

Hackney Carriage and Private Hire Licensing Policy

January 2022- January 2027

Updated: February 2025

**Rochford District Council
South Street
Rochford
Essex
SS4 1BW**

**01702 546366
www.rochford.gov.uk**

Key Information	
Author:	Steven Greener, Corporate Manager - Licensing
Accountable Director:	Paul Brace, Interim Director, Communities and Health
Responsible Member:	Cllr Andrew Cross
Approval Date:	30/09/2021
Review Date:	30/09/2026

Consultees	
Groups and/or individuals consulted during the development of this Policy:	(List name of group or title of individual and the date(s) consultation took place) See Appendix K for full list of consultees
Group and/or individuals consulted on draft Policy:	(List name of group or title of individual and the date(s) consultation took place) See Appendix K for full list of consultees
Policy and Transformation Team Feedback	Approved by the Licensing Committee on 30/09/2021
Board Approval	Approved by the Licensing Committee on 30/09/2021
Committee Approval	Approved by the Licensing Committee on 30/09/2021

Governance	
The Policy applies to:	(List who is covered by this Policy)
The Policy is available on which platforms?	<input checked="" type="checkbox"/> External Policy – Council Website and Intranet <input checked="" type="checkbox"/> Internal Policy - Intranet
The Policy was disseminated to:	(List all services and teams contacted)

Document Control				
Date	Officer Name, title	Version	Action	Amendments (s)
13/11/2020	Steven Greener Corporate Manager, Licensing	1.0	Consultation with Licensed trade	187 responses – no amendments needed
05/07/2021	Steven Greener Corporate Manager, Licensing	1.1	Consultation with Public	Approved by the Licensing Committee on 30/09/2021
12/02/2025	Steven Greener Corporate Manager, Licensing	1.2	Updated Convictions policy	Adopted new Institute of Licensing Suitability Guidance published in October 2024.
				Approved by Licensing Committee on 23/01/2025

Contents

1. Introduction	6
2. Decision Making	6
3. Failure to Disclose Information	7
4. Complaints against licence holders	7
5. Drivers Licences	7
Overview	7
Duration of Licences	8
Pre-Licensing Requirements	8
Disclosure and Barring Service (DBS) Check	9
Assessment of Previous Convictions	9
Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences	9
Medical Fitness Criteria	10
Safeguarding and Child Sexual Exploitation Awareness Training	10
Disability Awareness Training	10
Language Proficiency Requirements	10
Knowledge Test	11
Conditions	11
Driver Conditions	11
6. Private Hire Operator Policy and Conditions	13
Overview	13
Duration of Licences	13
Suitability of applicant/licence holder	13
Pre Licensing Requirements	14
Conditions	14
General Conditions	14
Criminality Checks/reporting Convictions and Other Relevant Matters	14
Record Keeping	15
Use of passenger carrying vehicles (PCV) licensed drivers	15
7. Vehicle Licences	16
Overview	16
Duration of Licences	16
Suitability of the Applicant/Licence Holder	16
Pre Licensing Requirements	16
Vehicle specification and conditions including CCTV	17

General Conditions	17
8. Disciplinary and Enforcement Measures.....	18
9. Corporate Knowledge.....	18
10. Appendices.....	19
Appendix A – Assessment of Previous Convictions	20
Appendix B- Penalty Points Scheme.....	25
Appendix C- Agreed Medical Examination Providers.....	26
Appendix D - Approved Safeguarding and Child Sexual Exploitation Awareness Training	26
Appendix E - Approved Disability Awareness Training courses and providers	26
Appendix F - Approved Driving Assessors	26
Appendix G – Approved Language Proficiency Assessment providers	26
Appendix H - Policy on the NR3 Database	28
Appendix I - Knowledge Test.....	31
Appendix J – Scheme of Delegation	32
Appendix K – List of Consultees for this policy	32
Appendix L – Useful Documents	32
Appendix M – Full list of driver, vehicle and operator conditions.....	33

1. Introduction

- 1.1. The overriding aim for Rochford District Council ('the Council') when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in the Rochford District.
- 1.3. Each case will always be considered on its merits having regards to this policy. The Council will only depart from this policy where it considers appropriate to do so. This will normally happen where there are exceptional circumstances which warrant a different decision.
- 1.4. This policy came into effect on the 1st January 2022 and will be reviewed every 5 years, or sooner should there be a significant reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport (DFT) Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest.
- 1.6. A full list of those that were consulted on this policy is attached as Appendix K.
- 1.7. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will be stated in this policy against the requirement.

2. Decision Making

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

standards. Member training requirements and obligations are contained within the Council Constitution.

3. Failure to Disclose Information

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

4. Complaints against licence holders

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

5. Drivers Licences

Overview

- 5.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by the Council, must hold the relevant driver's licence that is also issued by the Council.
- 5.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.

- 5.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).
- 5.4. In determining if a person is “fit and proper”, the Council will consider the updated expression “safe and suitable” and will largely apply the test:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’

- 5.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

Duration of Licences

- 5.6. A Driver’s licence will normally be issued for a three-year duration.
- 5.7. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, such as when the applicant has requested a one-year licence or where required, which may include but is not limited to the licence holder’s leave to remain in the UK is time-limited.
- 5.8. Applicants must be 21 years of age and hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months before an application can be submitted.
- 5.9. The UK left the European Union on the 31st January 2020. Therefore, the above requirement is subject to any agreement reached between the EU states and the UK on the validity of EC/EEC driving licenses after the transition period.

Pre-Licensing Requirements

- 5.10. To qualify for a driver’s licence you must:
- Be aged 21 or over.
 - Hold a full DVLA or equivalent driver’s licence for at least 3 years.
 - Have the right to work in the UK.
 - Submit a fully completed application form.
 - Be subject to an Enhanced DBS check
 - Sign up to the DBS update service (after the initial DBS check has been completed).
 - If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a ‘Certificate of Good Character’ from overseas must also be provided.
 - Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence.
 - Have met the Council’s Medical Fitness Criteria which is in line with the DVLA Group 2 standard.

- Have met the Council’s Safeguarding and Child Sexual Exploitation Awareness Training criteria.
- Have passed the Council’s Knowledge Test.
- Have met the Council’s approved disability awareness training requirements.
- Have met the Council’s Language proficiency requirements.
- Have paid the licence fee (www.rochford.gov.uk/licensing).

Disclosure and Barring Service (DBS) Check

- 5.11. An enhanced DBS check must include a check of the children and adult barred Lists
- 5.12. Licence holders should maintain their DBS Certificate through the DBS Update service continuously through the duration of their licence, failure to do so is likely to lead to the immediate suspension of the licence.
- 5.13. Existing licence holders will need to undertake a new enhanced DBS check and maintain their DBS Certificate within 6 months from the implementation of this policy, or at the next renewal of their licence if that is sooner.

Assessment of Previous Convictions

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

Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

- 5.16. A check of the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence (NR3 database) will be made for every licence application.
- 5.17. The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked or suspended by any other licensing authority.
- 5.18. Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant’s fitness to be licensed.
- 5.19. All applicants previously refused, suspended or had a licence revoked will present their case to members of the committee to determine whether they meet the ‘fit and proper person’ test.
- 5.20. The Council’s policy on how we use the NR3 Database can be found at Appendix G

Medical Fitness Criteria

- 5.21. Up to the age of 65 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every three years, or any lesser period that the examining doctor may decide.
- 5.22. Those drivers suffering from known and notified medical disorders and those over 65 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
- 5.23. All medical examinations will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.

Safeguarding and Child Sexual Exploitation Awareness Training

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

Disability Awareness Training

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

Language Proficiency Requirements

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

Knowledge Test

- 5.36. The Council's Knowledge Test is an electronic test that covers different sections as set out in Appendix I.
- 5.37. An applicant cannot complete the test without a valid Enhanced DBS certificate.
- 5.38. The cost of this test is not included in the licence fee and must be paid by the applicant prior to completing the test
- 5.39. If the applicant fails their knowledge test they will be able to re-take it a further 3 times provided a period of 28 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.
- 5.40. If the applicant is unsuccessful on their fourth attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.
- 5.41. A new application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this condition is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary knowledge to pass.

Conditions

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

Driver Conditions

- 5.43. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to licensing@Rochford.gov.uk
- 5.44. Any of the following events in respect of licence holder must be reported by email to licensing@Rochford.gov.uk within 48 hours giving full details:
- Any charge or conviction
 - Any caution (issued by the Police or any other agency)
 - An arrest and release for any offence (whether or not charged)
 - Issue of any fixed penalty notice for any matter;
 - Any harassment or other form of warning or order within the criminal law.
 - Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence.
- 5.45. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
- 5.46. No person shall, being the driver of a licensed vehicle, without reasonable excuse:
- Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.
 - Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog.
 - No person shall, being the driver of a Private Hire Vehicle, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair.

- A driver shall not refuse to carry fewer persons than the number marked on the plate.
- 5.47. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
- 5.48. The driver of a licensed vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall:
 - Unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
 - When picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 5.49. A driver shall:
 - Convey a reasonable quantity of luggage;
 - Afford reasonable assistance in loading and unloading such luggage.
- 5.50. If the licensed vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means:
 - When the hirer enters the vehicle;
 - When the driver has attended at an appointed place and has made their presence known to the hirer.
 - When the driver has presented themselves at an appointed place at a specified time.
- 5.51. The driver of a licensed vehicle shall at all times when the vehicle is hired:
 - Take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle;
 - Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).
- 5.52. The driver of a licensed vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 5.53. Once a licensed vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
- 5.54. The driver shall not demand from any hirer of a licensed vehicle a fare greater than that agreed with the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.55. The driver of a licensed vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Civic Offices, South Street, Rochford, Essex, and deposit it there.
- 5.56. A full list of Driver conditions can be found under Appendix M.

6. Private Hire Operator Policy and Conditions

Overview

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

Duration of Licences

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

Suitability of applicant/licence holder

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

Pre Licensing Requirements

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

Conditions

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

General Conditions

- 6.13. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.
- 6.14. The Licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to licensing@Rochford.gov.uk immediately within 48hrs of the change.
- 6.15. A full list of operator conditions can be found under Appendix M.

Criminality Checks/reporting Convictions and Other Relevant Matters

- 6.16. The licence holder must complete a basic disclosure from the DBS annually (unless the licence holder is also a licensed driver with the Council - Should the individual cease to hold a driver licence a basic certificate will be required immediately)
- 6.17. Any of the following events in respect of licence holder, director or partner must be reported by email to licensing@Rochford.gov.uk within 48 hours giving full details:
- Any conviction (criminal or driving matter)
 - Any caution (issued by the Police or any other agency)
 - Issue of any Magistrate's Court summons against them
 - Issue of any fixed penalty notice for any matter;
 - Any harassment or other form of warning or order within the criminal law.
 - Their arrest for any offence (whether or not charged)
 - Booking and Dispatch Staff
- 6.18. An up-to-date register of all staff that take bookings or dispatch vehicles must be kept. This record shall be produced on request to any Authorised Officer of Rochford District Council or to any Police Constable for inspection.
- 6.19. When being added to the register, all individuals must have provided a recently issued (within 3 months) Basic DBS. This should be compatible with the Operator's policy on employing ex-offenders. Alternatively, the Operator could use a 'responsible organisation' to request the check on their behalf.

- 6.20. A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 6.21. Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any convictions while they are employed in this role.
- 6.22. The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.
- 6.23. Operators may outsource booking and dispatch functions, however Operators have an obligation to protect children and vulnerable adults and they must evidence that comparable protections are applied by the company to which they outsource these functions.
- 6.24. Operators or applicants for a licence must provide to the Council their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a Private Hire Vehicle Operator's licence, those with a conviction for offences provided in the annex to this document (Appendix A – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record Keeping

- 6.25. Operators must record the following information for each booking:
- the name of the passenger
 - the time of the request
 - the pick-up point
 - the destination
 - the name of the driver
 - the driver's licence number
 - the vehicle registration number of the vehicle
 - the name of any individual that responded to the booking request
 - the name of any individual that dispatched the vehicle
- 6.26. Records must be retained for a minimum of twelve months

Use of passenger carrying vehicles (PCV) licensed drivers

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

7. Vehicle Licences

Overview

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

Duration of Licences

- 7.2. A Vehicle licence will only be issued for a one year duration.

Suitability of the Applicant/Licence Holder

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

Pre Licensing Requirements

- 7.6. To apply for a Private Hire Vehicle licence you need to submit the following:
- A completed application form
 - A basic disclosure from the DBS (unless the applicant is also a licensed driver with the Council)
 - If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a ‘Certificate of Good Character’ from overseas must also be provided.
 - The fee (www.rochford.gov.uk/licensing)
 - The original V5C vehicle registration certificate (log book), which must be in the applicants name and current address
 - The bill of sale
 - A MOT and compliance check
 - A valid insurance certificate
 - The old licence plate and window card (if renewing the licence)

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

Vehicle specification and conditions including CCTV.

- 7.8. For the purpose of this consultation there are no changes proposed to the existing vehicle specification or conditions. (<https://www.gov.uk/government/publications/surveillance-camera-commissioner-response-to-the-department-for-transport-consultation-on-taxis>)
- 7.9. These are outlined below:
- The Licence holder shall not install safety cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
 - Safety cameras are only to be used for the purposes of driver safety. This may also benefit passengers;
 - All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
 - All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
 - All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
 - Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008) and any guidance on this topic, which is subsequently published;
 - The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.
 - The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
 - If safety cameras are fitted to licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
 - It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

General Conditions

- 7.10. Permit loading of wheelchairs through the side door(s) or the rear of the vehicle, provided a combined seat belt cutter and break glass hammer is securely fitted in the rear of the vehicle within close reach of the passenger

7.11. A full list of Hackney Carriage and Private Hire conditions can be found under Appendix M.

8. Disciplinary and Enforcement Measures

- 8.1. The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers and the environment when tackling non-compliance by businesses. In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference.
- 8.2. Where a licence holder has been referred to the Licensing and Appeals Sub-Committee, it has the power to order the revocation or suspension of the licence. Where a licence is due to be renewed as an alternative to revocation, the Sub-Committee may decide that the appropriate action is to order that the licence should not be renewed.
- 8.3. The Authority operates a penalty point scheme of enforcement whereby points may be issued by authorised officers to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions. The penalty point scheme will apply to drivers, operators and vehicles.
- 8.4. The relevance of offences and convictions for prospective applicants and existing licence holders is outlined in the Authority's Assessment of Previous Convictions at Appendix A.
- 8.5. If any licence holder seeks to surrender their licence whilst they are under investigation for a criminal offence or other conduct that could result in the suspension or revocation of their licence, we will usually refuse to accept the surrender; continue with the investigation and determine the outcome.

9. Corporate Knowledge

Use the table below to provide a visual display of how this Policy will impact on the delivery of the Corporate Plan. You may wish to expand on each point, as required.

RDC's Corporate Priorities	Levels of Impact			
	High	Medium	Low	None
Places & Spaces				✓
Economy & Prosperity	✓			
Communities & Homes	✓			
A Forward Thinking and Well Managed Authority	✓			

10. Appendices

Appendix A – Assessment of Previous Convictions

Appendix B – Penalty Points Scheme

Appendix C – Agreed Medical Examination Providers

Appendix D – Approved Safeguarding and Child Sexual Exploitation Awareness Training

Appendix E – Approved Disability Awareness Training Courses and Providers

Appendix F – Approved Driving Assessors

Appendix G – Approved Language Proficiency Assessment providers

Appendix H – Policy on the NR3 Database

Appendix I – Knowledge Test

Appendix J – Scheme of Delegation

Appendix K – List of Consultees for this policy

Appendix L – Useful Documents and links

Appendix M – Published Conditions booklet

Appendix A – Assessment of Previous Convictions

1. Introduction

1. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

2. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

3. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

Barred lists

A licence will not be granted to a person who is on any barred list.

Offences resulting in death

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

Offences involving exploitation and criminal harassment

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern.

This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

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

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Offences involving Alcohol abuse, Misuse or Dependency

Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

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

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.

Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)". They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction, or the date of the offence depending on the type of offence.

By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.

If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Revocation or refusal of a previous licence

Where an applicant has previous held a licence and was either refused or revoked, it will be for the licensing authority to decide what action to take in the light of the reason for the refusal or revocation.

Appendix B- Penalty Points Scheme

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows: -

Rochford Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate, they will be issued in accordance with the rate in the attached schedule.

Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions.

Each case will be considered on its merits

When points are issued the proprietor or driver will be sent written confirmation within 10 working days. There is a right of appeal to the Head of Legal Services

Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two-year period.

The Appeals committee may take into account previous penalty points if a trend is identified or considered relevant by the members.

Any driver, proprietor or operator accumulating 12 points in a two-year period will be required to appear before a panel of the appeals committee.

When a driver, proprietor or operator is brought before the appeals committee, the panel may exercise one of the following options:

- Suspend the licence;
- Revoke the licence;
- Issue written warning;
- Extend the two-year period in which points remain live;
- Take no further action.
- Any other action the panel feels appropriate (including Penalty Points)

Any driver, operator or proprietor required to appear before the appeals committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.

Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.

This penalty points system will be reviewed as necessary thereafter.

Appendix C- Agreed Medical Examination Providers

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

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

Appendix D - Approved Safeguarding and Child Sexual Exploitation Awareness Training

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

- Blue Lamp Trust Classroom based course

(in person or virtually using video conferencing facilities)

Appendix E - Approved Disability Awareness Training courses and providers

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

- Andrews Taxi's (Southend) – 01702 200200
- Dick Robinson - 07850 453117
- Kinect Services – 01702 597995
- Cabbietraining.co.uk – Wendy Clarke – 07739 320050
- Blue Lamp Trust Classroom based course
(in person or virtually using video conferencing facilities)

Appendix F - Approved Driving Assessors

The following providers are approved by the Council to satisfy the licensing requirements for the conducting a driving assessment on existing licence holders and new applicants.

- Blue Lamp Trust – www.bluelamptrust.org.uk
- Diamond Advanced Motoring – www.advancedmotoring.co.uk
- Fleet & Corporate Training – 07956 321678 (based in Southend)

Appendix G – Approved Language Proficiency Assessment providers

We expect all licensed taxi and private hire drivers to have a sufficient command of the English language, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers are also expected to be able to identify situations where there may be passenger safeguarding concerns and to possess sufficient communication skills to report those

concerns. The ability to converse effectively in English also helps avoid job related misunderstandings such as wrong directions, fare disputes, collecting the wrong customer and misunderstanding a customer's assistance needs. Applicants for private hire vehicle or hackney carriage drivers licences are therefore required to undertake an assessment of their communication skills, for which an additional fee will be payable.

Candidates who can demonstrate that they have previously completed an English-language qualification at a suitable level will be exempt from the additional assessment - see below for further details on previous qualifications.

Previous Qualifications

Candidates who can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English-language qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body, will not be required to take the additional speaking and listening assessment.

It is not possible to provide an exhaustive list of all the qualifications that will be accepted - however, typical examples may include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

Technical or IT-related qualifications are unlikely to be acceptable for this purpose. We will be looking for qualifications which include a significant amount of verbal or written content in the English language.

If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the speaking and listening assessment.

It will consist of a conversation of up to 15 mins duration between the applicant and the nominated licensing officer, which will take place at the Rochford District Council offices or via electronic video conferencing and will be recorded. The applicant will be provided with their own copy of the recording of the conversation.

In all cases, the licensing team's decision as to whether to accept a qualification not listed above will be final.

Appendix H - Policy on the NR3 Database

Requests for information, disclosure of information, and use of information as a result of an entry on National Register of Refusals and Revocations (NR3)

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

Overarching principles

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

This authority, Rochford District Council has signed up to the NR3. This means that when an application for a licensed drivers’ licence is refused, or when an existing drivers’ licence is revoked, that information will be placed upon the register.

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

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

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

Where an appeal to the magistrates’ court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 365 days from the date of the decision of the magistrates’ court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 365 days from the date of the decision of the Crown Court (if the decision was made by the magistrates’ court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

Making a request for further information regarding an entry on NR3

When an application is made to this authority, Rochford District Council for the grant of a new, or renewal of, a licensed driver's licence, this authority Rochford District Council will check the NR3.

This authority Rochford District Council will make and then retain a clear written record of every search that is made of the register. This will detail:

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

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

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

This request will be made in writing in accordance with the form attached to this policy.

It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

Responding to a request made for further information regarding an entry on NR3

When this authority Rochford District Council receives a request for further information from another authority a clear written record will be made of the request having been received.

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

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

We will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

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

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years,

but this authority Rochford District Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the 'Hackney Carriage and Private Hire Licensing Policy'. Where the reason for a refusal to grant or a revocation relates to a conviction which is within the timescales determined in those guidelines, there is a presumption that the information will be disclosed.

Where the reason for a refusal to grant or a revocation relates to a conviction which is outside the timescales determined in those guidelines, there is a presumption against disclosure of the information. However in every case consideration will be given to the full circumstances of the decision and there may be occasions where information is provided or withheld otherwise than in accordance with the presumptions above.

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

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

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years

Using any information obtained as a result of a request to another authority

When Rochford District Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a drivers' licence. This will be in accordance with the usual process for determining applications contained in 'Hackney Carriage and Private Hire Licensing Policy'.

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

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

Appendix I - Knowledge Test

Rochford District Council have 2 Knowledge tests as part of the application process. The initial test is a multiple choice electronic test consisting of 7 questions lasting for a maximum of 7 minutes.

Topic: Maths and English

Description: An applicant will be required to know basic Maths and English

Pass mark: 6 out of 7

The second Knowledge test is also a multiple-choice electronic test that is split into 5 sections, and consists of up to 54 questions lasting for a maximum of 35 minutes.

Topic: Roads - Hackney Carriage Only

Description: An applicant will be required to know the roads at either end of a given road from any part of Rochford District Council area; it could be a main road, a through road or a minor road.

Pass mark: 17 out of 18

Topic: Routes - Hackney Carriage Only:

Description: An applicant is required to know how they would travel from a given road or location to another road or location using the shortest route keeping to roads in the district of Rochford.

Pass mark: 4 out of 5

Topic: Places of Interest - Hackney Carriage Only

Description: You will need to identify the locations of pubs, clubs, hotels, restaurants, parks, public buildings and historic sites etc. in the Rochford District area. Good local knowledge is essential.

Pass mark: 4 out of 5

Topic: Highway Code and Road Signs – All applicants

Description: Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking and are similar to questions asked on the DVLA theory test.

Pass mark: 15 out of 16

Topic: Conditions and Law – All applicants

Description: This section is based on the conditions applying to drivers both prior to being licensed and also once licensed. You will need a good understanding of these conditions and the restriction placed upon drivers.

Pass mark: 8 out of 10

Appendix J – Scheme of Delegation

Circumstances can arise which require the Council to take emergency action, such as the receipt of an allegation of serious misconduct by a licence holder.

In these circumstances the Council's constitution provides that in situations which arise between the Licensing and Appeals Committee or Executive meetings and require emergency action, which cannot reasonably await the next meeting, the Chief Executive, Director of Governance and Community Strategy or relevant Director, has authority to take such action in consultation with the Chair, Vice-Chair and Portfolio Holder of the Licensing and Appeals Committee (or with such of the latter as are available for consultation) or with the relevant Portfolio Holder and subject to a subsequent report to the next meeting of the Licensing and Appeals Committee.

The Director of Communities & Health; the Licensing Manager; Licensing Officers or member of the Licensing Sub-Committee can:

- suspend the licence of a vehicle under section 60 of the Local Government (Miscellaneous Provisions) Act 1976 where the vehicle owner has failed to renew the certificate of compliance;
- suspend vehicle licences under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where he/she is not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle;
- suspend the licences of drivers under section 60 of the Local Government (Miscellaneous Provisions) Act 1976 where the driver's medical certificate or DBS Disclosure has expired and no objections to the suspension have been received.

Appendix K – List of Consultees for this policy

Rochford District Council have consulted with the following groups as part of the implementation process of this policy:

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- Private Hire Operators
- Neighbouring Authorities
- Essex Police
- Parish and District Councillors
- Essex Safeguarding Board
- Local Community Groups

Appendix L – Useful Documents

- [Statutory Taxi and Private Hire Standards](#) – July 2020
- [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#) – March 2010
- [IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) – October 2024
- [Licensing authority guide to right to work checks](#) – 23 January 2018
- [Overseas Criminal Record Checks Guidance](#) – December 2020
- [Assessing fitness to drive – a guide for medical professionals](#) – February 2020

- [Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance](#) – February 2017
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Licensing Authorities](#) – 15 September 2010
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Drivers and Operators](#) – 15 September 2010
- [DPTAC \(Disabled Persons Transport Advisory Committee\) position on taxis and PHV](#) – August 2020
- [Government Response to report of the task and finish group on taxi and private hire vehicle licensing.](#) – February 2019
- [Guidance for Operators of stretch limousines](#) – March 2011
- [Coronavirus \(COVID-19\):taxis and PHVs](#) -12 January 2021
- [Licensing motorcycles and private hire vehicles](#) – July 2012
- [Private Hire Vehicle Licensing guidance note](#) – August 2011
- [Councillor Handbook: Taxi and PHV Licensing](#) – November 2017
- [Developing an approach to mandatory CCTV in taxis and PHVs](#) – January 2019
 - [Guidance for Operators of stretch limousines](#) – March 2011
 - [Coronavirus \(COVID-19\):taxis and PHVs](#) -12 January 2021
 - [Licensing motorcycles and private hire vehicles](#) – July 2012

Appendix M – Full list of driver, vehicle and operator conditions

A full list of driver, vehicle and operators conditions can be found on the Rochford District Council website via www.rochford.gov.uk/taxi