

Swindon Borough Council

Licensing Committee

Monday, 18 December 2017

Committee Room 6, Civic Offices

At 5.30 p.m.

Conservative Councillors

Alan Bishop
Nick Martin
Caryl Sydney-Smith
Vera Tomlinson
(Chair)
Wayne Crabbe
Emma Faramarzi
Colin Lovell
Eric Shaw (Vice-
Chair)

Labour Councillors

Abdul Amin
Paul Dixon
Steph Exell
Derique Montaut
Carol Shelley
Nadine Watts
Peter Watts

Committee Officer: Shaun Banks (Telephone: 01793 463606)

sbanks@swindon.gov.uk

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH
(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 3 - 4)

To receive the minutes of the meeting held on 5th October 2017.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Review of the Licensing Conditions in regard to Background Checks with the Disclosure and Barring Service (Pages 5 - 88)

6. Review of the Licensing Conditions in regard to Wheelchair Accessible Van Conversions as Hackney Carriages (Report to follow)

7. **Review of Licensing Conditions with regard to the Age of a Replacement Vehicle**
(Report to follow)
8. **Application for Street Trading within the Town Centre over the Christmas Period**
(Report to follow)

Date of Despatch: 08 December 2017

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website. (<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

LICENSING COMMITTEE

THURSDAY, 5 OCTOBER 2017

PRESENT:- Councillors Abdul Amin, Alan Bishop, Paul Dixon, Nick Martin, Caryl Sydney-Smith, Nadine Watts, Peter Watts, Wayne Crabbe, Emma Faramarzi and Colin Lovell

Apologies for absence were received from Councillors Steph Exell, Derique Montaut, Carol Shelley, Vera Tomlinson and Eric Shaw

18. Appointment of Chair

Resolved – That, in the absence of the Chair and Vice-Chair, Councillor Emma Faramarzi be Chair of this meeting of the Committee.

19. Minutes

Resolved – That the minutes of the meetings held on 15th June and 6th July 2017, be confirmed and signed as a correct record.

20. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

21. Public Question Time

No public questions were asked.

22. Review of the Licensing of Vehicles with Tinted Windows

The Committee considered (a) a report of the Council's Licensing Officer setting out a request from vehicle providers to remove the Council's restriction regarding tinted windows on hackney carriage and private hire vehicles, and (b) written representations received from Flight Link Executive Travel and T 'N' C Cars supporting a change in policy.

Resolved – (1) That the restriction on tinted windows for private hire vehicles with a plate exemption plated cars be amended to permit factory tint windows, as set out in the report of the Council's Licensing Manager, subject to all other glass complying with the Road Vehicles (Construction and Use) Regulations 1986.

(2) That, further to (1) above, the amendment to the Council's current policy shall only apply in respect of plate exempt vehicles and not to any vehicle that is used routinely for private hire and chauffeur work.

23. Street Trading

The Council's Licensing Manager reported orally in respect of progress made by officers in (a) reviewing the Council's Street Trading Policy, and (b) making arrangements for a Christmas Market in the town centre.

Resolved – That the oral update be noted.

**Consideration to review the Licensing Conditions in regard to
background checks with the Disclosure and Barring Service**

Licensing Sub Committee

Date: 18th December 2017

Author:	Kathryn Ashton – Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to include a mandatory condition within the Drivers Handbook, Appendix A, to require hackney carriage and private hire drivers (“drivers”) to register with the Disclosure and Barring Service (DBS) update service. This will enable Swindon Borough Council Licensing Authority to carry out annual DBS checks on all new and existing hackney carriage and private hire drivers.
- 1.2 The Licensing Authority currently checks all new drivers, and thereafter existing drivers, every three years in line with best practice guidance. Once a driver is licensed the Licensing Authority relies on drivers voluntarily declaring any convictions that they might receive during 3 year life of their licence.

2. Recommendations

That The Committee:

- 2.1 Endorse the request that a mandatory condition requiring all drivers register with and maintain a subscription with the DBS update service for the duration of their licence, to enable the Licensing Authority to check all drivers’ DBS Certificate status on an annual basis. Officers are of the opinion that such a condition is reasonable and necessary for the safeguarding and safety of the travelling public in general, and in particular to protect against Child Sexual Exploitation (CSE); and
- 2.2 Agree that this condition would apply to applicants for a new licence and upon renewal of all existing licences as and when they become due for renewal from 1 January 2018

3. Detail

- 3.1 Previously drivers would renew their licence on an annual basis, at which time they would sign a declaration disclosing any convictions for offences (including traffic offences). This relied solely on the honesty of the driver as to the accuracy of the declaration. The Licensing Authority carried out a DBS check every three years and in the intervening period relied upon partner agencies to provide intelligence in respect of any issues with drivers. This changed recently and drivers are now required to renew their licence every 3 years with no requirement

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Consideration to review the Licensing Conditions in regard to background checks with the Disclosure and Barring Service

Licensing Sub Committee

Date: 18th December 2017

in the intervening period for the drivers to sign a declaration disclosing convictions with no mechanism for the Licensing Authority to undertake a DBS check.

- 3.2 When an applicant receives a baseline DBS clearance they have 19 days within which to register for the up-date service at a cost to the driver of £13 per year. This provides the driver with a DBS Certificate and allows the Licensing Authority to undertake an on-line check of the status of the Certificate.
- 3.3 It is current practice that every new driver that applies for a licence with the Licensing Authority, is subject to an enhanced online DBS check. The proposed mandatory condition would require drivers to register with the DBS online update service to ensure that the Licensing Authority can carry out annual checks of drivers' DBS status.
- 3.4 If a driver fails to comply with the proposed condition and the Licensing Authority is prevented from carrying out an online DBS status check, it is proposed that where it appears that the interests of public safety require it, the Licensing Manager may suspend with immediate effect a Hackney Carriage or Private Hire Drivers Licence under the scheme of delegated authority
- 3.4 Officers are of the opinion that the overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle the mandatory condition is to ensure public safety and safeguarding.

4.0 Options

- 4.1 Agree to amend the current conditions contained with Swindon Borough Council's Driver Handbook as in accordance with the recommendation of this report.
- 4.2 Do not agree to the recommendation of the report and retain current conditions.

5.0 Consultation with the trade

- 5.1 There have been discussions with the taxi Licensing Forum but no separate formal consultation with all individual licence holders. The taxi forum support this proposal.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Consideration to review the Licensing Conditions in regard to background checks with the Disclosure and Barring Service

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Date: 18th December 2017

6. Conclusion

- 6.1 It is intended that if Members agree to any change in conditions, that this will be implemented from 1st January 2018.

7 Financial and Procurement Implications

- 7.1 There are no direct financial implications arising from the report.
- 7.2 Any additional condition would have a small initial cost to the licence holder but would have an overall saving over a three year period. There are no additional costs for the Council, nor does the change generate any income for the Council.
- 7.3 However there will be cost to the Council in terms of officer time in the carrying out checks.

8 Legal and Human Rights Implications

- 8.1 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.
- 8.2 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder) this report relates to the requirements of licensing legislation.

9.0 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

10.0 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

11.0 Appendices

- 11.1 Appendix A – SBC Drivers Handbook

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

**Consideration to review the Licensing Conditions in regard to
background checks with the Disclosure and Barring Service**

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Date: 18th December 2017

- 11.2 Appendix B – Email from Swindon Hackney Drivers Association
- 11.3 Appendix C – DBS Update service information

**Consideration to review the Licensing Conditions in regard to
background checks with the Disclosure and Barring Service**

Licensing Sub Committee

Date: 18th December 2017

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Swindon Borough Council

Hackney Carriage & Private Hire Handbook

July 2017

Delivery Services
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH

HACKNEY CARRIAGE AND PRIVATE HIRE HANDBOOK

INDEX

Page

General Matters	1
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Drivers

• Guide for Applicants for Hackney Carriage and Private Hire Drivers Licence	3
• Special Licensing Arrangements for Drivers working solely for Chauffeur Companies or solely engaged on Education Transport Contracts	7
• Determining your Application	8
• Disclosure and Barring Service-A Guide to completing the DBS form	10
• Standards to be met by licence applicants	12
• Driving Assessments	13
• Knowledge Test procedure	14
• Guidelines relating to the Relevance of Convictions	15
• Conditions applying to Hackney Carriage (Driver) Licences	18
• Hackney Carriage Byelaws	21
• Conditions applying to Private Hire (Driver) Licences	25

Vehicles

• Hackney Carriage Vehicle Licensing	29
• Conditions applying to Hackney Carriage (Vehicle) Licences	30
• Advertising on Hackney Carriages	34
• Hackney Carriage Vehicle Signage	34
• Conditions Applying to Hackney Carriage licences first issued prior to May 1989	35
• Private Hire Vehicle Licensing	37
• Private Hire Vehicle Conditions of Licence	38
• Vehicle Fitness Spot Checks	45

Operators

• Procedure for Applicants for Private Hire Operators Licence	46
• Notes for Guidance of Applicants for Private Hire Operators Licence	47
• Private Hire Operator Licence Conditions	49
• The Law relating to Private Hire vehicles	53
• Applicants for an Operator or Driver Licence who declare a conviction involving dishonesty, indecency, violence or disqualification from driving	58
• Complaints Procedure	59
• Hackney Carriage and Private Hire Code of Conduct	61
• Private Hire Queries Answered	62

Hackney Carriage Fares

Annual Licence Fees

Location of Taxi Ranks

Disability Awareness

Child Sexual Exploitation (CSE)

63

64

65

66

70

GENERAL MATTERS

Introduction

Section 38 of the Town Police Clauses Act 1847, defines a **Hackney Carriage** as "Every wheeled carriage, whatever its form or construction, used in standing or plying for hire in any street".

In section 80 of the Local Government (Miscellaneous Provisions) Act 1976 as amended by Part II of Schedule 5 of the Transport Act 1980 and the Transport Act 1985, a **Private Hire Vehicle** is defined as "a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers."

This guide is intended to advise and assist applicants and licence holders on the law relating to the operation of Hackney Carriages and Private Hire vehicles and to the administrative procedures involved in the application for a licence. This guide is not exhaustive and reference should also be made to the legislation etc. quoted.

Where relevant, the source of the law is given in an abbreviated form, viz:

Legislation

Abbreviation

Town Police Clauses Act 1847	TPCA
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A
Transport Act 1985	TA

Copies of the Acts of Parliament can be purchased from Her Majesty's Stationery Office.

Copies of the Conditions attached to licences are issued with the licences and printed in this guide.

LICENSING OFFICE

The Licensing Office is located at Transport Delivery, Wat Tyler House, Princes Street, Swindon SN1 2JG. Office hours are normally 9.00am to 12.00pm and 2.00pm to 4.00pm Monday to Friday. **A PRIOR APPOINTMENT IS REQUIRED FOR ALL TRANSACTIONS.** Appointments may be booked and telephone enquiries may be made on Swindon 466214, 466208 or 466212.

CORRESPONDENCE

All correspondence should be addressed to Swindon Borough Council, Regulatory Services, Wat Tyler House, Beckhampton Street Swindon SN1 2JH.

FEES AND CHARGES

All fees and charges are payable in advance and are not refundable once the licence applied for has been issued.

Cheques and Postal Orders should be made payable to SWINDON BOROUGH COUNCIL and crossed. Personal cheques will not be accepted without a cheque guarantee card. Any licence issued on payment by a cheque which is not honoured by the bank will be invalid.

LICENCE RENEWALS

All licence holders will normally be sent a reminder and the necessary forms well in advance of the expiry date of a licence.

Please note, however, that the responsibility for renewal rests with the licence holder. Reminders are sent purely as a courtesy.

LOSS OF BADGE

This should be reported immediately to the Licensing Office and the police. A duplicate badge will be issued upon receipt of a passport sized photograph and the appropriate fee.

LOSS OF VEHICLE PLATE

This should be reported immediately to the Licensing Office. Upon receipt of the appropriate fee, a new plate will be issued.

GUIDE FOR APPLICANTS

FOR A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS LICENCE

The licensing office is located at:-

**Swindon Direct
Wat Tyler House
Beckhampton Street
SWINDON
SN1 2JH**

The office opening hours are:

9.00 am to 12.00 pm and 2.00pm to 4.00pm Monday to Friday

APPLICANTS WILL ONLY BE SEEN BY PRIOR APPOINTMENT

Please note: Special licensing conditions apply for applicants intending to work exclusively for a chauffeur company. Please see page 7 of this Handbook.

In order to apply for a Hackney Carriage or Private Hire Drivers Licence you should first apply to Swindon College, North Star (0800 7312250) to arrange for an assessment of your ability to speak, read and understand English. Assessments are carried out by appointment by Swindon College on behalf of Swindon Borough Council and you will be asked to prove your identity, by means of photographic evidence, on the day of your assessment. The assessment fee (£25 at the time of printing) is payable, either in advance or on the day, to Swindon College.

Once you have passed the assessment, you should telephone 466214 or 466208 in order to make an appointment to take a test of your knowledge of licensing conditions, the Highway Code and roads, buildings and routes in Swindon. On the day of the test, you should take to the licensing office:

- 1) The completed licence application form.
- 2) Your ordinary UK driving licence. **If you hold a new Photocard driving licence you must produce both the Photocard and the paper counterpart which shows endorsements.**

If you do **not** hold a Photocard driving licence you should also bring:

- (a) your passport; **OR**
 - (b) three passport-sized photographs, plus a recent utility account addressed to yourself at the address shown on your driving licence.
- 3) **The current fee must be paid before you undertake the test.**
- 4) A suitable writing implement (NOT a pencil)

You should ensure that you have read the current edition of the Hackney Carriage and Private Hire Handbook before you take the test.

YOU WILL BE NOTIFIED BY POST OF THE RESULT OF THE TEST.

Once the test has been successfully completed, you should arrange for a Medical Examination, which is required for your first application, then at the age of 47 and every three years thereafter. From the age of 65 onwards a certificate is required annually.

Once this has been completed, you should telephone either of the above numbers to arrange a further appointment for an interview. For the interview you should take to the Licensing Office:

- 1) **Three** passport sized photographs of yourself (if these have not already been provided - see 2(b) above).
- 2) The completed Medical Certificate.
- 3) You will need to provide two written references. Referees should not be related to the applicant in any way and must have known the applicant for at least two years. Referees should not be in any way associated with the taxi and/or private hire trade.
- 4) **Please also refer to the section “The Right To Work” below.**

During the interview you may be required to complete a form to be sent to DVLA to check your drivers licence details. **This enquiry may take an average of three to four weeks to complete.**

You will also be required to complete a form to go to the Disclosure & Barring Service to arrange a criminal record check.

As a new applicant you will be required to undertake an assessment of your driving standard. An appointment will be arranged for this to take place at a future date.

The licence fee is £100.

The fee for the driving assessment is £40.

The fee for a Disclosure and Barring Service Check is £55.50

The sum of **£195.50** should therefore be paid at the time of the interview. Cheques and Postal Orders should be made payable to SWINDON BOROUGH COUNCIL and crossed. Personal cheques will not be accepted without a cheque guarantee card. **Any licence issued on payment by a cheque which is not honoured by the bank will be invalid.**

The Right to Work

You must demonstrate your right to work in the United Kingdom by providing relevant documentation.

When you attend your interview you will need to bring with you:

- **A United Kingdom Passport** confirming that you are a British Citizen or a **Passport** or **National Identity Card** from the European Economic Area (EEA)

If you are unable to provide the above then you need to supply:

- **A National Insurance Card and a non UK/EEA Passport with a Residence Permit**

OR

- **A National Insurance Card and a Certificate of Naturalisation.**

Please note that original documents only are required and all details must contain the correct spellings.

If you are unable to supply any of the above documents you should contact the Licensing Office for advice.

NOTES

1. **Applicants must have held a UK full driving licence, granted under Part III of the Road Traffic Act 1988, for at least 36 months.** Applicants holding a licence issued by a member country of the European Economic Community must have held a full driving licence for at least 36 months from the date of their home country's entry into the EEC and **must exchange their EEC licence for a UK licence, which must show the applicant's current address, before applying.**
2. Before applying you should consult the appropriate leaflet explaining the standard required to be met by licence applicants.
3. See page 13 of this handbook to view the driving assessment procedure.
4. See page 14 of this handbook to view the knowledge test procedure.
5. You should also ensure you have a copy of the current edition of the Swindon Borough Council Hackney Carriage and Private Hire handbook.
6. You may not commence work until all the procedures have been completed and the necessary licence has been issued.
7. If you have previously held a Hackney Carriage Drivers Licence which expired within the last five years, your application will be dealt with as a renewal. A check for any record of convictions will, however, be carried out..
8. If you have previously held a Private Hire Drivers Licence which expired within the last five years, your application will be dealt with as a renewal. A check for any record of convictions will, however, be carried out.
9. Existing Private Hire drivers who wish to apply for a Hackney Carriage Drivers Licence must, if they have not done so, take and pass the Hackney Carriage knowledge test prior to the issue of a Hackney Carriage Driver's Licence.
10. **Applicants who have not been resident in the United Kingdom for a continuous five year period on the date of application must provide, at their expense, a Certificate of Good Conduct from the relevant Embassy or Police (as required by the individual countries). The Certificate of Good Conduct must be translated into English, provided at the applicant's own expense and must be delivered in an envelope with an**

untampered seal of the issuing Embassy. This is in addition to the Disclosure & Barring Service check.

11. A licence to drive Hackney Carriages or Private Hire vehicles must be taken up within **six months** of the applicant being informed that he/she has successfully passed the local knowledge test.

Determination of “Fit and Proper Persons”

Under taxi and private hire licensing legislation, the Council must ensure that anyone holding a licence is a “fit and proper person”. Obviously, where all the checks and tests set out in this document are satisfactory then the applicant is adjudged “fit and proper” and a licence is granted.

However, when there is any doubt as to whether the applicant is “fit and proper”, for instance because the applicant has criminal or motoring convictions, the Council has the right to refuse the application. Any such refusal will carry a right of appeal by the applicant to the Council’s Hackney Carriage and Private Hire Licensing Sub-Committee. Applicants will be expected to attend the Sub-Committee to explain the circumstances of their conviction (or other reason for referral to the Sub-Committee) and speak in support of their application. They are entitled to be accompanied by their legal representative or a friend or supporter.

After considering the applicant’s representations, the Sub-Committee will determine the matter. If not satisfied with the decision, applicants have a right of appeal to a Magistrates’ Court within 21 days of being notified of the decision.

**SPECIAL LICENSING ARRANGEMENTS FOR DRIVERS WORKING
SOLELY FOR CHAUFFEUR COMPANIES
OR SOLELY ENGAGED ON EDUCATION TRANSPORT CONTRACTS**

Following the repeal of Section 75 of the Local Government (Miscellaneous Provisions) Act, more commonly known as the “Contract Exemption”, the Council has agreed arrangements regarding the licensing of drivers working **solely** for chauffeur companies or **solely** engaged on Education Transport contracts, as below.

The applicant should attend the Licensing Office, by prior appointment, with his/her completed application form, which should be signed by the Operator, together with a letter on the Operator’s company letterhead. The letter should state the person’s full name and address and date of birth together with a statement that the Operator intends to employ them as a chauffeur.

Applicants should telephone (01793) 466214 or (01793) 466209 to arrange a convenient appointment.

The Council will then, subject to the applicant meeting the criteria regarding their driving licence (see page 9 of this Handbook), issue a medical form, and a Disclosure & Barring Service disclosure form. The applicant will then follow the usual procedure for private hire licensing including a driving assessment. The requirement for an English assessment and a topographical knowledge test will be waived.

Upon successful completion of the process a restricted private hire licence will be issued allowing the applicant to drive vehicles licensed by the operator for whom they are working for at the time they are licensed. Should a driver transfer to another operator carrying out similar business, a revised licence would be issued showing details of the new Operator. Should a driver with a restricted licence elect in the future to work for a private hire operator carrying out standard private hire work in the controlled district of Swindon Borough Council there will be a requirement to complete the private hire application process in full.

Please note the above arrangements will also apply to drivers who are working **solely** for chauffeur companies or **solely** engaged on Swindon Borough Council Education Transport contracts. Should a driver with a restricted licence elect in the future to carry out standard private hire work in the controlled district of Swindon Borough Council there will be a requirement to complete the private hire application process in full.

DETERMINING YOUR APPLICATION

Once you have proven your right to work in the United Kingdom, attended and passed an English assessment, passed the Local Knowledge Test, provided two character references, provided a satisfactory medical certificate, undertaken and passed a driving assessment and your Disclosure & Barring Service disclosure has been received, **THEN AND ONLY THEN** will your application be determined.

Current convictions appearing on your DVLA Driving Licence and any convictions, cautions, reprimands or other information stated on the DBS disclosure together with any detail regarding licences previously issued to or held by you can, and will, be used to determine your suitability to hold a licence.

See also “Guidelines Relating To The Relevance Of Convictions” (page 15)

IMPORTANT – INFORMATION FOR PROSPECTIVE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Before entering in to any financial commitment you are strongly advised to carefully consider your likely levels of income and expenditure as a Hackney Carriage or Private Hire driver.

**THE ISSUE OF A LICENCE IN NO WAY
GUARANTEES THAT THERE WILL BE
SUFFICIENT WORK AVAILABLE TO
ACHIEVE ANY PARTICULAR LEVEL OF
INCOME.**

You should be aware that the licensing authority is not permitted to restrict the number of licences it issues. The only control is over the quality of licence applicants, not the quantity. At the time of printing this Handbook, there were 150 hackney carriage drivers and 850 private hire drivers licensed by Swindon Borough Council.

**COMPETITION FOR WORK IS THEREFORE
INTENSE.**

DISCLOSURE BARRING SERVICE

A GUIDE TO COMPLETING THE DBS APPLICATION FORM

When you have successfully passed the Knowledge Test, you will be sent Guidance notes to apply to the Disclosure Barring Service (DBS) for a disclosure.

Before applying on-line please ensure that you read the Guidance notes **FULLY AND CAREFULLY**. When you have applied you should contact the Licensing office and make an appointment to show the documents so that they can be verified and pay the fee of £55.50

PROVING YOUR IDENTITY

You must provide a range of documents to confirm your identity. A list of acceptable documents can be found on the website when you apply on-line

You **MUST** provide **ORIGINAL DOCUMENTATION** (photocopies are not acceptable).

Before you hand in your form, complete this last-minute check:

The DBS no longer automatically issue a copy of your DBS certificate to the Registered Body employers and recruiting organisations will need to ask you for sight of your DBS certificate. Please contact the Licensing office when you receive the certificate.

Renewal

You will be requested to renew your DBS certificate every three years whilst you are a Licensee or at any time that the Council so requires.

However you can join the update service when you apply for a DBS check, and you may never need to apply for another one again.

What is the DBS update service?

For a small annual fee of just £13 (free for volunteers) you can have your DBS certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type and level of check is required.

By joining the new service you could save yourself a lot of time and money depending upon how many DBS checks you have needed in the past.

How do you access the update service?

You can join the update service online at www.gov.uk/dbs-update-service.

You can also find further information at www.gov.uk/dbs

Watch the [update service YouTube video for applicants](#).

HACKNEY CARRIAGE AND PRIVATE HIRE **DRIVERS LICENCE APPLICATIONS**

THE STANDARDS WHICH MUST BE MET BY LICENCE APPLICANTS IN ORDER TO BE GRANTED A LICENCE.

1. In licensing such drivers the Council are particularly concerned that applicants should be honest and of good character. Convictions for offences of violence, dishonesty or indecency may indicate that the applicant is not suitable. If you have been convicted of any such offence within the last five years you may not be suitable to hold a licence (see pages 12, 13 and 14 of this Handbook). Please check with the licensing staff before making an application. Your background will be checked with the Disclosure Barring Service so do not be tempted to withhold details of previous convictions.
2. The Council expects applicants to have a good driving record with few, if any, convictions for traffic offences. New applicants will be expected to have received **no motoring convictions within the 12 months prior to the date of application and no more than 4 penalty points or a period of disqualification in the 3 years prior to the date of application.**

Driver licence details will be checked directly with DVLA.

3. Applicants are required to meet a satisfactory standard during an assessment of their driving ability.
4. Applicants must meet the Group 2 Medical standard in a medical examination carried out by a Doctor. This is the same standard as for PSV and HGV drivers.
5. Applicants are expected to be literate and numerate and must be able to communicate effectively in English.

DRIVING ASSESSMENTS
FOR HACKNEY CARRIAGE AND PRIVATE HIRE
LICENCE APPLICANTS

1. Applicants for Hackney Carriage and Private Hire Drivers Licences must complete to a satisfactory standard an assessment of their driving ability conducted by an assessor approved by the Council.
2. An appointment for an assessment will be made at the time of the initial application interview at which time the fee for the assessment must be paid.
3. The assessment will be carried out by a professionally qualified Advanced Driving Instructor with experience of carrying out vocational driving assessments.
4. The assessment will take about an hour and will involve driving along a variety of roads. It will cover aspects such as vehicle control (braking, acceleration, clutch control, use of gears, steering), planning (observation, lane discipline, anticipation, reaction to signs and speed limits) and road craft (courtesy, smoothness, use of mirrors and signals, vehicle sympathy and manoeuvring). The assessor will complete a report which will be sent to the Council and a copy will be provided for the applicant. The assessment will include a verbal de-briefing and advice on corrective action.
5. Where an applicant is assessed as not meeting the required standard they will be given advice on what training or other action is required. A further assessment can then be arranged for which a further fee is payable.
6. The applicant must provide a suitable vehicle for the assessment, which must not be a Private Hire vehicle. The Transport Act 1985 allows an unlicensed driver to drive a Hackney Carriage for the purpose of a test of their competence to drive in connection with their application for a Hackney Carriage driver's licence. The assessor will check the applicant's driving licence and insurance before the start of the assessment. The condition of the vehicle will also be inspected for safety. The assessor reserves the right to refuse to undertake the assessment if these matters are not satisfactory. In such a case the assessment fee will be forfeited. **The fee will also be forfeited if the applicant fails to keep the appointment.**

APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS LICENCE

KNOWLEDGE TEST PROCEDURE

The knowledge test is in five parts:

- | | | |
|----|---|---------------|
| 1. | Identification of building locations | 15 questions |
| 2. | Identification of road/street locations | 15 questions |
| 3. | Identification of routes | 10 questions |
| 4. | The Highway Code | 10 questions |
| 5. | Rules and Regulations | 10 questions. |

There is a pass mark in each section –

Part 1	-	80%	12 correct
Part 2	-	80%	12 correct
Part 3	-	80%	8 correct
Part 4	-	80%	8 correct
Part 5	-	100%	10 correct

A maximum of **one hour and ten minutes** will be allowed for the test. Applicants should note that the total time taken for each test, including administrative procedures prior to the test, could be in the region of 90 minutes.

A candidate who fails will be invited to take a further test at a later date. This will depend on the overall mark in the test as follows:

- | | | |
|----|---------------------|---|
| a. | less than 20% | at least 4 weeks after the previous test. |
| b. | between 20% and 39% | at least 3 weeks after the previous test |
| c. | between 40% and 59% | at least 2 weeks after the previous test |
| d. | between 60% and 79% | at least 1 week after the previous test. |

Applicants should note that the Council does not teach the knowledge. Each applicant will be responsible for his/her own studies to meet the required standard.

The fee is **£50** per test, which must be paid before the test is undertaken.

Please note that satellite navigation devices and street atlases may NOT be used in the test.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

GENERAL POLICY

Hackney Carriage and Private Hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Therefore all convictions, police or simple cautions, Anti-Social Behaviour Orders and fixed penalty notices must be declared.

Each case will be decided on its own merits.

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for 3 to 5 years according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction.

The following examples afford a general guide on the action to be taken where convictions are admitted:-

(a) MINOR TRAFFIC OFFENCES

New applicants will be expected to have received **no motoring convictions within the 12 months prior to the date of application, and no more than 4 penalty points or a period of disqualification in the 3 years prior to the date of application. This applies also to applicants who have been previously licensed but who have allowed their licence to lapse.**

This means, *inter alia*, that an applicant who has been disqualified from driving will not be eligible to hold a hackney carriage or private hire driver's licence until his/her driving licence has been returned for three years – and then only if the applicant meets the requirements of the first paragraph of this section.

Existing drivers committing minor traffic offences will be dealt with by the disciplinary procedure of warnings and advice on the standard expected from drivers.

(b) MAJOR TRAFFIC OFFENCES

The comments in section (a) relating to penalty points and disqualification periods applies. **New applicants** with more than one conviction for reckless driving or driving without due care and attention within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from any motoring conviction has elapsed. An isolated conviction should merit a warning as to the standard expected from drivers.

Existing Drivers committing major traffic offences will be dealt with by the disciplinary procedure of warnings and advice on the standard expected from drivers.

Driving without insurance will be regarded as a major traffic offence. Applicants with such convictions may be required to provide additional evidence regarding insurance cover throughout the term of any future licence.

(c) **DRUNKENNESS**

(i) **With Motor Vehicle**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence.

- see section on Traffic Offences

(ii) **Not in Motor Vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining or renewing a licence. A number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases a warning may be sufficient.

(d) **DRUGS**

A new applicant with a conviction for a drug-related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

An existing licence holder should expect to have the licence revoked for a drug-related offence and then meet the requirements for a new applicant before a further licence is issued.

(e) **INDECENCY OFFENCES**

New Applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. **An applicant who at the date of application is currently listed on the Sex Offenders' Register will be considered not fit and proper to be licensed.**

An existing licence holder should expect to have the licence revoked for an indecency offence and then meet the requirements for a new applicant before a further licence is issued.

(f) **VIOLENCE**

A firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. A **new applicant** should show at least 3 years free of such convictions before an application is entertained and even then a strict warning should be administered.

An existing licence holder should expect to have the licence revoked for an offence of violence and then meet the requirements for a new applicant before a further licence is issued.

(g) DISHONESTY

A serious view should be taken of any conviction involving dishonesty. **A new applicant** should show 3 to 5 years free of such convictions. An existing licence holder should expect to have the licence revoked for an offence involving dishonesty and then meet the requirements for a new applicant before a further licence is issued.

(h) PERSISTENT CRIMINALITY

Due to potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others and their property, would normally be refused.

(h) RIGHT OF APPEAL

Any applicant refused a driver's licence on the grounds that he/she is not a fit and proper person to hold such a licence has a right of appeal to the Private Hire and Hackney Carriage Licensing Sub-Committee.

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Manager on (01793) 466113, in confidence, for advice.

PLEASE NOTE

If you have been charged with an alleged offence or summonsed to appear before a court of law at the time of making this application, you MUST declare the alleged offence in the application, and write alongside - "PENDING".

SWINDON BOROUGH COUNCIL

TOWN POLICE CLAUSES ACT 1847

SWINDON CORPORATION ACT 1904

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TRANSPORT ACT 1985

CONDITIONS APPLYING TO HACKNEY CARRIAGE (DRIVER) LICENCES

1. CONDUCT OF DRIVER

The holder of every Hackney Carriage Driver's licence shall comply with all provisions relating to Hackney Carriages, as contained in the above mentioned Acts, and in particular:-

The holder of a Hackney Carriage Driver's licence:-

- (a) Must wear the badge provided by the Council **at all times**.
 - (b) Must conduct himself / herself in an orderly manner, be civil and comply with every reasonable request.
 - (c) Shall not refuse a fare.
 - (d) When standing or plying for hire shall not by calling out or otherwise importune any person to hire such carriage to the annoyance of such person or any other person
 - (e) Shall assist with the loading and unloading of luggage.
 - (f) Shall observe the byelaws relating to "Hackney Carriage stands".
 - (g) Shall not carry in the vehicle more than the prescribed number of persons.
 - (h) Shall not make any charge other than the prescribed rate of fare.
 - (i) Shall not obstruct another driver.
2. The holder of a Hackney Carriage Driver's Licence shall, on ceasing to be employed as a driver of a Hackney Carriage, surrender to the Council his licence and badge.
3. The area within which a vehicle licensed by the Council as a Hackney Carriage shall be entitled to ply for hire shall be within the Borough boundaries, beyond which it is not obligatory on the driver to contract to carry persons for hire under the terms of the Hackney Carriage Licence granted by the Council.
4. If the holder of a Hackney Carriage Driver's licence is employed by the proprietor of a Hackney Carriage, the said proprietor must retain the driver's licence in his possession during the period of employment unless he leaves by

reason of misconduct, in which case the proprietor shall retain the licence and report the facts to the Council.

5. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

Any property found shall be retained by the finder unless it comes within the following classifications:

- (a) The property is recorded in the lost property register by the loser.
- (b) Identifiable.
- (c) A classified or official document.
- (d) Estimated to be of a value exceeding £100.
- (e) A drug or poison.
- (f) A key.
- (g) A firearm, ammunition or explosive.
- (h) A postal order or "Giro" credit.
- (i) A cheque, cheque book, credit card or bank card.
- (j) A Building Society or other account "pass book".
- (k) A "National Insurance" card or stamp.
- (l) A "Premium Savings Bond" or Savings Certificate.
- (m) A service uniform or item of equipment.
- (n) A pedal cycle.
- (o) A mobile telephone, i pod or similar device.

Hackney Carriage Drivers will notify the Police Station of all property that they find in their vehicle, but where the property comes within the specified list above, they should take this property to the Police Station between 9.00 am and 5.00 pm Monday to Friday, when the Lost and Found Property Clerk will be available to deal with it.

6. The driver shall notify the Council in writing of any change to his/her address or if he/she becomes the employee of another proprietor during the period of the licence within three days of the change taking place. The driver shall also notify the Council forthwith if he/she should be advised on medical grounds not to drive any vehicle.
7. The driver shall within three days of being convicted of any offence during the period of the licence disclose to the Council in writing details of such conviction including the offence for which he/she has been convicted, and the sentence of the Court.
8. Licences remain in force for one year or for such period as the Council shall decide. From the 1st October 2015 a 3 year licence may be issued, for private hire and Hackney Carriage driver licences. A 1 year licence may still be issued subject to conditions, please enquire with the Licensing officer.
9. Hackney Carriage Drivers are required to undertake a medical examination; also a further examination at age 47, then every 3 years until the age of 65; then every year thereafter.
10. Drivers are required to pass a test on their knowledge of routes and roads in Swindon before being licensed and at any time when required by the Licensing Officer.

11. Drivers will ensure that they comply with the current fares regulations especially when acting in a Private Hire capacity in accordance with Sections 66 and 67 of the Local Government (Miscellaneous Provisions) Act 1976.
12. Drivers must at all times accept a booking by or for a disabled person who wishes to travel with their guide, hearing or prescribed assistance dog and allow the dog to travel with the passenger, unless prevented by some reasonable cause as determined by the Licensing Authority.

13. **SEATBELTS**

The laws regarding the wearing of seatbelts must be observed at all times.

14. **SMOKING**

The provisions of the Smoke-Free (Exemptions and Vehicles) Regulations 2007 shall be observed at all times.

HACKNEY CARRIAGE BYELAWS

Made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875, by the Mayor, Aldermen and Burgesses of the Borough of Swindon, acting by the Council, with respect to hackney carriages in the Borough of Swindon.

Interpretation

1. Throughout these byelaws " the Council" means the Mayor, Aldermen and Burgesses of the Borough of Swindon, acting by the Council, and "the district" means the Borough of Swindon.

For regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

2. Every proprietor or driver of a hackney carriage shall, at all times, when standing, driving or plying for hire, conduct himself in an orderly manner and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage; and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.
3. 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 to the annoyance of such person or of any other person.
4. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Inspector of Nuisances.
5. Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage
 - (a) convey a reasonable quantity of luggage
 - (b) afford all reasonable assistance in loading and unloading any such luggage
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.
6. Every driver of a hackney carriage for which stands are fixed by any byelaw in that behalf shall, when plying for hire in any street and not actually hired,
 - (a) proceed with reasonable speed to and station the carriage on one of such stands,
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand,
 - (c) on arriving at a stand not already occupied by the full number of carriages authorized to occupy it, stand the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction,

- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 7. Every 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.
- 8. Every driver of a hackney carriage shall, at all times when standing, plying, or driving for hire, wear attached to his outer clothing, in such position and manner as to be at all times plainly and distinctly visible, a badge which shall be provided by the Council and shall be delivered to such driver either with the licence granted to him by the Council or afterwards, and on which shall be engraved, impressed, painted or marked in legible figures a number corresponding with the number of the licence granted to such driver.

For regulating the manner in which the number of each carriage, corresponding with the number of its licence, shall be displayed.

- 9. Every proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of such carriage to be painted or marked on each of two plates in figures of not less than two inches in height, of proportionate breadth, and of such a colour, or in such a manner, as to be clearly distinguishable from the colour or nature of the ground whereupon such figures are painted or marked.

He/she shall cause such plates to be fixed on the outside and inside respectively of such carriages, in such a position and manner that the number thereon shall be at all times distinctly and plainly visible and legible. He shall not wilfully or negligently cause or suffer any such plate or the number on any such plate to be in any manner or by any means concealed from public view, or to be inverted at any time while such carriage may stand, ply or be driven for hire.

For regulating how such hackney carriages are to be furnished or provided.

- 10. Every proprietor of a closed hackney carriage shall
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver,
 - (b) cause the roof or covering to be kept water-tight,
 - (c) provide any necessary windows with means of opening and closing one window on either side.
- 11. Every proprietor of a hackney carriage shall cause
 - (a) the seats to be properly cushioned or covered,
 - (b) the floor to be provided with a proper carpet, mat, or other suitable covering,

- (c) all fittings and furniture to be clean and adequate for the safety and convenience of persons conveyed in such carriage,
- (d) means to be provided for securing luggage if the carriage is so constructed as to carry luggage.

For fixing the stands of such hackney carriages

- 12. Such places as may from time to time be appointed by the Council, and may be indicated in each case by a notice board affixed in some conspicuous position at or near to such place, and marked with the words "Stand for hackney carriages", shall be the stands authorized for such number of hackney carriages as shall in each case be specified in such notice board.

For fixing rates or fares, as well as for time as distance to be paid for such hackney carriages within the district, and for securing the due publication of such fares

- 13. Every proprietor of a hackney carriage plying for hire for which any fares are fixed by any byelaw on that behalf shall
 - (a) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
 - (b) renew such letters and figures as often as is necessary to keep them clearly visible.
- 14. 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 this statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

For securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof.

- 15. Every proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.
- 16. Every 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 by or handed to him,
 - (a) carry it within twenty-four hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to *one shilling* in the pound of its estimated value (or the fare from the distance from the place of finding to the office of the Council, whichever be the greater) but not more than *five pounds*.

Penalties

17. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding *five pounds* and in the case of continuing offence to a further fine not exceeding *forty shillings* for each day during which the offence continues after conviction thereof.

Criminal Justice Act, 1982 - Section 46

By virtue of the Criminal Justice Act 1982 under Section 46, crimes committed under such Bye-laws are subject to a level 2 fine on the standard scale. The maximum fine that can be imposed under this level is £500.00.

SWINDON BOROUGH COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CONDITIONS APPLYING TO PRIVATE HIRE VEHICLE (DRIVER) LICENCES

1 CONDUCT OF DRIVER

The holder of every Private Hire Driver's Licence issued by the Council:-

- a) Must wear the badge provided in a prominent position **at all times** when driving the vehicle and **must not lend the badge to another person**.
- b) Must conduct him/herself in a civil and orderly manner, shall be respectfully dressed and clean and tidy in appearance.
- c) Shall assist passengers with the loading and unloading of luggage.
- d) Shall not drive the vehicle if he/she is suffering from any illness or disability which could cause him/her not to be in full control of the vehicle.
- e) Shall ensure that the licence plate, issued by the Council, is displayed on the rear of the vehicle so as to be clearly visible.
- (f) Shall not allow more than one passenger to travel beside him/her or any child below the age of 10 years in the front of the vehicle.
- g) Shall not cause or permit to be conveyed in the vehicle a greater number of passengers than the licence issued by the Council indicates as being the maximum number which the vehicle is authorised to carry. Seat belts where available must be worn by all passengers. Responsibility for ensuring seat belts are worn lies with the passenger if he/she is an adult or with the driver if the passengers are under 14.
- h) Shall ensure that any licensed vehicle driven by him/her is cleaned internally each day when the vehicle is in use and externally regularly, that the fixtures and fittings are in good order and repair and that the vehicle is in a fit and roadworthy condition at all times and in every way fit for use as a Private Hire vehicle.
- i) Shall take all reasonable precautions to ensure the safety of passengers entering or alighting from the vehicle.
- j) Shall not cause the vehicle to stand in a road or a public place in such a manner as to suggest that the vehicle is plying for hire or that it is a hackney carriage.
- k) Shall on ceasing to be employed as a driver or a Private Hire vehicle or on his/her licence being revoked or suspended by the Council, surrender to the Council his/her licence and badge.
- l) Shall if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to attend at

an appointed time and place with the vehicle, punctually attend at the appointed time and place.

- m) The driver must at all times carry a disabled person who wishes to travel with their guide, hearing or prescribed assistance dog unless prevented by some reasonable cause as determined by the Licensing Authority.

2 **SMOKING**

The provisions of the Smoke-Free (Exemptions and Vehicles) Regulations 2007 shall be observed at all times.

3 **LOST PROPERTY**

Any property found shall be retained by the finder unless it comes within the following classifications:

- a) The property is recorded in the lost property register by the loser.
- b) Identifiable.
- c) A classified or official document.
- d) Estimated to be of a value exceeding £100.
- e) A drug or poison.
- f) A key.
- g) A firearm, ammunition or explosive.
- h) A postal order or 'Giro' credit.
- i) A cheque, cheque book, credit card or bank card.
- j) A Building Society or other account 'pass book'.
- k) A 'National Insurance' card or stamp.
- l) A 'Premium Savings Bond' or Savings Certificate.
- m) A service uniform or item of equipment.
- n) A pedal cycle.
- o) A mobile telephone, i pod or similar device.

Private Hire Drivers will notify the Police Station of all property that they find in their vehicle, but where the property comes within the specified list above, they should take this property to the Police Station between 9.00 am and 5.00 pm Monday to Friday, when the Lost and Found Property Clerk will be available to deal with it.

4 **DEPOSIT OF LICENCE**

Before commencing to drive any vehicle the driver will deposit the Private Hire Drivers Licence with the Operator of that vehicle for retention by him/her until such time as the driver ceases to drive a vehicle under the control of that Operator.

5 **CHANGE OF ADDRESS, EMPLOYER OR OF DRIVER'S MEDICAL CONDITION**

The driver shall notify the Council in writing of any change of his/her address or if he/she becomes an employee of another proprietor during the period of the licence within three days of such change taking place. The driver shall

also notify the Council forthwith if he/she should be advised on medical grounds not to drive any vehicle.

6 CONVICTIONS

The driver shall within three days of being convicted of any offence during the period of the licence disclose to the Council in writing details of such conviction including the offence for which he/she has been convicted, and the sentence of the Court.

7 DURATION OF LICENCE

From the 1st October 2015 a Hackney Carriage or Private hire driver licence may be for a 3 year duration. A 1 year licence may be issued under certain circumstances or as part of the Council's Licensing conditions

All licences expire 3 years or 1 year under certain conditions from the date of issue or at such other times as the Council shall decide. Application for renewal should be made at least six weeks before and no later than two weeks before the expiration of the current licence.

8 KNOWLEDGE TEST

Drivers are required to pass a test on their knowledge of roads, buildings, highway code and licence conditions in Swindon before being licensed and at any time when required by the Licensing Officer.

9 COMPLAINTS FROM THE PUBLIC

Any complaint from a member of the public must be reported as soon as possible to the Vehicle Operator, who must inform the Licensing Officer. The driver will, at the same time, inform the complainant that he/she may complain to the Licensing Authority, if he/she so wishes and afford him/her every assistance to do so.

10 TAXIMETERS

If the vehicle being driven is fitted with a taximeter:-

- (a) The driver shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- (b) The driver shall ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare or other words at that time.
- (c) The driver shall ensure that the taximeter is sufficiently illuminated that, when in use, it is visible to all passengers.
- (d) The driver shall ensure that the fare or charge shall be calculated from the point in the Borough at which the hirer commences his/her journey and shall not exceed that displayed on the taximeter at the completion of his/her journey.
- (e) The driver shall ensure that the taximeter is only brought into action at the commencement of the hirer's journey.

Any proprietor who uses a Private Hire vehicle without having the meter tested and approved by the Council commits an offence. Any person who tampers with any seal on a taximeter, or who alters a taximeter with intent to mislead, commits an offence.

HACKNEY CARRIAGE VEHICLE LICENSING

The procedure for licensing Hackney Carriages is as follows:

- 1 Ensure that the vehicle complies with the age, type, size and design requirements for licensing.
 - 2 Complete the Vehicle Licence application form.
 - 3 Bring the form to the Licensing Office together with:
 - Vehicle Registration Document or bill of sale (if vehicle has recently been purchased).
 - Valid insurance certificate or cover note clearly indicating that it covers Hackney Carriage (Public Hire) use.
 - The licence fee and plate deposit fee.
 - 4 The vehicle will then be inspected at an approved garage to ensure that it is in a suitable mechanical and cosmetic condition. There are currently two approved garages:
 - (a) Greenbridge MOT Centre, The Oppenheimer Centre, Greenbridge Road – telephone (01793) 618100
 - (b) Bansal Motors, BSS House, Cheney Manor Industrial Estate, Swindon – telephone (01793) 436478
- The inspection consists of a full class IV MOT test together with certain additional items which are listed in the Vehicle Licence conditions. Re-test fees will be charged.
- 5 The taxi-meter will be tested for accuracy.
 - 6 If satisfactory the licence will be issued together with:
 - (a) The licence plates,
 - (b) An internal identity sticker,
 - (c) A Fare card.

CONDITIONS APPLYING TO HACKNEY CARRIAGE (VEHICLE) LICENCES

- 1 The holder of every hackney carriage licence (the Proprietor) shall comply with the provisions relating to hackney carriages contained in the Town Police Clauses Act 1847, the Swindon Corporation Act, 1904, the byelaws relating to stands or such conditions as the Council may consider for the time being reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1976, those conditions are as follows:
 - (a) No vehicle shall be used in the Borough as a hackney carriage unless licensed by the Council.
 - (c) At all times when the hackney carriage is plying for hire or hired there shall be affixed on the rear offside of the exterior of the hackney carriage the plate provided by the Council on which shall be marked the number of the licence for the hackney carriage and the number of persons to be carried by the hackney carriage and the plate shall at all times be clearly visible and maintained in a clean, tidy and legible condition; and no other plates, fittings, signs, advertising material or printed matter shall be displayed on the exterior of the hackney carriage without the approval of the Council or unless required by these conditions. Plates must not be placed in the rear window of the vehicle.
 - (d) The provisions of the Smoke-Free (Exemptions and Vehicles) Regulations 2007 shall be observed at all times.
- 2
 - (a) The holder of a hackney carriage licence:
 - (i) must inform the Council of any change of his/her address
 - (ii) shall not employ any driver who has not first obtained a hackney carriage driver's licence,
 - (iii) **shall retain the driver's licence in his possession during the period of employment**
 - (iv) shall return the licence to the driver on his leaving the employer's service unless he leaves the service by reason of misconduct, in which case he shall retain the licence and report the facts to the Council
 - (v) if the holder is also the driver, when the vehicle is standing or plying for hire he/she shall not by calling out or otherwise importune any person to hire such carriage to the annoyance of such person or of any other person and shall at all such times wear the badge provided.
 - (b) The area within which a vehicle licensed by the Council as a hackney carriage shall be entitled to ply for hire shall be within the Borough of Swindon boundaries, beyond which it is not obligatory to contract to carry persons for hire under the terms of the hackney carriage licence granted by the Council. Page 41

- (c) At all times when the hackney carriage is plying for hire or hired there shall be affixed to the roof of the hackney carriage an illuminated 'TAXI' sign approved by the Council. During daylight hours a 'day glow' 'for hire' sign should be used when plying for hire, and at night an illuminated 'for hire' sign.
- (d) At all times when the hackney carriage is plying for hire or hired a statement of the maximum fares which may lawfully be charged shall be displayed by fixing it in the interior of the hackney carriage in such a position and manner that the letters and figures shall be plainly visible and legible to any person being carried in the hackney carriage and no other signs, advertising material or printed matter shall be displayed in the interior of the hackney carriage including the windows without the approval of the Council or unless required by these conditions.
- (e) At all times when the hackney carriage is plying for hire or hired it shall be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:
 - (i) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
 - (ii) such key or device shall be capable of being locked in such position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
 - (iii) 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 a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and/or time;
 - (iv) 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;
 - (v) 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 conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (vi) The taximeter and all the fittings thereof shall be so affixed to the hackney 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.
 - (vii) All taximeters shall be submitted for checking over a measured distance within 10 days of any increase in fare tariff or whenever there is a change of vehicle to be licensed, and at any other time that the licensing officer considers necessary.
- (f) At all times when the hackney carriage is plying for hire or hired it shall be provided with a sign so constructed as to comply with the following requirements, that is to say:

- (i) the sign shall bear the words 'FOR HIRE' in plain letters at least one and a half inches in height;
 - (ii) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the hackney carriage whether or not the carriage is for hire.
- (g) The external colour of the hackney carriage shall conform at all times to the manufacturer of the vehicle's standard range of colours at the time of manufacture or to any standard range subsequently adopted by that manufacturer.

3 The holder of a licence shall also comply with the following conditions:

- (a) He/she shall not permit the licensed vehicle to carry more than the prescribed number of persons.
- (b) A vehicle licensed as a hackney carriage may be used for private hire, as provided for under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976. The scale of fees to be charged are laid down in Sections 65 and 66.
- (c) A vehicle in respect of which a licence has been temporarily surrendered shall be re-examined as to its mechanical fitness before a licence is re-issued.
- (d) An inspection of all hackney carriages as to their mechanical fitness shall be made within six weeks of re-licensing and at such other times as the Council may deem necessary, and must comply with the standards laid down by the Council and conform to all Government regulations.
- (e) All vehicles shall be examined from time to time by an authorized officer of the Council as to their condition both inside and outside the vehicle.
- (f) The proprietor shall inform the Council of the addresses of drivers entering and leaving his employ, forthwith on the occurrence of either of such events.
- (g) He/she shall make his/her vehicle available for hire at such stand or stands and at such times as the Council may hereafter determine.

4 On Wednesday 10 May 1989 the Council resolved that any further Hackney Carriage licences would **only** be issued "for purpose-built, wheelchair-accessible Hackney Carriage vehicles which comply with the conditions of fitness of the Metropolitan Police Public Carriage Office which are currently in force".

On the 1st April 2012 the Council resolved that a new Swindon Borough Council vehicle specification would apply and that vehicles meeting this new **standard would be eligible for licensing provided they were less than twelve** months old from the date of first registration when presented. Wheelchair accessible vehicles which meet the conditions of fitness of the Metropolitan Police Public Carriage Office which are currently in force" must be less than five years old when presented for licensing.

Please note that amendments to this resolution may change during the life of this Handbook. Please ask Licensing staff for information.

5 **Tinted Windows.**

From the 31st July 2017 the Council resolved an amendment to the Licensing policy on tinted windows as follows, all licensed vehicles must allow at least 75% light transmission through the front windscreen and no less than 70% of light transmission through all other side windows. However the rear window will be allowed to be licensed with a manufacturer tint, subject to inspection and approval by the licensing office, no vehicle will be eligible for licensing with an applied tint. Any vehicle which does not meet this condition will not be eligible for licensing as either a Hackney Carriage or Private Hire vehicle.

When presented for initial licensing, all vehicles, private hire and Hackney carriages meeting the Metropolitan conditions of fitness must be under 5 years old. All other wheelchair accessible vehicles meeting the Swindon conditions of fitness must be less than 12 months old. No wheelchair accessible vehicle over 15 years old (saloon cars 10 years old either private hire or hackney saloon) on the date of application for relicensing shall be eligible (but see overleaf).

Once a wheelchair accessible vehicle reaches 10 years of age (5 years of age for saloon cars either private hire or hackney saloon) consideration will be given to licensing the vehicle for a further five years, subject to the following conditions:

- (a) The vehicle must be presented each year by prior appointment to the Licensing Officer for a detailed inspection. At this time the full service history of the vehicle **must** be presented. To satisfy the inspection the vehicle must be in an exceptionally well maintained condition, both with regard to exterior bodywork, interior fitments and ancillary equipment. **Failure to present a satisfactory service history will cause the vehicle to fail the inspection.**
- (b) Providing the inspection is satisfactory, the vehicle will then be required to undertake two MOT tests per annum (normally at six monthly intervals) at one of the two garages contracted by the Council to carry out such tests. The cost of the additional test will be paid by the vehicle proprietor.
- (c) No vehicle which has not been exceptionally well maintained shall be eligible for relicensing under these Conditions.

ADVERTISING ON HACKNEY CARRIAGES

Suitable advertisements may be displayed on Metropolitan style Hackney Carriages as follows:-

- | | | | |
|---|----------|---|-----------------------|
| 1 | Exterior | - | single door |
| | | - | dual door |
| | | - | full livery |
| 2 | Interior | - | bases of tip-up seats |

All such advertisements must have their content approved by the Borough Council in advance to ensure their suitability. In the first instance plans of proposed artwork should be submitted to the Licensing Officer.

Advertisements should be securely fixed and must be maintained in a clean and tidy condition. Any damage must be repaired at once.

Nothing should be attached to the vehicle by fixings, screws, nails etc.

Nothing should cover any internal or external glazed area.

The vehicle should be submitted for inspection of any advertising material at the reasonable request of the Licensing Officer.

As general guidance, the Council expects the form and content of any advertising material to be of the highest quality, professionally done, and to be a credit to the vehicle proprietor and the Borough as a whole.

HACKNEY CARRIAGE VEHICLE SIGNAGE

A vehicle may display, in the rear window, a sign of 4 inches in depth and 15 inches in length with details of the circuit for which the vehicle operates.

No other wording or advertisements are permitted on any other part of the vehicle without the consent of the Council.

CONDITIONS APPLYING TO HACKNEY CARRIAGE LICENCES FIRST ISSUED PRIOR TO MAY 1989 (I.E. THOSE NUMBERED 1-99)

Saloon and estate cars with four access doors shall be licensed subject to the following conditions:-

- a) The vehicle should be less than 5 years old on the date it is presented for initial licensing.

No vehicle 10 years old or over in any year shall be eligible for licensing (but see below).

- b) The vehicle shall carry a minimum of 4 passengers (excluding the driver) and therefore shall provide a minimum clear width across the rear seat of 48 inches, ie 16 inches per person.
- c) The examining officer shall be satisfied that the engine capacity of the vehicle is appropriate to the load capacity for which it is to be licensed.
- d) Other minimum standards:
 - (i) Rear height (seat to roof) 34"
 - (ii) Width (of seat) 19"
 - (iii) Knee space (back of front seat to squab) 30"
 - (iv) Front seat to back seat 10"
- e) Exceptions to criteria a) and d) can be considered subject to rigid scrutiny.
- f) Signs may be displayed on the front doors to indicate the radio circuit for which the vehicle operates.
- g) A vehicle may display, in the rear window, a sign of 4 inches in depth and 15 inches in length with details of the circuit for which the vehicle operates.

No other wording or advertisements are permitted on any other part of the vehicle without the consent of the Council.

- (h) **When presented for initial licensing, all vehicles must be under 5 years old. No vehicle over 10 years old on the date of application for relicensing shall be eligible (but see below).**

Once a vehicle reaches 10 years of age (5 years of age for saloon cars) consideration will be given to licensing the vehicle for a further five years, subject to the following conditions:

- (i) The vehicle must be presented each year by prior appointment to the Licensing Officer for a detailed inspection. At this time the full service history of the vehicle **must** be presented. To satisfy the inspection the vehicle must be in an exceptionally well maintained condition, both with regard to exterior bodywork, interior fitments and ancillary equipment. **Failure to present a satisfactory service history will cause the vehicle to fail the inspection.**
- (ii) Providing the inspection is satisfactory, the vehicle will then be required to undertake two MOT tests per annum (normally at six monthly intervals) at one of the three garages contracted by the Council to carry out such tests. The cost of the additional test will be paid by the vehicle proprietor.

- (iii) No vehicle which has not been exceptionally well maintained shall be eligible for relicensing under these Conditions.

PRIVATE HIRE VEHICLE LICENSING

The procedure for licensing Private Hire vehicles is as follows:-

- 1 Ensure that the vehicle complies with the age, type, size and design requirements for licensing.
 - 2 Complete the Vehicle Licensing application form.
 - 3 Have the application form signed by the Operator with whom you intend to work.
 - 4 Hand the form to the Licensing Office together with:-
 - Vehicle Registration Document or Bill of Sale (if vehicle has recently been purchased).
 - Valid insurance certificate or cover note clearly indicating that it covers Private Hire use.
 - The licence fee and plate deposit fee and meter test fee (if applicable).
 - 5 The vehicle will then be inspected at an approved garage to ensure that it is in a suitable mechanical and cosmetic condition. There are two approved garages:-
 - (i) Greenbridge MOT Centre, The Oppenheimer Centre, Greenbridge Road – telephone (01793) 618100
 - (ii) Bansal Motors, BSS House, Cheney Manor Industrial Estate, Swindon – telephone (01793) 436478
- The inspection consists of a full class IV MOT test together with certain additional items which are listed in the Vehicle Licence conditions. Re-test fees will be charged.
- 6 If a taximeter is fitted this will be tested for accuracy.
 - 7 If satisfactory the licence will be issued together with:-
 - a) The licence plate.
 - b) Internal identity stickers.
 - c) Insurance stickers

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF LICENCE

1 (a) VEHICLE ELIGIBLE FOR LICENCE

- i) No vehicle 10 years old or over in any year shall be eligible for licensing **(but see below)**.
- ii) The vehicle shall have 4 access doors.
- iii) The examining officers shall be satisfied that the engine capacity of each vehicle licensed is appropriate to the load capacity for which it is to be licensed, and that the access and egress to and from the vehicle is appropriate therefore some vehicles may not be licensed at the discretion of the Licensing Officer.
- iv) All licensed private hire vehicles shall carry a maximum of 8 passengers (excluding the driver) or as designated by the seating capacity on the licence plate and therefore shall provide a minimum clear width across the rear seat of 48 inches ie. 16 inches per person.
- v) Other minimum standards:-
 - a) Rear height (seat to roof) 34"
 - b) Depth (of seat) 19"
 - c) Knee space (back of front seat to squab) 30"
 - d) Front seat to back seat 10"
- vi) The vehicle must not be left hand drive.
- vii) The vehicle must not be convertible (ie. have a soft top).
- viii) **When presented for initial licensing, all vehicles must be under 5 years old. No vehicle over 10 years old on the date of application for relicensing shall be eligible (see below).**

Once a vehicle reaches 5 years of age consideration will be given to licensing the vehicle for a further five years, subject to the following conditions:

- (a) The vehicle must be presented each year, **before the expiry of the current licence**, by prior appointment to the Licensing Officer for a detailed inspection. At this time the full service history of the vehicle **must** be presented. To satisfy the inspection the vehicle must be in a well maintained condition, both with regard to exterior bodywork, interior fitments and ancillary equipment.
Failure to present a satisfactory service history will cause the vehicle to fail the inspection.

- (b) Providing the inspection is satisfactory, the vehicle will then be required to undertake two MOT tests per annum (normally at six monthly intervals) at one of the garages contracted by the Council to carry out such tests. The cost of the additional test will be paid by the vehicle proprietor.
 - (c) No vehicle which has not been well maintained shall be eligible for relicensing under these Conditions.
- ix) Exceptions to criteria (i) and (v) above may be considered as follows:
- Vehicles which are accessible to persons in wheelchairs by means of a fitted mechanical lifting device and which are used **solely** for carrying chronically sick and disabled people may be licensed until 10 years old. On reaching 5 years of age such vehicles will be subject to such additional inspections (normally every 6 months) as determined as necessary by the Licensing Officer.
 - Any vehicle taxed under the Finance Act 1990 as being for the **exclusive** use of disabled persons and issued with a "nil" value licence disc, may be licensed up to 15 years of age. This will be subject to the vehicle being inspected every six months after 5 years of age.
- x) All vehicles are required to have a current MOT certificate.
- xi) Licensed vehicles must allow at least 75% light transmission through the front windscreen and no less than 70% of light transmission through all other windows. Any vehicle which does not meet this condition will not be eligible for licensing as a Hackney Carriage or Private Hire vehicle.

(b) MAINTENANCE AND USE OF VEHICLE

The vehicle shall, at all times when it is in use or available for hire be maintained in an efficient manner, both mechanically and as to its bodywork, to the satisfaction of the Council and in particular:-

- i) The roof of the vehicle shall be kept watertight.
- ii) At least one window on each side of the vehicle shall be equipped with means of opening and closing it and all windows and window handles shall be maintained in good condition.
- iii) The vehicle's seats shall be properly cushioned and covered.
- iv) The vehicle's floor shall be properly carpeted or covered with rubber matting which shall be kept in good repair.
- v) The fixtures and fittings generally shall be in good order and repair; so that the vehicle shall be in every way fit for use as a private hire vehicle.
- vi) The vehicle shall in no circumstances carry a greater number of persons than the number specified on the licence plate issued by the Council.

- vii) A suitable and efficient fire extinguisher which shall be maintained regularly shall be installed in the vehicle.
- viii) A first-aid kit containing antiseptic and dressings shall be carried in the vehicle in such a position as to be readily available for use. First Aid should only be administered by those with a recognised First Aid qualification.
- ix) The vehicle shall be taken on request at such time or times (not exceeding three occasions in any one period of 12 months) to such place as may be appointed for its inspection and testing on behalf of the Council (also see section on vehicle spot checks).
- x) The vehicle shall be cleaned internally following each day's use and shall also be cleaned externally regularly.
- xi) Seat belts must be readily accessible to be used by the passengers in the relevant seats.

2 PLATING REQUIREMENTS

- a) The proprietor shall cause the licence plate issued by the Council identifying the vehicle to be affixed to the rear of the **outside** of the vehicle **by way of nut and bolt or other similar arrangement** in such a position as to be clearly and fully visible at all times. **Plates must not be placed in rear windows.** The proprietor shall also cause the warning notices issued by the Council to be affixed to the inside of the front windscreen and rear passenger windows as appropriate.
- b) If the vehicle licence shall be revoked or suspended or if the Council shall refuse to renew the said licence, the said plate and warning notices shall be returned to the Council without it being demanded within seven days of the council's decision to this effect being notified to the proprietor.
- d) A returnable deposit will be required for each licence plate.
- e) Drivers wishing to use the Borough's bus lanes must ensure that the signage issued by the Council stating "Authorised Bus Lane User" is affixed securely to the rear doors on each side of the vehicle. Vehicles not displaying these signs will be prohibited from using bus lanes. **Use of bus gates is not permitted at any time.**

3 NOTIFIABLE INFORMATION

- a) The proprietor shall within 72 hours of the happening of any of the following events, supply the Council with written details of any:-
 - i) change of his/her address;
 - ii) change in the premises where the vehicle is normally garaged when not in use;

- iii) any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein;
 - iv) any alteration on the specification, colour or registration mark of the vehicle.
- b) The proprietor shall give written notification to the Council within 72 hours of any conviction being recorded during the currency of this licence, including details of the offence and sentence of the Court.
 - i) against him/her personally;
 - ii) any driver of the vehicle;
 - iii) any company of which he/she is a Director or Secretary;
 - iv) any person with whom he/she is in partnership.
- c) The proprietor shall within 14 days of the ownership of the vehicle being transferred to any other person (which expression includes both companies and partnerships) notify the Council of the name and address of the person to whom the vehicle has been transferred.
- d) Any notification necessary under this licence shall be addressed to:

Regulatory Services
Licensing
Wat Tyler House (5th Floor)
Beckhampton Street
Swindon
SN1 2JH

4 ADVERTISING ON VEHICLES

- a) An operator is permitted to display, in the rear window, a sign of 4 inches in depth and 15 inches in length with any combination of the following information:-

Name of company or operator; private hire; telephone number.

Vehicles must display appropriate signage issued by the Council in the front windscreen and on the inside of both rear passenger doors.

Vehicles must also display, on both front doors of the vehicle, appropriate magnetic signage stating the name of the Operator from whom their bookings are obtained.

No other wording or advertisements are permitted on any other part of the vehicle without consent of the Council, except the private hire plate issued by the Council [see paragraph 2(a)] and the signage allowing use of bus lanes [see paragraph 2(d)].

- b) A private hire vehicle is not permitted any illuminated signs on the roof, or elsewhere, and is not permitted to portray a 'day glo' or any other 'for hire' signs.
- c) A private hire vehicle is not permitted, under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, to be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

5 PROPRIETOR'S NAME IN GENERAL ADVERTISING

The proprietor shall not include in any sign or advertisement or in any printed material (including for the avoidance of doubt any telephone directory), photograph, film, or broadcast, whether by way of radio, cinema or television, the words 'taxi', 'cab', 'hackney' or 'carriage', whether in the singular or plural or in a combination of words which would suggest that the vehicle is a hackney carriage.

6 INSURANCE

A policy of insurance shall be maintained in respect of the vehicle with the policy specifying that the vehicle is insured for carrying passengers for hire or reward. **A certificate of such insurance will be required to be produced on every application for grant or renewal of a licence.**

7 DURATION OF LICENCE

All licences expire one year from the date of issue or at such other time as the Council shall decide. Application for renewal shall be made at least 6 weeks before and no later than 2 weeks before the expiration of the current licence.

8 SMOKING

The provisions of the Smoke-Free (Exemptions and Vehicles) Regulations 2007 shall be observed at all times.

9 TAXIMETERS

If the vehicle is fitted with a taximeter:-

- a) The proprietor shall cause the taximeter to be made of a type approved by the Council and to be maintained in a sound condition at all times and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council. Such a location will be below the level of the top of the dashboard so that no part of the meter may be seen from in front of the vehicle.
- b) The proprietor shall cause the taximeter to be set to display the fare rate adopted by the Operator and notified to the Council.
- c) The proprietor shall not use or permit to be used a taximeter which has not been sealed by the council to prevent unauthorised adjustment.
- d) The proprietor shall not permit the taximeter to be fitted with an automatic second tariff unless approved by the Council.

- e) The proprietor shall cause the taximeter to be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire.
- f) The proprietor shall ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare or words at that time.
- g) The proprietor shall ensure that when the taximeter is brought into action the fare and permitted extras will be shown legibly on the face of the meter and shall be no more than permitted by the approved tariff.
- h) The proprietor shall ensure that "FARE" shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon.
- i) The proprietor shall ensure that the taximeter is in such a position in the private hire vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein.
- j) The proprietor shall ensure that the taximeter is sufficiently illuminated that, when in use, it is visible to all passengers.
- k) The proprietor shall ensure that the taximeter is not replaced without the prior permission of an Authorised Officer of the Council.
- l) The proprietor shall ensure that the fare charged shall be calculated from the point in the Borough at which the hirer commences his/her journey and shall not exceed that displayed on the taximeter at the completion of his/her journey.
- m) The proprietor shall ensure that the taximeter is only brought into action at the commencement of the journey.

VEHICLE FITNESS SPOT CHECKS

From time to time a licensed vehicle may be subject to a "spot check" to determine its road worthiness (**Section 68 of the LG(MP)A 1976**). This check may be carried out at any time by a Police Officer or an Authorised Officer of the Council or by a vehicle examiner in the presence of an Authorised Officer. An inspection may be arranged with or without prior notification. It may take the form of a visual inspection and road test or may involve a full visual and mechanical inspection at a testing station.

An immediate prohibition from using the vehicle as a Hackney Carriage or for Private Hire work will be issued should a vehicle be found to be in an unsafe condition.

A delayed prohibition will be issued when defects are found that are not safety related. A period of seven days will be allowed to rectify the defects before the vehicle is prohibited from being used as a Hackney Carriage or Private Hire vehicle.

In addition documents such as vehicle registration documents (V5) and insurance certificates may be checked during such inspections.

WRITTEN OFF VEHICLES

Vehicles that have been written off under Category A or B for insurance purposes will not be considered for licensing.

Vehicles of Category C or D status can be licensed by this Authority. We will, in addition to the application requirements, require a letter from the applicant's insurance company to confirm that they are aware of the Category status and are prepared to insure the vehicle.

Vehicles written off under category C/**S** for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- Vehicle Identity Check (VIC) is carried out by VOSA and VIC Marker is removed from the DVLA vehicle record. Evidence of this will need to be provided.
- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

Vehicles written off under category D/**N** for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

Current licensed vehicles

Vehicles currently licensed when written off will be subject to the above provisions.

PROCEDURE FOR APPLICANTS **FOR PRIVATE HIRE OPERATORS LICENCE**

Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines **OPERATE** as meaning “in the course of business to make provision for the invitation or acceptance of bookings for Private Hire vehicles.”

If you intend to operate Private Hire vehicles you require a Private Hire Operators Licence. The Council may not grant a licence unless it is satisfied that the applicant is a fit and proper person to be granted such a licence.

- 1 You are advised to make an appointment with the Licensing Officer to discuss your application at an early stage.
- 2 Complete the licence application form.
- 3 Pay the licence fee.
- 4 Provide written details of planning consent for the premises involved.
- 5 Provide such other documents as required by the Licensing Officer.

NOTES FOR THE GUIDANCE OF APPLICANTS **FOR PRIVATE HIRE OPERATORS LICENCE**

1 Planning

The provisions of the Town and Country Planning Use Classes Order 1987 (as amended) make it clear that the use of premises for a taxi or vehicle hire business requires planning permission from the Local Planning Authority.

It has been recognised that many of the Borough's Private Hire Drivers operate predominantly 'on the road' with bookings being taken from an established central control centre, but take their vehicle home when off duty as a non-commercial driver would when they had finished work.

The Planning Department of Swindon Borough Council takes the view that simply parking a taxi / private hire vehicle at the home or residence of the driver does not necessarily constitute a material change of use, and planning permission may not therefore be required from the Local Planning Authority.

In each case there are matters to be taken into account in determining whether a change of use will have occurred. A form, available from the Licensing office, provides a series of questions, which helps to determine whether or not planning permission is required.

The list is a guide only and is not exhaustive. There may be instances not covered by the above. If a formal determination is required to determine whether planning permission is required, an application for a certificate of lawfulness may be made to the local planning authority. A fee is payable and forms and drawings are required to accompany any application.

If the form highlights that the intended method of operation may require planning permission please contact the Planning Department of the Borough Council (Tel 01793 445502 – or visit the web site www.swindon.gov.uk) for guidance and advice. Should a full application for a change of use be required, this again will need to be accompanied by the relevant forms, drawings and fee.

Please note that planning applications look at various aspects of the proposal, including the impact on the amenity of neighbouring properties, highway safety and the compliance of the proposal with plans and policies in the Swindon Borough Local Plan. If it is thought that the proposals will have a negative impact or are not in accordance with Swindon Borough Council's Local Plan, permission may not necessarily be granted.

In residential locations, consideration must be given to the occupiers of neighbouring properties. If complaints are received by the local planning authority as a result of uses relating to the keeping of a taxi/private hire car at the property, enforcement investigations into the activities may be undertaken. If the activities are found to be in breach of the conditions to be declared on the form, enforcement action may be taken.

All sections of the form must be completed and signed and submitted either prior to completing your Private Hire Operators Licence application or renewal form.

2 **Experience**

You will be expected to have read and understood the Operators licence conditions and to be aware of your responsibilities.

You should have some previous experience of the taxi trade in this area. Alternatively you may employ a manager for your operation who has experience of the taxi trade in this area.

3 **Background**

The Borough Council will check your background with regard to convictions and financial standing. The Borough Council reserves the right to require evidence of good financial repute e.g. reference from your bank.

- 4 Requirements of background and experience may be amended where the proposed operation is of a small scale or specialist nature.

Note: You may not transfer your licence to another person. That person must make a fresh application in their own right.

You may not move your operation to another address unless you follow the planning procedure outlined in paragraph (1) prior to a move taking place.

SWINDON BOROUGH COUNCIL

PRIVATE HIRE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

Private Hire journeys must always be booked with a licensed Private Hire Operator at a licensed Operating Centre. The following guidelines are included to inform Operators as to what they may and may not do. If an Operator does not follow these guidelines, they may be committing an offence. In addition, the driver of a private hire vehicle may be committing the offence of plying for hire or touting.

1 OPERATING CENTRE

- (i) The Operating Centre must be a premises within the area of Swindon Borough Council.
- (ii) Private Hire bookings cannot be taken, whether in person or by telephone, anywhere other than the address or addresses listed on the Private Hire Operator's licence as the Operating Centre. This includes bookings in the street, in a private hire vehicle or on a mobile telephone away from the Operating Centre.
- (iii) Private Hire operators, or their representatives, must not approach anyone in the street or any other public place to offer private hire services. For the avoidance of doubt, this includes the distribution of business cards or leaflets to passers-by in a public place unless properly licensed to do so by the Town Centre Manager.

2 RECORDS

- (i) The record required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book the pages of which are numbered consecutively, or in a computer database, or in some other form to be approved by the Council and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by him/her:
 - (a) The time and date of booking
 - (b) The name and address of the hirer
 - (c) Number of persons to be carried
 - (d) How the booking was made (ie. by telephone, personal call etc.)
 - (e) The date and time of start of the journey
 - (f) The point of pick up
 - (g) The destination
 - (h) Name and Licence number of driver
 - (i) Vehicle to be used, registration mark and plate number
 - (j) Remarks (including details of any sub-contract)
- (ii) The operator shall also keep separate records in a book the pages of which are numbered consecutively, or in a computer database, of the particulars of all Private Hire vehicles operated by him/her, which particulars shall include details of the owners (if different from the operator), registration marks and drivers of such vehicles, together with the radio call signs (if any) used.

- (iii) All such records kept by the operator shall be preserved for a period of not less than twelve months following the date of the last entry, and shall not be destroyed without the Council's consent.

3 **NOTIFIABLE INFORMATION**

- (i) The operator shall within three days supply the Council with written details of any:-
 - (a) change of his/her residence
 - (b) change of address from which he/she operates or otherwise conducts the business of an operator
 - (c) change of any of the vehicles operated
 - (d) change in the drivers employed
 - (e) accident causing damage, materially affecting the safety, performance or appearance of any vehicle operated or the comfort or convenience of persons carried therein
 - (f) complaints received relating to or arising from a booking and of the action (if any) which he/she has taken in respect thereof
- (ii) The operator shall give written notification to the Council within three days of any conviction including details of the offence and the sentence imposed by the Court.
 - (a) against him/her personally
 - (b) any driver of a vehicle operated by him/her
 - (c) any company of which he/she is a Director or Secretary
 - (d) any person with whom he/she is in partnership

4 **STANDARD OF SERVICE**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall:-

- (a) Ensure that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless unavoidably delayed or prevented, punctually attend at that appointed time and place;
- (b) Not accept a booking for a vehicle which would involve the vehicle carrying a greater number of passengers than the licence issued by the Council allows.
- (c) Ensure that the vehicles operated are cleaned internally every day and cleaned externally on a regular and frequent basis. Ensure that the fixtures and fittings are in good order and repair and that the vehicles are in a fit and roadworthy condition at all times and properly insured.
- (d) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purpose of booking or waiting;
- (e) Ensure that any waiting area provided by the operator has adequate seating facilities;

- (f) Ensure that any telephone facilities and any radio equipment which is used are maintained in good working order and that any defects are repaired promptly;
- (g) Ensure that any radio equipment provided by the operator is properly licensed and produce the licence to the Council at any time if required so to do;
- (h) Not conduct the business to which this licence relates in a manner which will cause a nuisance or annoyance to the owner or occupiers of other premises in the vicinity of the premises from which he/she operates;
- (i) Retain the private hire drivers licences for those persons employed as drivers and ensure that the vehicle is only driven by a licensed driver;
- (j)
 - (i) Ensure that every vehicle operated in respect of which a Private Hire Vehicle Licence has been granted by the Council, exhibits the licence plate identifying that vehicle on the rear offside of the vehicle in such a position as to be at all times clearly visible from the rear.
 - (ii) In the event of such Private Hire Licence(s) being suspended or revoked by the Council the said licence plate(s) shall be returned to the Council. A refundable deposit will be required for each licence plate issued.
- (k) Ensure that the Smoke Free (Premises and Enforcement) Regulations 2006 are observed at all times.

5 **ADVERTISING, NAME OF BUSINESS etc**

- (i) The operator shall not exhibit or permit the exhibition of advertising material, any sign, or distinguishing mark, upon any vehicle operated (other than the licence plate identifying the vehicle) without first obtaining the Council's consent.
- (ii) The operator shall not include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory), photograph, film or broadcast, whether by way of radio, cinema or television the words "taxi", "cab", "hackney" or "carriage" whether in the singular, plural or combination of words which would suggest that any private hire vehicle is a hackney carriage.

6 **DURATION OF LICENCE**

All new licences expire one year from the date of issue, thereafter a 5 year licence shall be issued. Application for renewal shall be made 6 weeks before the expiration of the operator's current licence.

7 **COMPLAINTS FROM THE PUBLIC**

An operator is required to settle any complaint from a member of the public quickly and satisfactorily. Any complaint unresolved must be reported to the Licensing Officer within 2 days of the occurrence.

8 **TAXIMETERS**

- (a) Where any vehicle operated by him/her is fitted with an approved taximeter, the operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.
- (b) The operator shall ensure that vehicles operated by him/her which are fitted with a taximeter, charge a fare or charge calculated from a point in the Borough at which the hirer commences his/her journey and shall not exceed that displayed on the taximeter at the finish of the journey, the taximeter being brought into operation at the commencement of the journey.
- (c) Any proprietor who uses a Private Hire vehicle without having the meter tested and approved by the Council commits an offence. Any person who tampers with any seal on a taximeter, or who alters a taximeter with intent to mislead, commits an offence.

9 **GUIDE, HEARING OR PRESCRIBED ASSISTANCE DOGS**

The Operator must at all times accept a booking by or for a disabled person who wishes to travel with their guide, hearing or prescribed assistance dog unless prevented by some reasonable cause as determined by the Licensing Authority.

THE LAW RELATING TO PRIVATE HIRE VEHICLES

GENERAL MATTERS

PLYING FOR HIRE

Private Hire Vehicles must not pick up passengers without a prior booking made by the hirer direct with the operator for which the vehicle works.

It is an offence and invalidates the vehicle's insurance cover (Section 45 TPCA).

OBSTRUCTION OF OFFICERS

It is an offence to:-

- a) wilfully obstruct an Authorised Officer of the Council or Police Constable
- b) fail to comply with any reasonable requirement of an Authorised Officer of the Council or Police Constable
- c) fail to give an Authorised Officer of the Council or Police Constable any assistance or information he may reasonably require (Section 73 LG(MP)A).

Each Authorised Officer of the Council will carry an identity card with a photograph.

CHARGING SEPARATE FARES

The practice of 'doubling up' of passengers and charging separately is legal in the following circumstances:-

- a) **All** the passengers carried on the occasion in question booked their journeys in advance; and
- b) each of them consented, when booking his journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11TA).

Note that separate fare agreements must be made at the time of the booking with the operator, NOT the driver, owner of the vehicle or anyone else.

PRODUCTION OF LICENCES

Licence holders must produce their licences to an Authorised Officer or Police Constable if requested to do so (Section 50, 53 and 56 LG(MP)A).

RESPONSIBILITY FOR HIRINGS

Every hiring of a private hire vehicle is deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle (Section 56 LG(MP)A).

Operators are therefore, directly responsible for the actions or omissions of drivers or proprietors used by them and must, therefore, ensure that all vehicles and drivers are licensed and insured.

OPERATOR LICENCES

'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a hire car (Section 80 LG(MP)A).

Every operator of private hire vehicles **must** be licensed by the Council (Section 46 LG(MP)A).

The Council cannot grant a licence unless it is satisfied:-

- a) that the applicant is a 'fit and proper person' (Section 55 LG(MP)A).
- b) that there is, in force, planning permission for such use in respect of the premises used.

A licence cannot be issued for a period exceeding 5 years – From the 1st October 2015 the policy is that licences are issued for 5 years (Section 55 LG(MP)A) as amended.

SUSPENSION AND REVOCATION OF OPERATOR LICENCES

The Council may suspend or revoke or refuse to renew a licence on the following grounds:-

- a) the commission of an offence under the LG(MP)Act
- b) unfitting conduct of the operator
- c) any material change in the operator's circumstances
- d) any other reasonable cause (Section 62 LG(MP)A).

ACCIDENTS AND DAMAGE TO VEHICLES

Accidents causing damage to vehicles which materially affect the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours (Section 50 LG(MP)A).

ADVERTISEMENTS ON VEHICLES

A sign consisting of the words TAXI or CAB or FOR HIRE or similar words is prohibited (Section 64 TA1980).

Roof signs are prohibited on private hire vehicles (Section 64 TA 1980).

FUNERAL CARS

Vehicles used **solely** for funerals by a funeral director do not need to be licensed for private hire work.

WEDDINGS

Vehicles used **solely** for weddings need not be licensed as private hire vehicles.

IDENTIFICATION PLATES ON VEHICLES

A licensed vehicle must display the plate issued by the Council at all times (Section 48 LG(MP)A).

The plate need not be displayed on a licensed hire car if:-

- a) the vehicle is being used in connection with a funeral
- b) the vehicle is being used in connection with a wedding
- c) the vehicle is carrying written permission from the Council that the plate need not be carried (Section 75 LG(MP)A).

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days (Section 58 LG(MP)A).

The place where the plate is fitted is set out in the conditions attached to a vehicle licence.

VEHICLE INSURANCE

Before a vehicle licence can be issued a current certificate or cover note for hire car must be produced (Section 50 LG(MP)A).

SUSPENSION AND REVOCATION OF VEHICLE LICENCES

The Council may suspend, revoke or refuse to renew a licence on the following grounds:-

- a) the vehicle is unfit
- b) the commission of an offence under the LG(MP)Act or TPC Act
- c) any other reasonable cause (Section 50 LG(MP)A).

A licence may be suspended by an Authorised Officer or Police Constable if he/she considers the vehicle unfit (Section 68 LG(MP)A).

On suspension, revocation or expiry of the licence, the plate must be returned to the Council within 7 days (Section 58 LG(MP)A).

TAXIMETERS IN VEHICLES

A private hire vehicle is not required to fit a taximeter, but if such a meter is fitted, it must be correctly calibrated, tested and approved, (Section 71 LG(MP)A).

TESTING OF VEHICLES

All vehicles (whatever their age) must be tested and inspected before a licence can be issued to ensure that they are mechanically fit, safe, comfortable and of good appearance (Section 48 LG(MP)A).

An Authorised Officer or Police Constable has power to inspect and test any licensed vehicle at any reasonable time (Section 68 LG(MP)A).

TRANSFER OF OWNERSHIP OF VEHICLES

Where the ownership of a licensed vehicle is transferred the Council must be informed by the person listed as owner by the Council in writing of this within 14 days, stating the name and address of the new owner (Section 49 LG(MP)A).

TYPE OF VEHICLE

The vehicle must not be an LTI Fairway, TX1, TXII, TX4, Metrocab or similar London Cab style of vehicle.

VEHICLES LICENCES

Every vehicle used for hire must be licensed by the District Council (Section 46 LG(MP)A).

The Council cannot grant a licence unless it is satisfied the vehicle is:-

- a) suitable in type, size and design for such use
- b) does not resemble or appear to be a hackney carriage.
- c) in a suitable mechanical condition
- d) safe and comfortable
- e) insured for private hire use (Section 48 LG(MP)A).

DRIVERS BADGES

All drivers, when driving a private hire vehicle, must wear the badge provided in a position so as to be plainly visible (Section 54 LG(MP)A).

The badge need not be worn if:-

- a) the vehicle is being used in connection with a wedding or funeral
- b) the vehicle is carrying written permission by the Council that the plate need not be carried (Section 75 LG(MP)A).

On revocation or suspension of the driver licence, the badge must be returned to the Council on demand (Section 61 LG(MP)A).

DRIVER LICENCES

Every driver of a private hire vehicle must be licensed by the Council (Section 46 LG(MP)A).

The Council cannot grant a licence unless it is satisfied that the applicant:-

- a) is a 'fit and proper person'
- b) has held a full UK or EEC driving licence for at least 36 months, for motor cars
- c) is medically fit to drive a hire car (Sections 51 and 57 LG(MP) A).

PROLONGATION OF JOURNEYS

A driver must proceed by the shortest route, subject to the instructions of the hirer (Section 69 LG(MP)A).

SUSPENSION AND REVOCATION OF DRIVER LICENCES

The Council may suspend or revoke or refuse to renew any licence on the following grounds:-

- a) the commission of an offence involving dishonesty, indecency or violence
- b) the commission of an offence under LG(MP)A).
- c) any other reasonable cause (Section 61 LG(MP)A).

SEATBELTS

The laws regarding the wearing of seatbelts must be observed at all times.

**APPLICANTS FOR AN OPERATOR OR DRIVER LICENCE WHO DECLARE A
CONVICTION INVOLVING DISHONESTY, INDECENCY, VIOLENCE OR
DISQUALIFICATION FROM DRIVING**

The Licensing Officer is delegated by the council to grant taxi and hire car licences where the applicant fulfils the basic qualifications. However, should in his opinion, there be any doubt as to whether the applicant is a 'fit and proper' person, that application must be referred to the Council for consideration. Generally speaking the Licensing Officer will refer applications which contain a declaration of a conviction involving dishonesty, indecency, violence or a disqualification from driving and is not clearly covered by the guidelines relating to the relevance of convictions.

The general procedure for applications which are to be referred to the Council are as follows:-

- (a) A special Sub-Committee (consisting of elected members of the Council) will wish to interview you personally. Either you or a representative of your choice may address the Sub-Committee in support of the application. You will be required to attend as the members of the Sub-Committee may wish to ask questions.
- (b) A written report will be put before the Sub-Committee setting out the details of the application. The applicant will have an opportunity to read this before the interview.
- (c) If the Sub-Committee decide to grant a licence then this can be done immediately.
- (d) Should the Sub-Committee decide to refuse to grant the application, then the applicant will be notified in writing setting out his rights in the matter. Basically, on receipt of such notification the applicant may appeal to the Magistrates Court (within 21 days) against the decision of the Council.

Because the Sub-Committee hold meetings only every 6 to 8 weeks, there will necessarily be a delay between application and grant or refusal in such a case.

COMPLAINTS PROCEDURE

- (1) When a complaint is lodged about any alleged improper activity on the part of an operator, vehicle proprietor or driver, a signed written statement shall be sought from the complainant. No substantial complaint will be entertained unless and until such a written statement is received. The statement should include all relevant information, in particular clearly identifying if at all possible the licensee, his car and/or plate number, date, time and place of alleged incident, and the names(s) and address(es) of any witnesses.

Complaints of a very minor nature may be dealt with by telephone or visit.

- (2) When a written complaint is received the details shall be sent to the licensee against whom the complaint has been made. The licensee shall be invited to submit a written statement within 7 days answering the allegation. If no response is received after 7 days the complaint may be dealt with without further reference to the licensee.

- (3) If necessary, the Licensing Officer may interview any of the parties involved. If the allegations(s) involve a prima facie breach of the Council's Conditions or Byelaws or other statutory offence which may lead to proceedings being instituted, a caution will be administered at the start of the interview and a note made accordingly.

- (4) In certain circumstances, the Licensing Officer may request the licensee to attend an interview carried out under the Police and Criminal Evidence Act 1984. Failure to attend such an interview without reasonable cause may be seen as an admission of guilt by the licensee.

- (5) On an examination of the information available the Licensing Officer shall decide which of the following courses of action he considers appropriate.

- (a) No action
- (b) The issue in writing of a warning to the licensee as to his/her future conduct and possible consequences.
- (c) The issue of a final warning in writing indicating that the commission of a further offence may lead to suspension or revocation of the licence.
- (d) Referral of the evidence to the appropriate Council Committee (or Sub-Committee) or the Council's Legal Advisor for advice as to Court proceedings.
- (e) Where instant action in the interest of public safety is considered necessary, the suspension or revocation of the licence.
- (f) Referral of the evidence to a Sub-Committee where elected members of the Council will interview the licensee in order to determine what action to take. In such circumstances the licensee may be accompanied by a friend/advisor who may speak on his/her behalf.
- (g) any other appropriate action.

- (6) Warnings issued under 4(b) and 4(c) will be removed from the licensee's record at the expiry of 12 months following the date of issue.

- (7) Licensees may appeal against warnings to the appropriate Sub-Committee. Such appeals must be made in writing to the Council within 14 days stating the grounds for appeal.
- (8) Licensees may appeal against suspension or revocation of a licence to the Swindon Magistrate's Court as allowed in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976.

HACKNEY CARRIAGE AND PRIVATE HIRE CODE OF CONDUCT
FOR PASSENGERS, DRIVERS, VEHICLE OWNERS, OPERATING FIRMS
AND THE BOROUGH COUNCIL

The Borough Council is responsible for licensing of Hackney Carriage and Private Hire Vehicles in Swindon.

Hackney Carriages ply for hire at Taxi ranks and are available for immediate hire in the street. Maximum fares are fixed by the Council.

Private Hire vehicles can only be booked in advance by telephone or at the Company's office. **They cannot be hailed in the street or use taxi ranks.** Fares are not controlled by the Council.

The Primary role of the Council as licensing authority is to protect the safety and comfort of the travelling public.

This code of conduct aims to assist by outlining the responsibilities of the taxi trade, the public and the licensing authority.

THE BOROUGH COUNCIL

Undertakes to ensure that all licensed -

<u>Vehicles</u> are	Safe Clean Comfortable
<u>Drivers</u> are	Fit and proper persons of good character and with above average driving ability. Polite and helpful
<u>Operating Firms</u>	Provide a prompt and efficient service.

PASSENGERS

Undertake:-	To provide clear and accurate instructions for pick up and drop off points To be punctual for pick up times To treat drivers in the same way as they would expect to be treated if they were driving To treat vehicles with respect To refrain from smoking in the cars.
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DRIVERS

Undertake to be:-	Clean and tidy
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Prompt
Safe
Polite and helpful

VEHICLES

Will be:-
Clean
Safe
Comfortable

OPERATORS

Will provide:-
a prompt and efficient service
an efficient system of dealing with any complaints

COMPLAINTS

- 1 In the first instance complaints should be made direct to the driver and then the operating firm.
- 2 A record should be kept by the complainant of the date and time of the incident, the vehicle registration and plate number and driver's badge number if possible.
- 3 If satisfaction is not obtained from the driver or operating firm, a written complaint may be made to the Council quoting as much detail as possible.

The Council undertakes to ensure that any complaints are investigated thoroughly. If the complaint is substantiated a disciplinary procedure exists which may result in a licence being revoked.

The Licensing Office address is:

Planning and Regulatory Services
Swindon Borough Council
5th floor Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH
Telephone (01793) 466214, 466209, 466212 or 463974

General comments regarding the Hackney Carriage and Private Hire Service in Swindon may also be made at the above address.

PRIVATE HIRE QUERIES ANSWERED

PRIVATE HIRE - DO I NEED TO BE LICENSED?

The Borough Council often receives enquiries from individuals asking whether or not they need to obtain Private Hire licences for the work which they undertake. This information has been produced for guidance as to the scope of the licensing system. It is not, however, a definitive statement of the law.

WHAT IS A PRIVATE HIRE VEHICLE?

A Private Hire vehicle is any motor vehicle with eight or less passenger seats made available for hire with the services of a driver as part of a business of carrying passengers.

WHAT IF SEPARATE FARES ARE CHARGED TO EACH PASSENGER RATHER THAN ONE COMPOSITE FEE FOR THE HIRE OF THE VEHICLE.

The vehicle is then a Passenger Carrying Vehicle (PCV) regardless of the number of seats.

WHAT IF THE VEHICLE HAS MORE THAN EIGHT PASSENGER SEATS?

The vehicle is then a Passenger Carrying Vehicle (PCV) regardless of how fares are charged.

WHAT RULES APPLY TO PASSENGER CARRYING VEHICLES (PCVs)?

These vehicles are often described as buses, coaches or Public Service Vehicles (PSVs). They are licensed by the Traffic Commissioner based at:-

Western Area Traffic Office
Hillcrest House
386 Harehills Lane
Leeds
LS9 6NF

All enquiries should be directed there.

WHAT IF MY VEHICLE IS ONLY USED FOR WEDDINGS?

Then it is exempt from licensing - but only if its use is entirely restricted to weddings.

WHAT IF MY VEHICLE IS ONLY USED FOR FUNERALS?

Then it is exempt from licensing - but only if it is used solely for funerals.

WHAT IF MY VEHICLE IS USED ONLY FOR PRESTIGE CHAUFFEUR DRIVEN WORK SUCH AS AIRPORT TRANSFERS?

This is still classed as Private Hire and licensing is required.

WHAT IF I INTEND TO PROVIDE FREE TRANSPORT SO THERE IS NO HIRE AND REWARD ELEMENT?

If there is no payment for the provision of transport then there is no need for licensing. However, if "free" transport is provided as part of a service which is paid for (e.g. as part of a holiday package), then it may be classed as hire and reward. **To be classed as genuinely free transport it must be very remote from any payment for any related service.**

THE LICENSING SYSTEM SEEMS VERY ONEROUS. WHY HAS THE COUNCIL INTRODUCED IT?

Parliament has given District Councils the power to licence Hackney Carriage and Private Hire Vehicles. The Council exercises these powers in order to protect the comfort and safety of the travelling public. The testing of vehicles, the vetting of drivers and the various regulations are designed to protect the public.

WHAT TYPE OF PRIVATE HIRE LICENCES ARE THERE?

- 1 Operators licences are required for those organisations which make provision for the invitation and acceptance of bookings for Private Hire Vehicles.
- 2 Vehicle licences are required for vehicles made available for hire with the services of a driver.
- 3 Drivers licences are required for those who drive Private Hire Vehicles.

FURTHER DETAILS regarding regulations, application forms, licence fees etc. are available from:-

Planning and Regulatory Services
Swindon Borough Council
5th floor Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH

Telephone (01793) 466214, (01793) 466209, (01793) 466212 or (01793) 463974

FARES FOR HACKNEY CARRIAGES - Commencing 1st September 2008

DAY RATE (Monday-Friday: 0600-1900 and Saturday: 0600-1800)

£3.50 (minimum charge) For the first 368.8 metres or 79.3 seconds.

20p For each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10.

20p Thereafter for each 129.2 metres or 27.7 seconds.

EVENING/NIGHT RATE (Monday-Friday: 1900-0600; Saturday: 1800-0600 Sunday)

£3.90 minimum fare then as day rate.

WEEKENDS AND PUBLIC HOLIDAYS RATE

For any hiring beginning or ending within the following periods:-

Between 1800 on the day before until 0600 on the day after Sundays and Public Holidays - **£3.90 minimum fare then as day rate.**

CHRISTMAS AND NEW YEAR RATE

Between 2000 on 24 December and 0600 on 27 December.

Between 2000 on 31 December and 0600 on 2 January –

£6.50 (minimum charge) For the first 368.8 metres or 79.3 seconds.

30p For each additional 184.4 metres or 39.6 seconds until the fare exceeds £19.10.

30p Thereafter for each 129.2 metres or 27.7 seconds.

EXTRA CHARGES

1. **Additional Passengers**
Each person (excluding infants in arms) (two children under 10 count as 1 person) - **50p**
2. **Luggage** (excluding wheelchairs)
Each item in the driver's compartment and each other item over 2 feet long - **20p**
3. **Telephone Bookings**
For any hiring which is arranged by telephone - **£2.00**
4. **Soilage Charge** - **£75.00** (Where the customer has soiled the vehicle requiring off the road internal cleaning/valeting).

Please note – Hackney Carriage fares may be amended during the life of this Handbook. Further details are available from the Licensing Office.

HACKNEY CARRIAGE AND PRIVATE HIRE

LICENCE FEES

From November 1st 2015

Starter Pack	£10.00
Drivers Licence - First Application	£100.00(1yr) £240(3yr)
Driver Assessment fee	£40.00
Hackney Carriage driver knowledge test	£50.00
Private Hire driver knowledge test	£50.00
Drivers Licence - Renewal	£70.00(1yr) £210(3yr)
Vehicle Licence (including MOT)	£200.00
Change of vehicle on existing licence (including MOT)	£100.00
MOT Fee	£55.00
MOT retest fee	£26.55
Refundable deposit for Licence Plate	£20.00
Replacement driver or vehicle licence	£10.00
Replacement driver's badge	£10.00
Bus lane stickers (set)	£10.00
Operators Licence 1 to 9 vehicles	£350.00 (1yr) £1750 (5yr)
10 to 19 vehicles	£400.00 (1yr) £2000 (5yr)
20 vehicles and over	£450.00 (1yr) £2250 (5yr)
per extra 10 vehicles over 20	£11.00

NOTES

- 1 All licences last for 12 months except, Hackney and Private Hire driver licences and Private Hire Operator Licences which can be for 3 years and 5 years respectively.
- 2 Cheques will only be accepted for payment of driver and vehicle licence fees when fully supported by a cheque guarantee card. (Unless prior arrangements have been made).

Please note – Licence fees fares may be amended during the life of this Handbook. Further details are available from the Licensing Office.

LOCATION OF TAXI RANKS

<u>Location</u>	<u>Times of Operation</u>	<u>Capacity</u>
Rail Station (for details please contact First Great Western)	24 hours	---
Bus Station	24 hours	7
Fleming Way (South side)	11.45pm – 4.00am daily	12
Davis Place	24 hours	4
Hoopers Place	7 pm to 3 am	2
Crombey Street (Morrisons)	24 hours	4
College Street	24 hours	3
Victoria Hill	9pm to 4 am daily	6
Henry Street	9pm to 4am daily	3
Wood Street	24 hours	8
High Street, Old Town	9pm to 4am daily	8
Commercial Road	8.45pm to 4am daily	2
Victoria Road	8.45am to 4am daily	2
Farnsby Street	11.45 – 4am daily	4
Gloucester Street	24 hours	10

NOTES

1. Vehicles **MUST NOT** be left unattended on taxi ranks.
2. When a rank is full, **VEHICLES MUST NOT QUEUE AT THE END OF THE RANK** – they must drive to the next available rank (see Hackney Carriage byelaws).
3. Although rank etiquette demands that the vehicle at the head of the rank will be hired first, the customer's wishes must be respected at all times. Therefore the customer may elect not to hire the first cab, but may instead select another vehicle.

Advice for Taxi and Private Hire Drivers

Disability Awareness Information

Generally:

Drivers should ask if any assistance is needed, and not assume the passenger isn't

disabled because their disability is not apparent. They should pull up as close to the kerb as possible; this will help all passengers, not just those who are disabled.

Sudden braking and acceleration should be avoided - not only might this cause alarm, but this might also be painful for people with certain types of condition (e.g. arthritis, back problems etc.). Drivers should be polite, courteous and patient at all times, and avoid being patronising. Most of these general attitudinal issues can be covered in 'Disability Awareness Training'. Basic principles, the guidelines are:

- 1) The disabled person is the expert on his or her own disability, so the driver should ask what sort of assistance, if any, is required;
- 2) Disabled people are not all the same, so assumptions and generalisations should not be made;
- 3) Consider the importance of PHVs and Hackney carriages to disabled people (why do so many disabled people use them?). It is worth remembering that disabled people make more Taxi and private hire journeys per person than non-disabled people.

Blind and Partially Sighted People:

When meeting a blind or partially sighted person, the driver must not simply wait outside, but should knock on the door, or enter the premises, to announce his or her arrival. As much information as is necessary should be given to the passenger (e.g. the type of vehicle, which way it is facing, which way the door opens etc.). The driver should offer to guide the passenger to the vehicle's door, and place one hand on the open door whilst indicating the position of the roof (having remembered, beforehand, to ask whether such assistance is needed). When guiding a blind or partially sighted person, it is important to not push or pull them, but to inform them of what is ahead (e.g. steps, doorways, inclines etc.).

Once inside the vehicle, the driver should offer to help the passenger with the seat belt, and not set off until the passenger is seated and secure. During the journey, the passenger should be informed about any delays, or deviation to the route that he or she might have expected to take. The driver should be aware that a partially sighted person might not be able to read the vehicle's meter, so should be prepared to tell the passenger what the meter reading is.

At the end of the journey, when giving change, it is important to count out coins and notes into the passenger's hand. The driver should ask whether the passenger would prefer change in the form of coins, since it is sometimes more difficult for blind and partially sighted people to distinguish £10 notes from £20 notes, for example. Finally, the driver should be prepared, if necessary, to guide the passenger to his or her final destination.

Deaf or Hearing Impaired People:

Visual material (including maps) should be available in vehicles, in order to help the driver to communicate with a deaf or hearing impaired passenger. Drivers should be prepared to write down information, so should always have a pen and paper available; they should make eye contact and speak clearly to enable the passenger to lip-read. If a passenger is accompanied by a sign language interpreter, it is important for the driver to speak to the person, not the interpreter.

For people with impaired hearing it is especially important that the driver properly announces his or her arrival, and does not simply sound the horn of the vehicle, as this may not be heard by the customer.

Speech Impairments:

If a person has a speech impairment, then the driver must be patient, and, if not understanding what the customer says straight away, say so, rather than pretend to have understood, or merely guess what the person is trying to say.

Wheelchair Users:

For wheelchair users who wish to transfer from a wheelchair in order to travel in a PHV or Taxi, the driver should ask what assistance the passenger requires, before touching either the passenger or the wheelchair. The driver should also be familiar with the operation of ramps and swivel seats etc. that might be used to help the passenger to get into the vehicle.

Ambulant Disabled People:

For passengers who have difficulty walking or with getting in and out of vehicles, the driver should be prepared to get out of the vehicle and hold the door open, help with luggage, provide an arm to hold on to, adjust the seat, if necessary, etc.. Many Multipurpose Passenger Vehicles (MPV) or people carriers are equipped with a step that can be used to reduce the height of the step up from the kerbside. As with other devices designed to help passengers to get into and out of the vehicle, where such a step is available, the driver should be aware that it is there, and should be familiar with its functionality.

People with Learning Disabilities:

Many people with learning disabilities are helped in having the confidence to travel independently by undergoing 'travel training'. When considering how best to help people with learning disabilities, it is difficult to generalise, since behavioural and learning disabilities can be manifested in many different ways; however, there are some ways in which the driver can ease communication; for example:

- 1) Allow plenty of time for understanding to take place;
- 2) Make a special effort to be calm and patient;
- 3) Do not suggest an answer at the end of a question;
- 4) Use clear and unambiguous language (i.e. avoid jargon, and do not overcomplicate issues);
- 5) Do not patronise adults with learning disabilities by treating them as children;
- 6) Be aware that many people with learning disabilities have problems with cash transactions, so make an effort to count cash slowly, into their hand. It is important that the passenger is confident of having received the correct sum of change.

People with Mental Health Problems:

Some people are restricted in their freedom to travel as a result of having mental health problems. This might entail the taking of medication that might affect the

person's behaviour or demeanour, and drivers should be aware that they might, for example, appear to instead be under the influence of alcohol. Because of other people's reactions to them, therefore, people with mental health problems are often discouraged from travelling by mainstream public transport, so the private hire sector provides a convenient alternative. How to relate to such passengers should clearly be included in disability awareness training.

One in four of us at some time in our life will experience mental ill health. To ignore this statistic is to blatantly discriminate against this body of people; yet the needs of people with mental health difficulties are often ignored within disability awareness training programmes.

People who might be Disfigured:

Similarly, people who have a disfigurement of some kind might feel limited in their desire to use mainstream public transport, and so might prefer the door-to-door service offered by PHVs and Hackney Carriages. Again, drivers should be courteous, patient and understanding, and, of course, should avoid staring.

The safe carriage of wheelchair users in vehicles

These issues are relevant in the context of larger, MPV-type PHV vehicles and Hackney carriages. It is most important that drivers do not cause wheelchair users to travel sideways in their wheelchair, and that they are trained in the use of all relevant belts and other restraint and locking mechanisms. The operator should make sure that such training is up-to-date, so that drivers are aware of new research concerning the safe carriage of passengers in wheelchairs. Drivers need to be aware of the correct use of swivel seats, if fitted; when used, drivers should ensure that the seat is correctly locked in position when it is back inside the vehicle.

Carriage of Guide Hearing & Assistance dogs

Disabled people including guide dog owners and other blind or partially sighted people have important rights under the Equality Act 2010, or Disability Discrimination Act (DDA) 1995 in Northern Ireland (as extended by the Disability Discrimination (NI) Order 2006 (DDO)). The Equality Act 2010 consolidates and replaces previous discrimination legislation including the Disability Discrimination Act in England, Wales and Scotland.

Duty to carry guide and assistance dogs

The Equality Act 2010, and the DDA 1995 in Northern Ireland, place a duty on taxi and minicab (private hire) drivers to carry guide and other assistance dogs at no extra cost. Drivers that cannot carry assistance dogs will carry a certificate of exemption confirming they have permission to refuse on medical grounds.

Sections 168 to 171 of the Equality Act 2010 deal with the carriage of guide dogs and other assistance dogs and England and Wales. (In N Ireland the provisions are in Section 37 of the DDA 1995. The requirements are effectively the same.)

Taxis

Taxi drivers must (unless they have a medical exemption):

carry the assistance dog and allow it to remain with their owner

not charge extra for carrying an assistance dog

Minicabs

Minicab or private hire vehicle drivers (unless they have a medical exemption):

Must carry the assistance dog and allow it to remain with their owner.

Cannot refuse a booking, or to carry out a booking, due to someone having an assistance dog with them.

Cannot charge extra for carrying an assistance dog.

This document provides basic information and is not a substitute for legal advice.

Mike Shears
Taxi licensing Team Leader
Swindon Borough Council
19/10/2011 Amended 15/03/2016



Dear Sir / Madam,

Important: information about how to look out for and report signs of possible child sexual exploitation

As a Hackney Carriage or Private Hire Driver you are uniquely placed in our community as you transport customers across the Borough of Swindon and beyond on a one-to-one basis – because of this, we are asking you to help keep our young people safe.

You may have heard in the national media recently about successful prosecutions of people in various parts of the country who have sexually exploited children (girls and boys) and young people.

Sexual exploitation of children and young people involves exploitative situations and relationships where victims receive something – such as drugs, alcohol or attention – as a result of them being involved in sexual activity with one or several other people.

Violence, force and intimidation are often used by those sexually exploiting young people.

Swindon Borough Council and Wiltshire Police are working with local partners to ensure our young people are safe from child sexual exploitation. However, we need as much information as possible from the local community so we can act where necessary.

This is where you – and everybody else in our community – come in: safeguarding children and young people is everybody's business. We urge you to report anything you may see that you think is suspicious.

Suspicious activity you may come across could include:

- Taking and collecting young people (girls and boys) from hotels, bed and breakfasts or house parties
- Picking up young people from other cars
- Young people who look distressed or intimidated
- Observing suspicious activity in hot-spot areas
- Young people who may be under the influence of drugs and or alcohol
- Bribes offered to you – such as sex – by young people, to avoid paying fares
- Transporting lone young people to hospital accident and emergency departments
- Young people with injuries such as bruising or blood stains

What you should do:

- Make notes about the information you know
- If you are concerned that a child is at immediate risk please ring Wiltshire Police on **999**
- If the child is not at immediate risk but you have concerns and have some details about the child, such as their name or address, please contact Swindon Borough Council's Family Contact Point during office hours (Monday to Friday, 9am-5pm) on **01793 466903** or send an email to FCP@swindon.gov.uk.
- Otherwise please call Wiltshire Police's non-emergency line on **101** to report your concerns about possible sexual exploitation

Information to record:

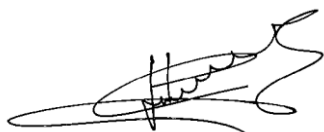
- Any names heard
- Locations and addresses of concerns
- Descriptions of people
- Car registration plates, makes and models of vehicles
- Description of what you saw

Further information about the signs of child sexual exploitation can be found at www.saysomethingswindon.co.uk. Please take some time to view this webpage.

Swindon Borough Council's Licensing Team is implementing an online E-learning module for drivers to recognise the signs of child sexual exploitation. This will be communicated via the Taxi Forum in due course. If you require further information in the meantime please contact the council's Licensing Manager Kathryn Ashton on 01793 466331.

Thank you for your co-operation and help.

Yours sincerely,



Craig
Holden
Detective



Karen Reeve
Head of
Children



Richard Bell
Head of

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APENDIX B

From: swindon taxis [mailto:swindontaxidrivers@outlook.com]

Sent: 05 December 2017 21:48

To: Mike Shears <MShears@swindon.gov.uk>; Kathryn Ashton <KAshton@swindon.gov.uk>

Cc: mike2.thatcher@sky.com; mustafa_limo28@hotmail.com; Abdul Muhid <Muhid4@gmail.com>; Sharif <Cabassharif37@gmail.com>; akbar786123@yahoo.com; tmiah45@yahoo.com

Subject: DBS

Dear Licensing committee,

We the Swindon taxi association would like to formally offer our support to the taxi licensings proposal to make yearly DBS updates mandatory.

Yours sincerley

Mark Bates

For and on behalf of the Swindon taxi association

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DBS update service

The online Disclosure and Barring Service (DBS) update service allows:

- applicants to keep their DBS certificates up to date
- employers to check a DBS certificate

[DBS checks](#) used to be called CRB checks.

Applicants

You need to register to use the update service. Registration costs £13 per year (payable by debit or credit card only). There's no charge if you're a volunteer.

How to register

If you've not yet applied for a DBS check, you can [register for the update service](#) using your application reference number (the 'form ref' on your application form). DBS must receive your application form within 28 days.

If you've already applied, you can register for the update service using your DBS certificate number. You must do this within 30 days of the certificate being issued.

You can use the [DBS tracking service](#) to check the progress of your DBS certificate.

What you get

You'll be able to take your DBS certificate from one job to the next, unless:

- an employer asks you to get a new certificate
- you need a certificate for a different type of 'workforce' (for example, you have an 'adult workforce' certificate and need a 'child workforce' certificate)
- you need a different level certificate (for example, you have a standard DBS certificate and need an enhanced one)

The employer can tell you what DBS certificate they need you to have. Once you've registered, you can [use the update service](#) to:

- add or remove a certificate
- give employers permission to check if anything's changed on your certificate
- see who's checked if anything's changed on your certificate
- view your details

Renewing your subscription

APPENDIX A

A subscription to the update service lasts for one year. You can renew your subscription through the update service, either:

- when you first register, by choosing automatic renewal
- up to 30 days before your current subscription ends - but you can't renew on the last day of your subscription

[Sign in to your account](#) to renew your subscription.

If you don't renew your subscription before it ends, you'll need to apply for a new DBS check and [register for the update service](#) again.

Employers and other organisations

To [check a DBS certificate status online](#), employers and other organisations must:

- be [legally entitled](#) to carry out a check
- have the worker's permission

Employers don't need to pay or register to carry out a status check. They can see the results from the check straight away.

DBS customer services

customerservices@dbs.gsi.gov.uk

Telephone: 0300 0200 190

Welsh: 0300 0200 191

Minicom: 0300 0200 192

Monday to Friday, 8am to 6pm

Saturday, 10am to 5pm

[Find out about call charges](#)

Transgender applications

sensitive@dbs.gsi.gov.uk

Sensitive applications team

Customer services

PO Box 165

Liverpool

L69 3JD