARATION

In accordance with the provision of the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a private hire vehicle.

Will the Private Hire Vehicle be used primarily within Carlisle City Council area? Yes/No

I have read and understood the conditions under which the licence will be issued. The information above is true to the best of my knowledge and belief.

DATE: 22/10/22

SIGNATURE: _____

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form 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 purposes. For further information phone the Council Corporate Information Officer on 01228 817165

To whom it may concern

I run an Executive car company called Carlisle Executive Cars, I have recently applied for licencing in the Carlisle area, I am not a taxi company and will not be sitting at taxi ranks, all our clients are very high end and we will be moving them all over the UK, the council have asked recently about the tinted blacked out windows on our two vehicles which are a Mercedes S Class and Mercedes V Class. Most of our clients can range from pop stars, movie stars to high court judges and MPs, so they need to be moved around very discretely without causing too much attention to the public.

Regards

Report to Regulatory Panel

Item
A.2

Meeting Date: 23rd November 2022
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework NO
 Public / Private Public

Title: PRIVATE HIRE DRIVER – Driving Unlicensed Vehicle
 Report of: Licensing Manger
 Report Number: GD.66/22

Purpose / Summary:

Emma Wildey is a Licensed Private Hire Driver. Information was received from Cumbria County Council School Transport Service that Ms Wildey used an unlicensed vehicle for a pre-booked journey to fulfil Coast to Coast Operators contract with Cumbria County Council’s School Transport. During investigation into the complaint other issues relating to Ms Wildey’s Private Hire Vehicle and Private Hire Operator licences. These matters are referred to the Regulatory Panel to consider.

Recommendation:-

To reach a decision from the options available, after hearing the evidence and the response from Ms Wildey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and the Council’s Hackney Carriage and Private Hire Enforcement Policy.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. LICENSING BACKGROUND

- 1.1. Emma Wildey has held a Private Hire Driver Licence (PD012) since 11th February 2022 (**Appendix 1**). She also holds a Private Hire Vehicle licence (P615) from 27th May 2022 and a Private Hire Operator Licence (PO034) since 10th March 2022 (**Appendices 2 & 3**).
- 1.2. Ms Wildey has no penalty points under the Hackney Carriage and Private Hire Licensing Policy on his record.

2. ISSUE TO BE CONSIDERED

- 2.1. On 19th October 2022 it was brought to the attention of the Licensing Authority from Cumbria County Council School Transport Service that Emma Wildey had used an unlicensed vehicle to undertake a School Contract from Longtown to a primary school approximately 13 miles away on 11th, 12th and 13th October 2022.
- 2.2. It was alleged that the vehicle with the registration NA08 MVW was used to take one child to school from their home in Longtown on the dates stated. The journey was operated by the Private Hire Operator Coast to Coast. The Licensing Authority were informed that the Operator had confirmed that the journey had been undertaken in an unlicensed vehicle and that the contract between the Local Authority and the Operator for that route had been immediately terminated.
- 2.3. Emma Wildey was interviewed by the Licensing Manager on 26th October 2022 at the Civic Centre, Carlisle. Ms Wildey admitted that the vehicle NA08 MVW had been used by her on the journeys from Longtown to the school and a return on 11th and 12th October and to the school on the morning of 13th October 2022.
- 2.4. Ms Wildey stated that as her licensed vehicle had been suspended following its periodical test on 7th October 2022 she had approached the mother of the child and explained the situation and stated that the mother agreed that Ms Wildey could take the child to school in another vehicle “as a family friend” and not as a licensed driver. Ms Wildey stated that it was not her intention to request payment for the journey from her operator who she would invoice at the end of each month.
- 2.5. Ms Wildey stated that child’s mother took the child to and from school on 10th October and collected her from school on 13th October. Ms Wildey did not inform her Operator of the circumstances or inform him that she was driving an alternative vehicle and would not be claiming for payment.
- 2.6. Ms Wildey stated that the vehicle belonged to her son Ian Taylor who is the Great-Nephew of Philip Taylor, who currently holds the Operator Licence for Coast to Coast. The vehicle is 14 years old and according to online Gov.uk MOT records

has 138,809 miles recorded on its odometer at its most recent MOT test in September 2022.

- 2.7. The Regulatory Panel resolved to revoke this Operator Licence at their meeting on 14th September 2022. Mr Taylor subsequently lodged an appeal with North Cumbria Magistrates Court and is able to continue to operate until his appeal is exhausted. (See report GD 47/22 & GD 53/22).
- 2.8. Mr Taylor was interviewed on 28th October 2022 and provided a copy of the Operator records for Coast to Coast for October 2022. The records stated that on the dates concerned, Ms Wildey had undertaken the journeys in the licensed vehicle CK66 CTF and the journey had a Passenger Assistant (DS). Mr Taylor stated that he is now aware that his record does not reflect accurately the journeys on 10th – 13th October 2022 and confirmed that the contract had been terminated by Cumbria County Council.

Private Hire Vehicle

- 2.9. As stated in paragraph 1.1 Ms Wildey also holds a Private Hire Vehicle Licence (P615) for a Renault Traffic, registration number CK66 CTF. The vehicle was first licensed on 27th May 2022.
- 2.10. As part of the conditions of the licence, the vehicle is to be tested on a 4 monthly basis by the Council's mechanics. The vehicle was tested on 7th October 2022 and the mechanic failed the vehicle and due to dangerous defects, the licence plate was removed, and the vehicle licence suspended until the vehicle was presented back to the Mechanic with the defects rectified. The inspection sheet from the vehicle can be found in **Appendix 4**.
- 2.11. The mechanic found the following defects
 - No Door Signs Fitted
 - Rear row centre seatbelt stalk damaged
 - Middle row centre seatbelt stalk damaged
 - OSR spring broken

And the following advisories

- OSR plate light inoperable
- Oil level at minimum
- Oil lead at top of engine
- Both front shockers have slight leak
- Screw in OSR tyre

- 2.12. A body work letter was also issued to Ms Wildey stating that the following must be addressed within 14 days
- NS sliding door and NSR wheel arch scratched
 - OSR quarter panel scratched
 - NSF wheel trim missing
- 2.12 The mechanic also failed the vehicle on its interior condition as on its seats and interior were not clean and free from tears and damage.
- 2.13 Ms Wildey presented the vehicle back to the Council Garage on 17th October 2022 and was passed following rectification of the defects. Only one advisory had been addressed at this point (Oil Level at Minimum).
- 2.14 The Hackney Carriage and Private Hire Licensing Policy states that the compliance test should not be regarded as a substitute for a regular preventative maintenance. Vehicle proprietors are expected to keep their vehicles in a clean, safe and proper manner always.

Private Hire Operator

- 2.15 As stated in paragraph 1.1 Emma Wildey was issued a Private Hire Operator Licence on 10th March 2022.
- 2.16 During the interview on 26th October 2022 Ms Wildey was asked about the bookings she had operated under this licence as Officers would be requesting records. Ms Wildey stated that she had accepted no bookings as an Operator between the date of the licence issued (27th May 2022) to 23rd October 2022 and therefore no records had been kept. She stated that the only work that she had undertaken as a licensed driver was the school contract from Longtown to a primary school approximately 13 miles away.
- 2.17 During Mr Taylor's interview he stated that he believed that Ms Wildey had undertaken airport runs under her PH Operator licence.
- 2.18 At its test on 27th May 2022 the mileage of the vehicle was recorded at 80,345 and on 7th October 2022 94,425 (total of 14,080 miles between these dates).
- 2.19 The school contract is approximately 13 miles each way and between 27th May 2022 and 7th October 2022 there was as total of 54 school days. In order to give an estimated mileage for these journey's a more generous 15 mile is used. This would give a total of 1,620 miles leaving 12,460 miles unaccounted for.

- 2.20 A PH Vehicle can be used for personal use however over 12,000 is excessive for just over 4 months use when the national average mileage in 2019 was 7,090¹ (pre-pandemic levels).
- 2.21 Emma's Taxis (Ms Wildey's company) is advertised currently via Yell and Facebook (Emma's Private Taxi Hire) and a comment on the page suggests that Ms Wildey has taken a booking **Appendix 5**.
- 2.22 A PHO is required to keep a record of every journey they operate detailing:
- a) The time and date of the booking.
 - b) The name and address of the hirer.
 - c) How the booking was made (i.e.. by telephone, personal call etc.)
 - d) The time of pick-up.
 - e) The point of pick-up.
 - f) The destination.
 - g) The time at which a driver was allocated to the booking.
 - h) The registration number and licensing number of the vehicle allocated for the booking.
 - i) The driver allocated the booking.
 - j) Remarks (including details of any sub-contract)
- 2.23 Failure to keep records is an offence under the Local Government (MP) Act 1976 and a breach of the Licence Conditions.

3. PENALTY POINTS

- 3.1. The Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 details the Authority's Enforcement arrangements. A Penalty Points System is in place to work in conjunction with other enforcements options. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person.
- 3.2. Penalty points remain on the licensee's record for two years on a roll forward basis and where 12 or more penalty points have been recorded in any 24 month period

¹ <https://www.bymiles.co.uk/insure/magazine/mot-data-research-and-analysis/>

the matter will be referred to the Regulatory Panel for consideration on the fitness and propriety of a license holder.

- 3.3. The conduct of Ms Wildey detailed in this report falls under several misconducts as detailed below amounting to more than 12 points and therefore directly referred to the Regulatory Panel to consider.

Misdemeanour	Points
Using unlicensed vehicle	12
Using a licensed vehicle in a dangerous condition	9
Unsatisfactory condition of vehicle, interior or exterior	4
Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6
Failure to display appropriate door signs	6
Total	37

4. LEGAL COMMENTS & LEGISLATION

Private Hire Driver

- 4.1 Sections 51& 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a licensing authority shall not grant a Private Hire or Hackney Carriage Driver's Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence (Appendix 2). Section 61(1)(b) enables the Panel to take action in respect of a Driver on the ground of "any other reasonable cause" (Appendix 3).
- 4.2 While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).

Private Hire Operator

- 4.3 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may suspend or revoke an operator's licence on the following grounds:
- (a) any offence under, or non-compliance with, the provisions of this Act;
 - (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold and operator's licence;

- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (d) any other reasonable cause.

4.4 Section 56 sets out the record keeping requirements of a Private Hire Operator:

- (1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.
- (2) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.
- (3) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.
- (4) A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.
- (5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

4.5 Licensing authorities have a duty to ensure that any person (or persons) to whom they grant a private hire operator licence is a 'fit and proper' person to be a licensee.

4.6 The Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 notes that when assessing the fitness and propriety of an Operator the Council will have regard to the following

- Criminal record including convictions, cautions, warnings and reprimands.

- Demeanour, general character, non-criminal behaviour, honesty and integrity.
- Previous conduct.
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc).

4.7 It may be helpful for Members when considering whether an applicant or licensee is fit and proper to ask yourself the following question:

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

4.8 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a Private Hire Operator Licence.

4.9 Licensing authorities have to make difficult decisions; however, the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Committee or delegated officer are only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

4.10 While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).

4.11 Members should consider that the impact on a person's family of losing or not obtaining a licence is not a relative consideration and cannot be taken into account. *Leeds City Council v Hussain [2003] RTR 13 DC & Cherwell DC v Anwar [2012] RTR Admin Ct.*

Private Hire Vehicle

4.12 Section 60 of the Local Government (MP) Act 1976 allows the local authority to suspend, revoke or refuse to renew a vehicle licence for one of the following reasons

60 (1) Notwithstanding anything in the Act of 1847 [TPCA 1847] or in this Part of the Act, a district council may suspend or revoke, or refuse to renew a vehicle licence on any of the following grounds-

- (a) That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) Any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver or
- (c) Any other reasonable cause.

5 OPTIONS

5.1 It is recommended that after hearing the evidence and any representations from Ms Wildey, members reach a decision in line with the options available.

- Allow the Penalty Points to remain on Ms Wildey's record for a period of 2 years and take no further action against her

Private Hire Driver Licence

- To suspend her Private Hire Driver Licence PD012 for a period of time
- To revoke her Private Hire Driver Licence PD012
- To take no further action

Private Hire Vehicle Licence

- To suspend the Private Hire Vehicle Licence P615 for a period of time.
- To revoke Private Hire Vehicle Licence P615.
- To take no further action

Private Hire Operator Licence

- To suspend the Private Hire Operator PO034 for a period of time.
- To revoke Private Hire Operator Licence PO034.
- To take no further action

Contact Officer:

Nicola Edwards

Ext: 7025

Appendices

attached to report:

1. Private Hire Driver Licence
2. Private Hire Vehicle Licence
3. Private Hire Operator Licence
4. Carlisle City Council Inspection Sheet for P615 (7/10/22)
5. Screenshot of Facebook page – Emmas Private Taxi Hire

6. Sections 51 and 59 Misc. Provisions Act 1976
7. Section 61 (1) (b) Misc. Provisions Act 1976

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

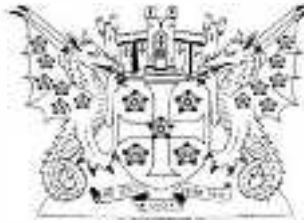
LEGAL – contained within report

FINANCE – None

EQUALITY – None

INFORMATION GOVERNANCE – None

City of



Carlisle

Private Hire Driver Licence

PD012

Licence Holder:

Emma Louise WILDEY



Date of birth

Licence Validity

Valid from **11 Feb 2022** to **10 Feb 2025**

IMPORTANT NOTES

- **Carlisle City Council** hereby license the person named above to drive licensed private hire vehicles.
- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager

Dated: **11/02/2022**

City of



Carlisle

Private Hire Vehicle Licence

P615

Proprietor:

Emma Louise Wildey

Registration No: **CK66 CTF** Make and Model: **Black RENAULT Traffic**

Licensed to Carry: **8 Passengers**

Valid from **27 May 2022** to **28 Feb 2023**

IMPORTANT NOTES

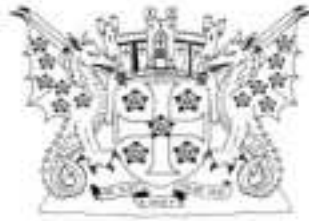
- This licence is subject to the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- The possession of this document does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- This licence is not transferable

Conditions applicable to this licence are attached.

Licensing Manager

Dated: 27 May 2022

City of



Carlisle

Private Hire Operator Licence PO034

Operator:

Emma Louise Wildey

Licensed to operate up to **5** licensed private hire vehicles

Valid from: **10 Mar 2022** to **09 Mar 2027**

IMPORTANT NOTES

- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager

Dated: **10 Mar 2022**

CARLISLE CITY COUNCIL INSPECTION SHEET

REG NO: CX66 CTF PLATE NO: PG15 MILEAGE: 94425
 MAKE/MODEL: RENAULT CHASSIS NO: _____
 TEST NO: 613 1547 8008 TEST EXPIRES: _____ MOT EXPIRES: 19/4/23
 CCTV: Y/N ADVERTISING: NO NO. OF PASSENGER SEATS: 8
 OWNER: WILDEY METER SERIAL No. N/A

	PASS	FAIL
VEHICLE CONFORMS WITH MOT STANDARDS AT TIME OF TEST		✓
VEHICLE FREE FROM OIL DRIPPING ON FLOOR DURING TEST		
ROOF SIGN FITTED AND OPERATIONAL	N/A	
DOOR SIGNS PRESENT (EXCEPT WHEELCHAIR ACCESSIBLE TAXIS)		✓
WHEELCHAIR RAMPS AND RESTRAINTS PRESENT WHERE APPLICABLE	N/A	
SEATS & INTERIOR CLEAN AND FREE FROM TEARS AND DAMAGE		✓
MINIMUM 1KG FIRE EXTINGUISHER & FIRST AID KIT PRESENT		
PASSENGER WINDOWS CAPABLE OF BEING OPENED		
PAINT, BODYWORK DEFECTS & EXTERNAL CLEANLINESS		✓
METER CALIBRATION CERTIFICATE PRESENT	N/A	
METER CALIBRATION SEAL INTACT	N/A	
FARE LIST PRESENT	N/A	

DEFECTS FOUND DURING TEST	ADVISORIES FOUND DURING TEST
<u>NO RUCR SIGNS FITTED ✓</u>	<u>OBSC NO. PLATE LIGHT INOP. X</u>
<u>REAR ROW LEADING SEATBELT STAKE DAMAGED ✓</u>	<u>OIL LEVEL AT MINIMUM ✓</u>
<u>MIDDLE ROW N/S SEATBELT STAKE DAMAGED ✓</u>	<u>OIL LEAK AT TOP OF ENGINE X</u>
<u>O/S/R SWIRL BROKEN ✓</u>	<u>BOTH FRONT SHOCKERS HAVE SLIGHT LEAK. X</u>
	<u>SCREW IN O/S/R TIRE. X</u>

BRAKE TEST RESULTS

SERVICE	LOCKS	PARKING BRAKE	LOCKS	IMBALANCE %
N/S/F <u>475</u>	✓	N/S <u>280</u>		FRONT AXLE <u>14</u>
O/S/F <u>485</u>	✓	O/S <u>275</u>		REAR AXLE <u>8</u>
N/S/R <u>330</u>	✓			
O/S/R <u>295</u>	✓			
SERVICE <u>PASS / FAIL</u>		PARKING <u>PASS / FAIL</u>		IMBALANCE <u>PASS / FAIL</u>

IS PLATE EASILY REMOVABLE? Y/N
 PLATE REMOVED DUE TO DANGEROUS DEFECT Y/N

PLATE REINSTATED Y/N

BODYWORK LETTER ISSUED: Y/N

REASON: N/S SWING DOOR + N/S/R WHEEL ARCH
SCRATCHED
O/S/R 1/4 PANEL SCRATCHED
N/S/R WHEEL TRIM MISSING.

OVERALL RESULT: PASS / FAIL*

TEST CARRIED OUT BY: _____

DATE OF TEST: 7/10/22

RE-TEST RESULT: PASS / FAIL


RE-TEST MILEAGE: 94558

RE-TEST CARRIED OUT BY: _____

DATE OF RE-TEST: 17/10/22

1:59



<  **Emmas private taxi hire** 26 Sep · 🌐



Emmas private taxi hire
Taxi service



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👍 3

8 shares

Most relevant ▾

 Highly recommended!...very prompt and afficient...very comfortable ..
5 w Like Reply

 **Emma Wildey**
thank u x

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-  Friends
-  Marketplace
-  Profile
-  Notifications
-  Menu



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

51 Licensing of drivers of private hire vehicles.

- (1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

- (a) unless they are satisfied [^{F1}—
- (i) that the applicant is a fit and proper person to hold a driver's licence; [^{F2}and
- (ii) that the applicant is not disqualified by reason of the applicant's immigration status from driving a private hire vehicle; or]
- (b) [^{F3}to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.]

[^{F4}(1ZA) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from driving a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.]

[^{F5}(1A)

- [^{F6}(1) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—
- (a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 51. (See end of Document for details)*

- (b) he is authorised by virtue of section 99A(1) [^{F7}or section 109(1)] of that Act to drive in Great Britain a motor car.]
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (3) It shall be the duty of a council by which licences are granted in pursuance of this section to enter, in a register maintained by the council for the purpose, the following particulars of each such licence, namely—
- (a) the name of the person to whom it is granted;
 - (b) the date on which and the period for which it is granted; and
 - (c) if the licence has a serial number, that number,
- and to keep the register available at its principal offices for inspection by members of the public during office hours free of charge.



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

59 Qualifications for drivers of hackney carriages.

- (1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—
- (a) unless they are satisfied [^{F1}—
 - (i)] that the applicant is a fit and proper person to hold a driver's licence; [^{F2}and
 - (ii) that the applicant is not disqualified by reason of the applicant's immigration status from driving a hackney carriage; or]
 - [^{F3}(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.]
- [^{F4}(1ZA) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from driving a hackney carriage, a district council must have regard to any guidance issued by the Secretary of State.]
- [^{F5}(1A) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—
- (a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or
 - (b) he is authorised by virtue of section 99A(1) [^{F6}or section 109(1)] of that Act to drive in Great Britain a motor car.]
- [^{F7}(1A)

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 59. (See end of Document for details)*

- (2) Any applicant aggrieved by the refusal of a district council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrate's court.



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

61 Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

- (a) that he has since the grant of the licence—
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

[^{F1}(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;]or

- (b) any other reasonable cause.

[^{F2}(1A) Subsection (1)(aa) does not apply if—

- (a) in a case where the driver has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the driver has been required to pay an immigration penalty—
 - (i) more than three years have elapsed since the date on which the penalty was imposed, and
 - (ii) the amount of the penalty has been paid in full.]

(2) (a)

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 61. (See end of Document for details)

Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F3}level 1 on the standard scale].

[^{F4}(2ZA) The requirement in subsection (2)(a) to return a driver's badge does not apply in a case where section 62A applies (but see subsection (2) of that section).]

[^{F5}(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [^{F6}subsection (1) of] this section may appeal to a magistrates' court.

Report to Regulatory Panel

Item
A.3

Meeting Date: 23rd November 2022
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework: No
 Public / Private: Public

Title: PRIVATE HIRE DRIVER – MOTORING CONVICTIONS
 Report of: Licensing Officer
 Report Number: GD.68/22

Purpose / Summary:

Mike James is a Licensed Private Hire Driver. During an annual check of Mr James DVLA driving licence, it was found that it was endorsed with three motoring convictions that had not been declared to the Licensing Team. This matter is referred to the Regulatory Panel to consider.

Recommendation: -

To reach a decision from the options available, after hearing the evidence and the response from Ms James in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council’s Hackney Carriage and Private Hire Enforcement Policy.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. LICENSING BACKGROUND

- 1.1. Mike James has held a Private Hire Driver Licence (PD124) since 18th December 2020 (**Appendix 1**).
- 1.2. Mr James original application to become a Private Hire Driver was heard before the Regulatory Panel on the 16th December 2020 due to him having a conviction for Health and Safety Offences. He also at that point had 3 points on his DVLA Driver Licence for a speeding conviction in February 2018. The panel determined that his application be granted.

2. ISSUES TO BE CONSIDERED

- 2.1. On 8th October 2022 it was brought to the attention of the Licensing Authority that when undertaking a routine driving licence check using First Advantage, three endorsements for speeding had been identified but these had not been declared to the Licencing Authority within the specified 7 days as set out in the terms and conditions attached to his Private Hire Driver Licence.
- 2.2. The information we received is as follows: -
 1. 31st October 2021– Speeding 50 – Exceeding speed limit on a motorway - 3 points
 2. 7th February 2022 - Speeding 50 – Exceeding speed limit on a motorway – 3 points
 3. 16th April 2022 - Speeding 10 – Exceeding goods vehicle speed limits – 3 points
- 2.3. Mike James was interviewed by the Licensing Manager and Licensing Officer on 04th November 2022 at the Civic Centre, Carlisle. Mr James admitted that he had failed to notify the Licencing Authority and said he had failed to read the “small print” of the terms and conditions which is No.16 of the Terms and Conditions.
(Appendix 2)
- 2.4. Mr James stated that he had told his operator that he had received the points on his licence for at least two of the endorsements and she had advised him to let the Licencing Authority know but he had admitted that he hadn't.
- 2.5. Mr James was asked to expand on the circumstances of the speeding endorsements, and he said he had only gone over the speed limit slightly and could not recollect the third endorsement for exceeding good vehicle speed limit. He said he would contact the DVLA and obtain more information and email it through to the licensing officer. At the time of writing the report the information was not available but Mr James will be able to update Panel Members at the meeting.

- 2.6. Mr James has stated that no passengers were being conveyed in the vehicle at the time of the two offences on the motorway, he said he had dropped his passengers off.
- 2.7. Officers were concerned about Mr James conduct at the interview, he stated that it thought it was “ridiculous” that he had to come to the Civic Centre and at the termination of the interview he opened the interview door in an aggressive manner causing the door to slam against the wall.
- 2.8. Mr. James was advised by the Licencing Manager the Penalty Points Scheme and that the endorsement on his licence would incur 6 penalty points for *Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or convictions or cautions during period of current licence*. He would also incur 4 penalty points for each speeding endorsement. This would be 18 in total.

3. PENALTY POINTS

- 3.1. The Council’s Hackney Carriage and Private Hire Licensing Policy 2022-2027 details the Authority’s Enforcement arrangements. A Penalty Points System is in place to work in conjunction with other enforcements options. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator’s behaviour and conduct so as to ascertain whether they are a fit and proper person.
- 3.2. Penalty points remain on the licensee’s record for two years on a roll forward basis and where 12 or more penalty points have been recorded in any 24-month period the matter will be referred to the Regulatory Panel for consideration on the fitness and propriety of a license holder.
- 3.3. The conduct of Ms James detailed in this report falls under several misconducts amounting to more that 12 points and therefore directly referred to the Regulatory Panel to consider.

4. LEGAL COMMENTS & LEGISLATION

- 4.1. Section 51 of the 1976 Act provides that a Licensing Authority shall not grant a Private Hire Driver’s Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence.
- 4.2. Section 61(1)(b) enables the Panel to take action in respect of a Driver on a number of grounds, notwithstanding that no criminal proceedings have been brought, if they consider that circumstances exist which mean that the driver is not, or is no longer, a fit and proper person to hold a driving licence. Section 61 (1)(b) gives the ground of ‘**for any other reasonable cause**’ **Appendix 3**.
- 4.3. While there is no statutory definition of ‘fit and proper person’, the Courts have given helpful guidance over the years and it is established that the objectives of the

licensing regime are intended to ensure that licensed drivers are “suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers” (*McCool –v- Rushcliffe Borough Council*).

4.4. Mr James did not disclose the above speeding convictions in accordance with the terms of his licence. Having heard Mr James and established the facts, Members need to consider whether Mr James is, in light of these facts, a fit and proper person to continue to hold his licence. If not, it should be revoked. If the misconduct is not, however, enough to lead to that conclusion, the Panel may consider whether a suspension or other lesser sanction is appropriate.

5. OPTIONS

5.1. It is recommended that after hearing the evidence and any representations from Mr James, members reach a decision in line with the options available.

- Allow the 18 Penalty Points to remain on Mr James record for a period of 2 years and take no further action against him
- To suspend Mr James’ Private Hire Driver’s licence for a period of time.
- To revoke Mr James Private Hire Driver’s licence.

Contact Officer: Amanda Bailey

Ext: 7023

**Appendices
attached to report:**

1. Private Hire Driver Licence PD124
2. Private Hire Driver Terms and Conditions dated 01/04/16
3. Section 61 Local Government (Misc. Provisions) Act 1976

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Report to Regulatory Panel 16/12/20 GD62/20

CORPORATE IMPLICATIONS:

LEGAL – contained within report

FINANCE – None

EQUALITY – None

INFORMATION GOVERNANCE – No Information Governance implications

City of



Carlisle

Private Hire Driver Licence

PD124

Licence Holder:

Michael JAMES



Date of birth

Licence Validity

Valid from **18 Dec 2020** to **17 Dec 2023**

IMPORTANT NOTES

- **Carlisle City Council** hereby license the person named above to drive licensed private hire vehicles.
- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager

Dated: **17/12/2020**

CITY OF CARLISLE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TERMS AND CONDITIONS ATTACHED TO
PRIVATE HIRE VEHICLE DRIVER'S LICENCES

The holder of a private hire vehicle driver's licence (hereinafter called the driver) shall observe and perform all the following terms and conditions which shall be attached to and form part of his private hire vehicle driver's licence.

1. This Licence is personal to the driver named herein and the driver may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a private hire vehicle wear or display the driver's current year identity card issued by the Council in such a position and manner as to be plainly and distinctly visible.
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by him within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of a vehicle licensed for private hire :-
 - (a) station his vehicle on any place provided as a stand for hackney carriage vehicles or which is marked out as a bus stop or loading bay or on any length of highway during times when a prohibition on loading and unloading is in operation.
 - (b) station his vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
 - (c) cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or offer that vehicle for immediate hire while the driver or that vehicle is on a road or other public place; or
 - (d) accept an offer for the hire of the vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by or on behalf of the licensed Operator for that vehicle by use of a telephone or by a two way radio system (other than C.B. radio) fitted to that vehicle.
 - (e) station the vehicle on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the vehicle;
 - (f) station the vehicle so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the vehicle in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with.

5. (1) The driver shall not permit or cause or suffer to be carried in any vehicle licensed for private hire a greater number of persons than that specified in the licence for that vehicle the seating arrangements must be as provided in the licence.

(2) The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him:-
 - (a) any child below the age of ten years; or
 - (b) more than one person.

unless the vehicle has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.
- (3) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
6. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and 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.
7. The driver of a private hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver if he is not the Proprietor of the vehicle shall report to the Proprietor of any vehicle licensed for private hire as soon as practicable and in any case within 24 hours of its occurrence details of any accident in which such vehicle is involved.
9. The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. He should also provide all reasonable assistance with wheelchair users, disabled, elderly and vulnerable passengers. Provided that the drivers shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer. It is the drivers legal obligation to try and reunite all lost property with the owner and shall as soon as practicable and in any case within 48 hours after the discovery of property, attempt to return it to the owner. Failing that and still within 48 hours, all

identifiable property shall be handed into the Police Station within the Council's area and a receipt obtained, which must be kept by the proprietor of the vehicle. Identifiable property can range from purses, bank cards, driving licences, mobile phones, laptops, cameras, i.e anything that can identify the owner.

ALL unidentifiable property shall be kept by the proprietor for a minimum of 28 days and a record kept of the description.

13. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Private Hire Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-

- (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Licensing Section; or
- (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.

14. The driver shall:-

- (a) if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (g) at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.
- (h) at all times a Private Hire Driver should ensure that the vehicle lights are fully operative, the tyres are within the legal limits, the vehicle is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.

15. This licence may be suspended, revoked not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi/Private Hire" test by the Council:-

- (a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 including failure to comply with any part of these terms and conditions;

- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
 - (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts in which case the licence shall be automatically revoked;
 - (d) on any other reasonable grounds;
16. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence shall within 7 days inform the Council's Licensing Manager in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.
17. (a) The driver shall, every three years, submit an application to the Disclosure Barring Service (DBS) for an enhanced disclosure, via the Council, which is a registered body.
(b) The driver shall produce a Certificate of Good Conduct from either their own Embassy or the Embassies of the Countries where there have been resident for 3 months or more within the last 5 years.
18. The driver shall every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Private Hire Vehicle. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
19. The Council may at any time add to delete or alter any of the foregoing conditions and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.
21. If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall before commencing to drive that vehicle deposit his Private Hire Driver's Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that operator.
22. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager at The Civic Centre within seven days. Such notification may not be delayed until the next application for renewal of the licence is due.
23. In the interpretation of the conditions the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

61 Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

- (a) that he has since the grant of the licence—
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

[^{F1}(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;]or

- (b) any other reasonable cause.

[^{F2}(1A) Subsection (1)(aa) does not apply if—

- (a) in a case where the driver has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the driver has been required to pay an immigration penalty—
 - (i) more than three years have elapsed since the date on which the penalty was imposed, and
 - (ii) the amount of the penalty has been paid in full.]

(2) (a)

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 61. (See end of Document for details)

Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F3}level 1 on the standard scale].

[^{F4}(2ZA) The requirement in subsection (2)(a) to return a driver's badge does not apply in a case where section 62A applies (but see subsection (2) of that section).]

[^{F5}(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [^{F6}subsection (1) of] this section may appeal to a magistrates' court.

