

Subject:	Update of Actions in respect of decisions made by Licensing Committee of 15 th November 2016	Status:	For Publication
Report to:	Licensing Committee	Date:	16 th March 2017
Report of:	Licensing Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: N/A
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1.	RECOMMENDATION(S)
1.1	That the Licensing Committee consider the report and associated appendices and note the actions taken and approve the proposed documents/specifications as outlined. (Those sections subject to Judicial Review to be held in abeyance pending the outcome of proceedings).

2. PURPOSE OF REPORT

2.1 To provide the Committee with an update of actions taken in respect of the evidence based decisions made by the Committee at its meeting on 15 November 2016 and ratified on 7th February 2017.

The Committee to consider and determine the recommendation.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

4.1 The recommendation(s) in this report involve risk considerations as set out below:

The report is primarily concerned with the implementation of the recommendations approved by the Committee at its meeting on 15 November 2016. Taxi trade representatives have been provided with copies of the draft code of conduct and

exceptional condition policy and have been given the opportunity to comment on them.

5. BACKGROUND

5.1 On 15 November 2016 the Licensing Committee considered a report in respect of Proposed Changes to the Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, the minutes of those considerations are recorded as follows

1. That the Licensing Committee considered the report and associated appendices and approved the recommendations at Appendix C, along with the rectification of typographical errors and the amendment to recommendation 27

2. That officers be requested to incorporate the changes into the Councils Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles

3. That the amended policy incorporating the revised conviction policy, exceptional condition policy and CCTV specification be brought back to the Licensing Committee for approval

4. That officers would undertake a further review of the private hire licensing requirements

5.2 Although agreed in principal, a number of recommendations contained within the report required a further submission to the Licensing Committee for approval of detailed documents, namely;

Recommendation 3. Exceptional Condition

That an exceptional condition policy be introduced to be implemented at the same time as any age limit requirement. The wording of any such policy to be approved by committee prior to introduction. **(Appendix 1)**

This policy has been developed to allow some flexibility in respect of the vehicle age limit policy. It is important that applicants have a clear understanding of what the Council will take into account when considering whether a vehicle is in exceptional condition. It is important that applicants understand that a tired vehicle that has merely undergone a re-spray and valet does not constitute a vehicle in exceptional condition. The policy has been devised in consideration with similar policies in other local authorities that have vehicle age limits in place. It should be remembered that any applicant who is refused a vehicle licence does have a statutory right of appeal to court regarding that refusal.

Officers met with representatives of the taxi trade on 18 January 2017 and 27th February 2017. Taxi trade representatives had previously been provided with the draft Exceptional Condition Policy for comment.

Recommendation 10 Vehicle Livery

That the Council adopts a standard block colour livery for hackney carriage vehicle. Colour to be determined at next meeting of the Licensing committee.

This requirement is being introduced in respect of new hackney carriage vehicle licences (renewal applications are not affected by this requirement). The purpose of having a single colour for newly licensed hackney carriage vehicles is to assist in identification (along with single design roof signs and company door signs). A livery for licensed vehicles is adopted by many local authorities. The taxi trade have been invited (most recently on 18th January and 27th February 2017) to give a view as to their preferred colour but have declined to do so. Rossendale Taxi Association do not want any colour livery as they consider that this will affect the purchase price of hackney carriages as demand for particular colour increases (the Association considers that the licensed hackney fleet will be reduced to approximately 300 vehicles after the impact of the Intended Use Policy). In terms of specific colour the Association considers white to be difficult to keep in good condition and it is already the colour livery of Manchester private hire and Rotherham hackneys. They consider that the Committee has already dismissed black as a colour because they claim people with dementia fail to recognise dark colours. The Rossendale Taxi Association has not been prepared to suggest any colour for the livery other than whatever colour is adopted, should not be a particular pantone colour shade but identifiable from the vehicle log book , e.g. if it says pink on the log book any shade of pink is acceptable.

Officers' experience of working with colour policies elsewhere is that colours as defined on vehicle log books are very general, for example vehicle log books describing the colour as silver can include a wide variety of colour shades including dark metallic grey/ champagne and metallic blue/grey, the practical impact of this is that it does not provide a common livery colour as per aspiration of the Policy. The colours of black or white offer much less scope for variants and therefore would be more effective in terms of a consistent colour livery. In terms of previous reference to dementia patients, The DSDC (Dementia Services Development Centre) suggests that it is colour contrast that is important in terms of recognition as opposed to actual colours and therefore contrasting colours between door signs and vehicle colour may address concerns raised regarding recognition.

Members are therefore requested to confirm the colour to be adopted as the standard block colour for the livery of the hackney carriages.

Recommendation 20 Mandatory CCTV

Any specification for CCTV in licensed vehicles is subject to approval by the Committee. Policy document to be submitted for approval at the next meeting of the Licensing Committee **(Appendix 2)**

The issue of a CCTV specification appropriate for licensed vehicles has been researched. Officers recognise that the provision of audio in addition to video recording can greatly assist in the investigation of complaints (both in terms of police and local authority investigations). However case law exists that suggests blanket audio recording is not considered proportionate as a standard requirement for all licensed vehicles. Officers have researched documentation from the Information Commissioner Office as well as information from the Surveillance Camera Commissioner and consider that the standard based on that adopted by Rotherham Council is an appropriate standard. Whilst it is recognised that there is little evidence to suggest that Rossendale licensed holders have been involved in CSE related matters, it is acknowledged that Rossendale licence holders operate throughout the country with little or no opportunity for local intelligence gathering on driver conduct and the number of complaints received regarding driver conduct remains significant. Rotherham Council has been successful in defending appeals in Magistrates court regarding the imposition of requirements in respect of CCTV/ taxi cameras.

Recommendation 30 Vehicle Standards

That the Licensing policy is amended to be clear on the action that will normally be taken where defects are found on a licensed vehicle or where application forms have provided inaccurate information on intended use. Policy document to be submitted for approval at the next meeting of the Licensing committee.

Results of officer vehicle inspections together with a review of data from the DVSA MOT history check database (www.gov.uk/check-mot-history) has shown that the standard of maintenance on some vehicles falls short of what is expected, for example a vehicle may have been suspended on more than one occasion for having tyres with tread depth below the legal limit. Advisory information shown on MOTs sometimes shows as fails at the next MOT etc. The proposed policy is now transparent on how the Council intends to deal with vehicle proprietors who demonstrate poor standards of maintenance on vehicles. Any proprietor who is subject to his vehicle licence being revoked or refused due to poor standards of maintenance does have a statutory right of appeal to the Courts.

Recommendation 37 Convictions Policy

That the 2015 review of the convictions policy be completed. A revised convictions policy to be brought back to the next meeting of the Licensing Committee. **(Appendix 3)**

The Committee agreed to adopt a Convictions Policy that reflected those in place across the Greater Manchester Authorities. The draft policy reflects policies reviewed from several Greater Manchester Authorities although it is acknowledged that any Licensing Authority may amend their own policies at any time. The draft policy has been localised to Rossendale to reflect recommendation 29 approved by the Licensing Committee on 15 November 2016 in that the Convictions Policy details how convictions disclosed by applicants for vehicle proprietors licences will be dealt with (where the applicant does not hold a drivers / operator licence issued by Rossendale Council).

Recommendation 39 Code of Conduct

That a Code of Conduct be included within the Taxi Policy and brought to the next meeting of the Licensing committee. **(Appendix 4)**

The Code of Conduct has been developed to assist drivers understand the conduct required of them whilst undertaking the role of a licensed driver. Within the legislation and the Council's Taxi Licencing Policy there are standards that drivers must adhere to, e.g. notification of change in medical condition, notification in respect of any change regarding criminality (charge or conviction), wearing of drivers badge etc., however there is no legal definition of what constitutes the standard required to maintain the status of being a "fit and proper" driver. The Code of Conduct has been devised to assist drivers in understanding the standard of conduct required of them. In developing the Code, officers reviewed codes of conduct in place in other local authorities and the Department for Transport's best practice guidance in respect of taxi licensing standards.

Officers met with representatives of the taxi trade on 18 January 2017 and 27th February 2017. Taxi trade representatives had previously been provided with a draft Code of Conduct

and a draft exceptional condition policy for comment.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 Financial implications were previously noted in the 15 November report to the Licensing Committee.
- 6.2 The Council will continue to ensure that income and expenditure are matched

7. MONITORING OFFICER

- 7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies, consultation, legislation, regulations and case law. The Council must ensure it has an up to date, clear, robust policy that reflects the service it delivers and regulates.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1 All of the recommendations in this report relate to outline proposals approved by the Committee at its meeting on 15 November 2016. No formal consultations have been carried out since the last Committee meeting although meetings have taken place with taxi trade representatives on 18 January and 27th February 2017.
- 8.2 There are no specific human resources implications.
- 8.3 An EIA initial assessment has been undertaken and it has been identified there are no disproportional impact and a full EIA is not required.

9. CONCLUSION

- 9.1 The report builds on the outline proposals agreed by the Licensing Committee at the meeting on 15th November 2016 and Members are asked to approve the documentation as outlined within the body of the report and supporting appendices and confirm the colour to be adopted as the standard block colour for the livery of the hackney carriages.

Appendices

Document	Place of Inspection
Exceptional Condition Policy	Appendix 1
CCTV Specification	Appendix 2
Convictions Policy	Appendix 3
Code of Conduct	Appendix 4

DRAFT

(To be inserted within Policy for the Licensing of hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and vehicles)

EXCEPTIONAL CONDITION CRITERIA

Vehicle proprietor's licences will normally be granted in accordance with the Council's vehicle age limit policy. The Council is aware that each application must be considered on its merit. The exceptional condition criteria provides the framework against which applications for a vehicle proprietor's licence, will be considered where the vehicle is none compliant with the age limit requirements

A vehicle will be considered to be in "exceptional condition" if **all** of the following apply

1. A complete service record must be submitted with the vehicle application showing the vehicle has been properly serviced and maintained in accordance with the manufacturer's service specification for the previous 3 year period.
2. It is not normally expected that vehicles that have accrued significantly higher mileage than the average annual mileage for that type of vehicle (saloon vehicles 12,000 miles per annum) would be able to meet the required standard for "exceptional condition"
3. Where the vehicle has been subject to MOT testing, the historical MOT testing records will be reviewed on the DVSA website. A vehicle in exceptional condition will be expected to have passed all MOTs during the previous 3 year period without any fail results
4. Where the vehicle has been licensed as a private hire/ hackney carriage vehicle by another licensing authority and subject to compliance checks as opposed to MOTs, the applicant will be required to submit records of the last 3 years of vehicle compliance test records. These records may be subject to verification with the issuing Licensing Authority/Council. Where a vehicle has been subject to vehicle compliance tests as opposed to MOTs the Vehicle compliance test results must be submitted as part of the vehicle licence application (exceptional condition). The compliance certificates are required to show test history and it is expected that vehicles will have passed all compliance tests during the previous 3 year period without any fail results

5. The application must include an MOT test certificate and a Rossendale vehicle test certificate issued within a calendar month of the date of application
6. The bodywork should be in near perfect condition with no signs of panel age determination, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle
7. The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle
8. The interior trim, panels, seating, carpets and any other upholstery should be in excellent condition , clean and free from damage and discolouration
9. The boot/ luggage compartment must be in good condition, clean and undamaged
10. Passenger areas must be free from damp or any other odours that may cause passenger discomfort
11. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis,

Following submission of a complete application (including service history records) and assessment of MOT historical test results/ compliance test results, the vehicle may be asked to attend the Councils Operations depot at Henrietta Street for inspection to assess compliance with requirements 6 to 11 above

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It will be an attractive place to live where tourists visit and employers invest."*

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Rossendale Licensed Vehicle Taxi Camera

Technical Specification and System Requirements

In order to be considered suitable for installation in a Rotherham MBC Licensed vehicle, a taxi camera system must meet the following requirements:

1.0 Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with Council Directives: - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic	

	logging of all access actions, including date and personnel names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not to record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each</p>

		other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (audio	One of the triggers / audio activate buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.

	activate buttons).	At least one other trigger / audio activate button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below. The passenger must have sight of a notice that advises how to stop the audio recording
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of fourteen days ie (14 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of fourteen days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.

3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.
4.0 Storage Device	Technical specification	
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting	

	of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply Rossendale Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
5.	Specifications for video and audio recording rate	
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.
6.	Specification for activation via driver or passenger trigger/ audio button	
6.1	The activation of a trigger button must provide for overwrite-protected image storage when	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).

	activated by driver or passenger.	
6.2	Emergency image overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten
6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hr timer	
7.0	Downloading Technical Specification	
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to Rossendale Council Licensing Team.	
7.3	Windows 8 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Rossendale Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

8	Requirements in relation to System Information	
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Rossendale Council Licensing Team	The manufacturer shall provide a list of all authorised agents to Rossendale BC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
9	System requirements in relation to Vehicle Inspection Facility – Inspections	
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of	The indicators shall be mounted/installed for the

	system status/health indicator to be seen	driver's vision only.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Design and or installation to be testable as part of the ROSSENDALE TEST (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested AS PART OF THE Rossendale test to ensure that all features are operating and that images are being recorded as prescribed.
10	General System Requirements	
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Rossendale Council Licensing Team with a Training and Technical Manual. Supply a working unit to Rossendale Council Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Rossendale Council Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Rossendale Council	Agreement to allow Rossendale Council access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

Appendix C

Policy Statement

Guidelines to Convictions

Including Statement of Policy about Relevant Convictions, Cautions, Complaints and other relevant matters

DRAFT

This policy was:-

Revised at Licensing Committee: TBC

Introduction

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. This policy will be of particular interest to, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Applicants for new and renewal vehicle licences
- Licensing officers
- Members of the Licensing Committee/ Sub-Committee (or other relevant decision making body)
- Appeal bodies hearing appeals against Rossendale Borough Council decisions
- Lancashire Constabulary
- Other Police Authorities
- Children, Young Persons and Vulnerable Adults Safeguarding Authorities
- Other Licensing Authorities

This policy deals with individual's including existing licence holders, applicants for a new driver or operator licence, and an applicant for the renewal of an existing licence.

Where Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision regarding a licence review/ application. In other cases applications for licences will be referred to the Licensing Committee/ Sub-Committee (or other relevant decision-making body). Whilst Officers and the Committee/ Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances are appropriate , the Committee/Officer may depart from the guidelines.

Statement of Policy about relevant convictions, cautions, complaints and other relevant matters

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. Licences for drivers of hackney carriages, private hire vehicles or a private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
3. An applicant for a new or renewal vehicle licence (who does not hold a drivers or operator’s licence) will from 20 February 2017 be required to supply a basic disclosure and completed statutory declaration. Regard will be had to information contained within these documents although no regard will be had to any spent convictions declared.
4. In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities).
5. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
6. The Council is concerned to ensure:
 - a. That a person is a fit and proper person.
 - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
 - c. The safeguarding of children and young persons and vulnerable adults.
 - d. That the person does not pose a threat to the public .
7. The public are not normally permitted to attend committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.

8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operator's licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

The information given will be treated in confidence and will only be taken into account in relation to its relevancy to assist the Council in determining whether the individual is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Applicants for a licence to drive a hackney carriage or private hire vehicle and existing licence holders should be aware that the Council is empowered by law to check with the Disclosure and Barring Service for the existence and content of any criminal record and other intelligence held in their name. Furthermore, Officers will, where appropriate contact other agencies for any other information which they may hold for instance, other Local Authorities, Children's Services and relevant Police authorities. Information received from the Disclosure and Barring Service or any other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 .

9. The disclosure of a criminal conviction/fine or caution or any other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
10. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider

- the nature of the offence/issue and penalty.
- When it was committed/took place,

- the date of conviction/issue
- and the length of time which has elapsed,
- the individuals age when the offence was committed/issue took place
- whether or not it is part of a pattern of criminal behaviour,
- the intent, the harm which was, or could have been caused
- and any other factors which might be relevant e.g. whether an individual has intentionally misled the council, information provided by other agencies

11. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

12. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators licences and when considering whether to take any action against an existing licence holder.

13. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines, regard will be had to the factors at paragraph 13 when deciding whether any action should be taken.

14. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

15. The guidelines are not an attempt to define what a "fit and proper person" is.

16. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the grounds that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

17. Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

18. Some individuals submit simultaneous applications for hackney carriage and private hire driving licence(s). For applicants of both licence types, the council will apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences has a review of their licences, the fit and proper test will be applied individually to each Licence.

19. Anyone who is refused a hackney carriage or private hire proprietors licence or has such a licence suspended or revoked in accordance with section 60 of the Local Government (Miscellaneous provisions) Act 1976 has a right of appeal to the relevant court ie Magistrates and or Crown
- 20 In this policy the word conviction is to defined as including convictions, cautions , warnings reprimands and other relevant information. In this policy “from date sentence has ended” is taken as the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the individual. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, CAUTIONS, COMPLAINTS AND OTHER RELEVANT MATTERS

General Policy:

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, vulnerable adults, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. The council will also take into account relevant background information in respect of applications for vehicle proprietors licences where the applicant does not hold either drivers or operator licences issued by the Council. In general terms convictions will be considered in line with this policy with the exception that spent convictions will not be considered in respect of vehicle proprietors
4. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
5. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
 - a. Remain free of conviction for an appropriate period { which will depend on the nature of the offence) ; and
 - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). .
 - c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
6. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. **Similarly, multiple offences or a series of**

offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. As well as convictions this policy will take into account other issues or intelligence received from other agencies which are deemed relative to the fit and proper test. In accordance with the Council's constitution any individual can be referred to the licensing committee for their application to be considered / licence to be reviewed where it is considered appropriate to do so, the sub-committee is not in any way restricted to considering matters that fall within this policy.

7. The Council will in accordance with its constitution and scheme of delegation consider any information/ representations received that a person is not/ no longer a "fit and proper" person or a breach of a condition of a licence has been proved and take appropriate action in accordance with the legislative framework (e.g. may refuse/ revoke/ suspend a licence and or condition a licence as appropriate

8. The following examples afford a general guide on the action, which might be taken where convictions are disclosed:

a) **Offence of: - Dishonesty:**

Drivers of a hackney carriage and private hire vehicles are expected to be persons of trust. This is because it is the Council's view that it is relatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people and children.

In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons the Council takes a serious view of any convictions involving dishonesty. In general an individual with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably .

In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3-5 years prior to the date of application. Between 3 and 5 years after conviction, or their release from prison (whichever is most recent),

- Burglary
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Bribery
- Conspiracy to defraud
- Forgery (e.g. producing false insurance policy)
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Theft
- Offence of possession of goods with false trade mark for sale or hire-Trade Marks Act 1994

- Other deception
- Similar offences
- Offences which replace the above offences

b) Offence of: - Violence

Members of the public and in particular, the elderly, infirm, children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey. Passengers often travel alone and are vulnerable to violence etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

Convictions for violence are amongst the most serious of all criminal offences.

1. Offences of violence against children (under 14 years) and young persons (aged 14 to 17 years)

Drivers of private hire and hackney carriage vehicles are often entrusted with the care and transportation of children and young persons who are particularly vulnerable whilst in the care of the driver. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

An extremely serious view will be taken where an applicant has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) and, in order to afford an appropriate degree of protection to children and young people, an applicant will be required to provide substantial evidence of rehabilitation before the Council will be satisfied that the applicant passes the 'fit and proper' test.

Where the commission of an offence involved the loss of life, a licence will normally be refused. In all other cases a period of 5-10 years free of conviction for offences involving violence (dependent upon the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

2. Offences against Other Persons

Private hire and hackney carriage vehicle drivers maintain close contact with the people from all parts of the community and the Council takes the view that law abiding citizens should not be exposed to a risk of violence by placing them in a vehicle driven by a person with a history of criminal violence.

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

In other cases a period of 3-10 years prior to the date of the application, or their release from prison (whichever is most recent), will generally be required before an application is considered favourably. A conviction less than 3 years old will normally result in a refusal

3. Offence types

i. Convictions falling into the most serious group offences of violence involving the loss of life is likely to result in **outright refusal** of an application;

- murder
- manslaughter
- culpable homicide
- Or similar offences
- Or offences which replace the above offences

ii. Individuals with one or more convictions for very serious violence should expect the application to be refused until a period of at least **ten years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act 1861)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act 1861)
- Robbery

- Possession of firearm
- Riot
- Kidnap
- Assault Police
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest
- Or similar offences
- Or offences which replace the above offences

iii. Individuals with one or more convictions for serious violence should expect the application to be refused until a period of at least **five years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Fear of provocation of violence which is racially-aggravated (s.4 Public Order Act 1986) or (s.31(1)(a) Crime and Disorder Act 1998)
- Intentional harassment, alarm or distress which is racially-aggravated (s.4A Public Order Act 1986 offence) or (s.31(1)(b) Crime and Disorder Act 1998)
- Harassment which is racially-aggravated (s.2 Protection from Harassment Act 1997) or (s.32(1)(a) Crime and Disorder Act 1998)
- Putting people in fear of violence which is racially-aggravated (s.4 Protection from Harassment Act 1997) or (s.32(1)(b) Crime and Disorder Act 1998)
- Harassment, alarm or distress which is racially-aggravated (s.5 Public Order Act 1986) (s.31(1)(c) Crime and Disorder Act 1998)
- Or similar offences
- Or offences which replace the above offences

iv. Applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least **three years** has

elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Common assault
-
- Affray
- Battery
- Harassment, alarm or distress (S5 Public Order Act 1986 offence)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Intentional harassment, alarm or distress (s4A Public Order Act 1986 offence)
- Obstruction
- Possession of offensive weapon
- Criminal damage
- Or similar offences
- Or offences which replace the above offences

c) Drugs:

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction or their release from prison (whichever is most recent) is less than 5 -10 years prior to the date of application. Between 5 and 10 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction or their release from prison (whichever is most recent) is less than 5 years prior to the date of the application.

An application from a person who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration

of the facts. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d) Offence of: - Sexual and Indecency Offences

Any individual currently on the sex offenders' register would not normally be granted a licence.

I. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care and transportation of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

II. Intelligence and other information which has not resulted in a criminal conviction

The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will investigate such information/ intelligence. Any additional information gathered through the investigation process may then be taken into account at any subsequent sub-committee.

III. Offences against persons other than children and young persons

Hackney carriage and private hire vehicle drivers often carry unaccompanied passengers; therefore applicants will normally be refused a licence if they have a conviction for:

- Indecent assault
- Rape
- Other similar offences
- Offences under the Sexual Offences Act 2003

Applicants will normally be refused a licence if they have a conviction relating to

sexual offences until they can show a substantial period (normally 10 years) free from any such conviction or their release from prison (whichever is most recent). Between 5 and 10 years following conviction or their release from prison (whichever is most recent), regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence; e.g.

- Importuning
- Indecent exposure
- Soliciting
- Other similar offences or offences under the Sexual Offences Act 2003 when the provisions of that Act come into force

Amongst circumstances which the Council may wish to consider, are circumstances which if they occurred at the time of the consideration of the application would not be a criminal offence.

1. Drunkenness

1.1 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an individual from being licensed. In some instances a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, individuals will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic

1.2 With a motor vehicle (no disqualification)

1.2.1 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction which does not result in a disqualification for an offence within 2 years of the date of the application.

More than one conviction for this type of offence within the last five years from the date of conviction is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

With a Motor vehicle (disqualification)

lii Where a disqualification has occurred as a result of a drink driving offence at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an individual is considered for a licence

In addition, individuals will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic

e) Motoring Convictions

1 Disqualification:

Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused a drivers licence for a hackney carriage or private hire vehicle unless a period of 3 years free from conviction has passed since the reinstatement of the DVLA licence, and 5 years where the disqualification relates to drink/ drug driving.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.
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In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, Rossendale Borough Council is likely to refuse a hackney carriage or private hire
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driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

2. **Major Traffic Offences**

An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application from the date of conviction. More than one conviction for this type of offence within the last 5 years from the date of conviction is likely to merit refusal. A list of offences to which this paragraph applies is attached as **Appendix I**.

3. **Minor Traffic Offences**

Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months from the date of conviction. A list of offences to which this paragraph applies is attached as **Appendix II**.

4. **Hybrid Traffic Offences**

Offences of the type listed in **Appendix II** will be treated as major traffic offences if the Court awarded 4 or more penalty points for the offence and as minor traffic offences if the Court awarded 3 or less penalty points for the offence.

5. **Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an individual is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence. If (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application from the date of

conviction or has more than one conviction within the last 5 years preceding the date of the application from the date of conviction.

In the case of a licensed driver found guilty of an offence of plying for hire, the Council would normally order the licence to be revoked or suspended.

Spent Convictions

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

Rossendale Borough Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

The council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

f) *Cautions, Reprimands and Fixed Penalties*

For the purpose of these guidelines formal cautions, reprimands and fixed penalties shall be treated as though they were convictions.

g) *Other relevant offences*

The Council takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than 3-5 years of the conviction date or their release from prison (whichever is most recent), it is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976;
- Bail (Amendment) Act 1993;
- Magistrates' Court Act 1980;
- Magistrates' Court Rules 1981;
- Criminal Justice Act 2003

- Powers of Criminal Courts (sentencing) Act 2000

or similar offences or offences which replace the above offences and the conviction(s) or their release from prison (whichever is most recent) are less than 3 years prior to the date of application. Between 3 and 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence.

h) Breach of Conditions, Bye-laws and complaints

Any breach of licence conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the sub-committee. A licence holder brought before the committee will be dealt with by no further action, a formal warning, period of suspension or revocation or any other penalty the sub-committee are minded to impose. Where the matter relates to an alleged licensing offence the matter may also be dealt with by way of legal proceedings

i) Reapplication

Individuals are advised that Council guidelines are that where an individual has had an application refused or a licence revoked, a subsequent application would normally be considered by the sub committee regardless of whether the conviction fell within the policy .The sub-committee would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the individual's circumstances.

Appendix I

MAJOR TRAFFIC OFFENCES

AC10:	Failing to stop after an accident
AC20:	Failing to give particulars or to report an accident within 24 hours
AC30:	Undefined accident offences
BA10:	Driving while disqualified by order of Court
BA30:	Attempting to drive while disqualified by order of Court

CD10	Driving without due care and attention
CD20:	Driving without reasonable consideration for other road users
CD30:	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD40:	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10:	Driving or attempting to drive with alcohol level above limit
DR20:	Driving or attempting to drive while unfit through drink
DR30:	Driving or attempting to drive then failing to supply a specimen for analysis
DR31:	Driving or attempting to drive when unfit through drugs
DR40:	In charge of a vehicle while alcohol level above limit
DR50:	In charge of a vehicle while unfit through drink
DR60:	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61:	Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70:	Failing to provide specimen for breath test
DR80:	Driving or attempting to drive when unfit through drugs

DR90:	In charge of a vehicle when unfit through drugs
IN10:	Using a vehicle uninsured against third party risks
LC20:	Driving otherwise than in accordance with a licence
LC30:	Driving after making a false declaration about fitness when applying for a licence
LC40:	Driving a vehicle having failed to notify a disability
LC50:	Driving after a licence has been revoked or refused on medical grounds
MS50:	Motor racing on the highway
MS60:	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
MS90:	Failure to give information as to identity of driver, etc.
TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified
UT50:	Aggravated taking of a vehicle
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)	
Or similar offences or offences which replace the above offences	

Appendix II

MINOR TRAFFIC OFFENCES

CU10:	Using vehicle with defective brakes
CU20:	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30:	Using a vehicle with defective tyres
CU40:	Using a vehicle with defective steering
CU50:	Causing or likely to cause danger by reason of load or passengers
CU80:	Using a mobile phone while driving a motor vehicle
MS10:	Leaving a vehicle in a dangerous position
MS20:	Unlawful pillion riding
MS30:	Play street offences
MS40:	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70:	Driving with uncorrected defective eyesight
MS80:	Refusing to submit to an eyesight test
MW10:	Contravention of Special Road Regulations (excluding speed limits)
PC10:	Undefined contravention of Pedestrian Crossing Regulations
PC20:	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30:	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP10:	Exceeding goods vehicle speed limit
SP20:	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30:	Exceeding statutory speed limit on a public road
SP40:	Exceeding passenger vehicle speed limit
SP50:	Exceeding speed limit on a motorway
SP60:	Exceeding speed limit offence

TS10:	Failing to comply with traffic light signals
TS20:	Failing to comply with double white lines
TS30:	Failing to comply with a "Stop" sign
TS40:	Failing to comply with direction of a constable or traffic warden
TS50:	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60:	Failing to comply with school crossing patrol sign
TS70:	Undefined failure to comply with a traffic direction sign
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)	
Or similar offences or offences which replace the above offences	

Appendix F

DRAFT

Hackney Carriage and Private Hire Driver Code of Conduct

In order to become a licensed hackney carriage driver/ private hire driver an applicant must satisfy the council that they are “fit and proper” to be a licensed driver. There is no legal definition of what constitutes a “fit and proper” person, but in assessing an application, the Council takes into account various factors including an applicant’s ability to communicate effectively with customers, any criminal history, any motoring convictions and medical fitness.

A licensed driver is expected to remain a fit and proper person during the duration of his/ her licence. This code of conduct outlines the standards of conduct expected of a licensed driver, failure to comply with this code of conduct or licence conditions or other legal requirements may result in the review of the drivers’ hackney carriage or private hire drivers’ licence.

For hackney carriage drivers

- Use the meter within the licensed area, unless the passenger has agreed to hire by time (*DfT best practice guidance*)
- If using the meter, not start the meter until the passenger is seated in the vehicle (*DfT best practice guidance*)
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter
- Take the most-time efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route. (*DfT best practice guidance*)
- A licensed hackney carriage driver shall notify the Council in writing within 14 days providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.
-

For private hire drivers

- Ensure that the passenger has prebooked and agrees the fare before setting off. (*DfT best practice guidance*)

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- Take the most time efficient route bearing in mind likely traffic problems and known diversion's, and explain any diversion from the most direct route. *(DfT best practice guidance)*

For all licensed drivers

- Drive with due care and courtesy towards the passenger and other road users. *(DfT best practice guidance)*
- Keep relationships with passengers on an appropriate professional basis
- Be polite to passengers, and communicate clearly
- Keep the vehicle clean and free of rubbish
- Provide reasonable assistance to passengers (e.g. getting in and out of the vehicle, and unloading luggage to the outer door of the premises / building)
- Ensure luggage including shopping and other large objects are safely and properly secured in the vehicle
- Comply with reasonable passenger requests regarding comfort of the journey e.g. heating/ air con on/ off radio/ music on/off
- Provide written receipts on request
- Be neat and tidy in appearance, and have a good standard of personal hygiene
- Comply with the dress code attached below.

DRAFT

Rossendale licensed drivers' dress code

The Rossendale licensed drivers dress code forms part of the driver's code of conduct. The purpose of the dress code is to set a standard that provides a positive image of Rossendale's licensed hackney carriage and private hire trade, and that the standard adopted seeks to promote public and driver safety

Rossendale licensed drivers dress standard

- All clothing worn by driver whilst working as private hire/hackney carriage driver must be in good condition and the driver must have good standards of personal hygiene.
- As a minimum standard whilst working as a licensed driver males should wear trousers and a shirt which has a full body and short/ long sleeves. Knee length tailored shorts are also acceptable

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- As a minimum standard whilst working as a licensed driver females should wear trousers. Knee length skirt or dress and a shirt/ blouse which have a full body and short/long sleeves. Knee length tailored shorts are also acceptable.
- Footwear whilst working as a licensed driver shall fit i.e. be secure around the heel of both feet

Examples of unacceptable standard of dress

- Clothing that is not kept in clean condition, free from holes, rips or other damage
- Words or graphics on any clothing that is of an offensive nature or suggestive nature which might offend
- Sportswear e.g. football/ rugby kits including shirts, track suits in whole or part , beachwear
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel
- The wearing of any hood or any other type of clothing that may obscure the drivers vision or their identity

Uniforms

The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The Council acknowledges that many private hire and hackney carriage companies outside of Rossendale do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Council would encourage Rossendale companies to consider and adopt.

Notes

The notes will be removed from the final policy but are provided in terms of clarification only

(adapted from Salford/ Rotherham Policies) differences from Salford and Rotherham include the following

- 1. clarification that the code only applies when working as a licensed driver***
- 2. Inclusion of the provision of knee length shorts for women as well as men***
- 3. Requirements that shorts are tailored shorts clarifying that sport / Bermuda shorts are not acceptable***

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4. Addition of ref to damaged clothing in the first bullet point of unacceptable standard of dress, this is to prevent clothing which has been damaged by permanent staining but is still clean (e.g. prevent wearing of clothes that have been badly stained with paint/ bleach or similar)

5. Insertion of paragraph on uniforms to reflect the growing practice of drivers wearing uniforms.

(Option remains for production of a charter detailing behaviour expected of passengers)

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