



Hackney Carriage

And

Private Hire Policy

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1. INTRODUCTION

2. The Legislation that allows the District Council to control the licensing of taxis is contained in two Acts. The provisions for granting and regulating private hire licences are contained in the Local Government (Miscellaneous Provisions) Act 1976 (LGMP76), and the requirements and restrictions for controlling hackney carriages is contained within the Town Police Clauses Act 1847 (TPC47) and the LGMP76. This document sets out the approach the Council will take when exercising its discretion when making decisions about hackney carriage and private hire licensing and associated matters.
3. Sections 51 and 59 of the LGMP76 sets two tests that must be satisfied before a licence to drive a hackney carriage vehicle or private hire vehicle can be granted.
 - that the applicant is a fit and proper person to hold a driver's licence
 - The person must have held a driving licence for at least twelve months before the date of application

Licences can remain in force for 3 years or lesser period (LGMP76 s53(1)) and that an applicant is to have a have medical and produce a medical certificate (s57(2)(i) (ii)). The Authority may attach conditions to private hire drivers licences, but there is no similar provision for attaching conditions to hackney carriage drivers licences.

4. The Authority may licence for a period of one year only (TPC47 s43) 'such numbers of hackney carriages of any kind or description adapted to the carriage of persons as they think fit'(s 37) and that they may attach conditions as they 'may consider reasonably necessary' and for them to be of such design or appearance to be clearly identifiable as a hackney carriages (LGMP76 s47(1 & 2)).
5. The Authority cannot licence Private Hire Vehicles under LGMP76 s48(1) unless they are satisfied that the vehicle is suitable for use as a private hire vehicle and not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage, that it is in a
 - suitable mechanical condition,
 - safe,
 - comfortable,
 - and insured.

The district council may attach such conditions as they may consider reasonably necessary including, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates (s48(2)).

6. To grant Private Hire Operator Licences the Authority must be certain that applicants are fit and proper persons to hold such licences (s55(1)). They may then grant licences for up to five years (s55(2)) with appropriate conditions (s55(3)) including those controlling the keeping of records (s56(2)and(3)). Applicants are required to produce information on previous

trade or business, any convictions, any previous applications and any suspensions or revocations 57(2)(b).

7. To fulfill their duty to comply with the provisions North Dorset District Council has agreed the following policies. The c+
8. Criteria identified below are in addition to any expressly required by statute.
9. The purpose of local authority licensing of hackney carriage and private hire trade is to protect the public. With this in mind the objectives of this policy when considering applications for hackney or private hire associated activities is:
 - a. Safety of the traveling public
 - b. To protect consumer interests
 - c. To encourage a mixed fleet of vehicles to meet the varying needs of the area
 - d. To provide clear guidance and a decision making framework
 - e. To encourage high standards of service and competence in hackney carriage and private hire trades
10. The Council will use a variety of methods to promote the objectives of the policy such as setting standards, routine inspections, assessment of applications, investigation into complaints, liaison with other authorities, taking enforcement action and monitoring compliance with conditions and byelaws. This list is not exhaustive and other appropriate methods maybe used. In carrying out its regulatory functions, the Council will have regard to legislation, case law, national guidance and this policy.
11. Notwithstanding this policy, the Council recognizes that it has the ability to exercise discretion and each application and enforcement measure will be considered on its own merits. Where it is necessary to depart from the policy the Council will provide clear and compelling reasons for doing so. In the event that any provision of this policy is, or becomes incompatible with any statutory provision, such provisions of the police shall be disregarded when determining any matter to which it relates.
12. The Council will keep this Policy under review and will consult where appropriate on proposed revisions.
13. The Council recognizes and welcomes the contribution that the hackney carriage and private hire trade to the transport infrastructure within North Dorset.

2. DRIVERS

Criteria for licensing drivers – Hackney Carriage or Private Hire (applies in respect of both an original licence and any renewal)

A. Criteria relating to the applicant and the application

14. In addition to all relevant statutory requirements, neither a Hackney Driver Licence nor a Private Hire Driver Licence will normally be issued to an applicant unless the applicant for such a licence and that person's application accords with all the following criteria.

1. Driver Qualifications

- (1) The applicant
 - (a) has completed;
 - (i) the Driving Standards Agency Taxi Driving Test, or
 - (ii) A BTECH qualification for taxi driving, or
 - (iii) completed a scheme which, in the opinion of the Council, is reasonably equivalent, or
 - (b) is a current member of the Institute of Advanced Motorists; or
 - (c) holds a current PCV or HGV licence; and
- (2) has, prior to the issue of the Hackney Driver Licence and/or the Private Hire Driver Licence (as the case may be) produced to the Council evidence of compliance with this paragraph.

This paragraph does not apply to an applicant who holds a current hackney carriage or private hire drivers licence issued by North Dorset District Council.

15. The applicant has, subject to sub paragraphs (1) and (2) below, prior to or at the same time as the date of an application for a Hackney Driver Licence and/or Private Hire Driver Licence (as the case may), provided to the Council a Medical Certificate that has been completed, dated and signed no earlier than twenty eight (28) calendar days prior to the date of the application.

- (1) Subject to sub paragraph (2) below, the Medical Certificate that is provided to the Council for a Hackney Driver Licence and/or Private Hire Driver Licence for the purposes of paragraph 2 does not need to have been completed, dated and signed within the time specified therein provided:
 - (i) the application is for a new licence that has been received by the Council prior to the expiry of an existing licence issued by the Council and the new licence is for a renewal or replacement of that existing licence;

(ii) the date when the Medical Certificate that is provided to the Council was completed, dated and signed is not a date that is earlier than three (3) years and two (2) calendar months before the proposed date of expiry of the new licence that is being sought; and

(iii) the Medical Certificate that is provided by the applicant for the purposes of sub paragraph (ii) above does not disclose any information that would or could indicate that driver is not a fit and proper person to drive a Hackney Carriage and/or a Private Hire Vehicle (as the case may be) up to Group 2 Standards.

(2) The provisions contained in sub paragraph (1) above do not apply to any applicant who is aged sixty five (65) years or older on the date when the application for a Hackney Driver Licence and/or Private Hire Driver Licence (as the case may be) is received by the Council.

16. The Medical Certificate that is provided for the purposes of paragraph 2 above has been:

(1) completed, dated and signed by a Registered Medical Practitioner who:

(i) is either the usual Registered Medical Practitioner used by that driver or another Registered Medical Practitioner from the same practice;

(ii) prior to completing and signing the Medical Certificate has had unrestricted access to the past medical records of the applicant; and

(iii) is either based in the United Kingdom or elsewhere in the European Union provided that in the case of the latter the Council has previously approved in writing the use of such a Registered Medical Practitioner; and

(2) certifies that the driver is a sufficiently fit and proper person to drive a Hackney Carriage and/or a Private Hire Vehicle (as the case may be) being up to Group 2 Standards.

17. The applicant has:

(1) produced to the Council the originals of all relevant driving licence documentation relating to the applicant as prescribed in paragraph 5 below;

18.(1) For the purposes of paragraph 4(1) above, the requirement to produce the originals of all relevant driving licence documentation means that the applicant must produce originals in the name of the applicant of:

- (i) a current Great Britain driving licence and a current Great Britain counterpart licence; or
- (ii) where the applicant does not hold a Great Britain driving licence, a current non Great Britain driving licence and a current Great Britain counterpart licence.

19. There has been produced to the Council prior to or at the same time as the date of an application for a Hackney Driver Licence and/or Private Hire Driver Licence (as the case may):

(1) evidence confirming the applicant's right to live and work in the United Kingdom during the licence period of the proposed Hackney Driver Licence and/or Private Hire Driver Licence (as the case may be);

(2) (i) evidence of every country in which the applicant has been resident, including:

- (a) the applicant's current passport;
- (b) any previous passport in the possession of the applicant; and
- (c) where the, any visa relating to the applicant's current presence in the United Kingdom

(ii) in the case of the applicant who at any time during the applicant's life has been resident in any country other than the United Kingdom a certificate of good conduct for each country in which the applicant has been a resident, including the details of the relevant embassy contact by which such a certificate can be authenticated by the Council.

20. The applicant has, subject to sub paragraph (1) below, prior to the date of an application for a Hackney Driver Licence and/or Private Hire Driver Licence (as the case may) been the subject of an enhanced Criminal Records Bureau check (including suitability information relating to both adults and children) carried out by the Council or any other body with whom the Council has arrangements for exchanging such information, not earlier than six (6) calendar months prior to the date of the application and the original documentation in respect of that check has been produced to the Council.

(1) An applicant for a Hackney Driver Licence and/or Private Hire Driver Licence (as the case may be) need not have been the subject of an enhanced Criminal Records Bureau check (including suitability information relating to both adults and children) within the time specified in paragraph 6 provided:

(i) the application is for a new licence that has been received by the Council prior to the expiry of an existing licence for which the new licence is being sought;

(ii) the date of the enhanced Criminal Records Bureau check (including suitability information relating to both adults and children) that is produced to the Council for the purposes of the application is not be a date that is earlier than three (3) years and two (2) calendar months

before the proposed date of expiry of the new licence that is being sought; and

(iii) the an enhanced Criminal Records Bureau check (including suitability information relating to both adults and children) that is produced to the Council for the purposes of the application did not produce any information that was would or could indicate that driver is not a fit and proper person to drive a Hackney Carriage and/or a Private Hire Vehicle (as the case may be)

21.The:

- (1) enhanced Criminal Records Bureau check (including suitability information relating to both adults and children) that is produced for the purposes of paragraph 7 above does not contain any information the nature of which could or would suggest that an applicant was not a fit and proper person to drive a Hackney Carriage and/or a Private Hire Vehicle (as the case may be); and
- (2) applicant, in addition to the production of an appropriate enhanced Criminal Records Bureau check (including suitability information relating to both adults and children), has produced to the Council a written statement signed and dated by the applicant no earlier than the date of the application, certifying that since the date of that enhanced Criminal Records Bureau check (including suitability information relating to both adults and children), the applicant is not aware of:
 - (i) having committed any offence that could or will lead to criminal proceedings being taken against the applicant;
 - (ii) any criminal proceedings having been commenced against the applicant; or
 - (iii) any conviction against the applicant not identified in the check.

Criteria relating to the Licence

- (3) Subject to paragraphs 2 and 3 below a Hackney Driver Licence and/or a Private Hire Driver Licence (as the case may be) will normally be granted for a period of 3 (three) calendar years.
- (4) Neither a Hackney Driver Licence nor a Private Hire Driver Licence will normally be granted to an applicant aged sixty five (65) or over at the date of their application with an expiry period in excess of one calendar year.
- (5) Where an applicant at the date of an application for a Hackney Driver Licence or a Private Hire Driver Licence is aged under sixty five (65), but would exceed sixty five (65) years old within a period of three (3) calendar years of the grant of such a licence, that licence will not normally be granted for a period that would result in more than one (1)

calendar year elapsing from the date of the applicant's sixty fifth birthday to the expiry of the licence that was granted.

Hackney Carriage and Private Hire Driver knowledge Policy

22. As part of the application or renewal for a hackney carriage or private hire driver licence it is desired that the applicant will know the district and where they are likely to have a good understanding of the destinations people are like to want to go.
23. To achieve this North Dorset District Council will require any person who has not lived within the North Dorset District for the last 12 months to undertake a knowledge test. The knowledge test will be based on legislation and the geographical area.
24. The knowledge test will consist of 40 questions relating to locality and current legislation, including but not limited to:
- Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
 - North Dorset District Council Byelaws
 - Equalities Act 2010
 - Human Rights
25. The majority of the knowledge test will be geo-topical, based on geographic locations around North Dorset with most questions being based on the area you wish to predominantly work. These could be to identify the location of landmarks, or asking you to name the villages by providing you with a map and requesting you fill in the blank names of the villages.
26. The test will be time limited to 30 minutes and each question will be multiple choices. This means the applicant will have 45 seconds to answer each question, this has been deemed sufficient with the test being multiple choices. Any person who fails to complete the knowledge test within the specified time period will be deemed to have failed the test. The pass mark for the test will be set at 90% which will mean applicant will have to get at least 36 out of the 40 questions correct.
27. Any person who fails to finish the test, or fails to get the required pass mark will not be allowed to re-sit the test for a period of at least 6 months. For this reason it is therefore suggested that people applying from outside the area sit the knowledge test prior to having a medical and DBS check.

3. VEHICLES

Criteria for Licensing Vehicles – requirements to be able to assess suitability for use of vehicle as a Hackney Carriage / Private Hire Vehicles (applies in relation to both an initial application and any renewal)

Specification

28. Licenses will only normally be granted for a Proposed Vehicle that meets the following specification:

1. The Proposed Vehicle must have a hard top (metal or fiberglass);
2. The Proposed Vehicle must have a minimum of four passenger doors;
3. The front four (4) doors of a Proposed Vehicle must all provide reasonable access to the Proposed Vehicle by an able bodied Adult without assistance;
4. Each passenger door of a Proposed Vehicle must have fully operational internal and external door handles by which the door may be opened; and
5. The Proposed Hackney Carriage Vehicle meets the following minimum seating specification:
 - (i) height (inside): the distance from the top of the seat cushions to the roof at its lowest point must not be less than 800 millimetres (31.5 inches);
 - (ii) Knee space: the distance between the rear of the front seats and the squab of the back seat must not be less than 750 millimetres (29.5 inches);
 - (iii) Seats (width): the width of the back seats from the squab to the front edge must not be less than 450 millimetres (17.8 inches);
 - (iv) Rear seats (length): the length of the rear seat measured in a straight line must be such as to allow seating accommodation to the extent of at least 400 millimetres (15.8 inches) per person.

29. Every Proposed Vehicle must have a minimum seating capacity for four (4) Adults plus the driver each using different seats.

Suitability – mechanical; non- mechanical including cleanliness etc

30. A licence will only normally be granted to a Proposed Vehicle if within a period of time not earlier than fourteen (14) days prior to the submission of an application for a licence or later than fourteen (14) days following the date of submission of an application for the licence to the Council the applicant has:

- (1) (a) caused the Proposed Vehicle to be presented for examination and inspection at an Approved Garage;
- (b) prior to the issue of any licence the Approved Garage has, if the Proposed Vehicle is:

- i. a New Vehicle issued a VIR; or
 - ii. any other vehicle issued a VIRMOT;
- in respect of the Proposed Vehicle; and

(c) that VIR or VIRMOT (as the case may be) has been produced to the Council; and

- (2) (a) caused the Proposed Vehicle to be presented for examination and inspection by an Authorised Person;
- (b) prior to the issue of any licence the Authorised Person has inspected the Proposed Vehicle to ascertain whether it meets the Cleanliness Standard; and
- (c) there has been produced to the Council evidence that the Proposed Vehicle has not been rejected for failing to meet the Cleanliness Standard.

31. A licence will not normally be granted for a Proposed Vehicle unless there has been produced to the Council a valid insurance certificate which will be in force on the date when the licence is issued providing as a minimum third party insurance cover in respect of that Proposed Vehicle that complies with the requirements of Part VI of the Road Traffic Act 1988, or any other relevant legislation that imposes insurance requirements for vehicles.

32. Where a Proposed Vehicle is fitted with Lifting or Pulling Equipment then a licence will not normally be granted for that Proposed Vehicle unless there has been produced to the Council:

1. evidence that the Lifting and Pulling Equipment has been examined in accordance with all legislative requirements relating to that Lifting and Pulling Equipment;
2. evidence that:
 - i. the Lifting and Pulling Equipment has passed every relevant examination without any defect being identified; or
 - ii. if any defect has been identified in the Lifting and Pulling Equipment it has been remedied; and
3. details of the person undertaking the examination(s) including contact information and qualifications.

Primary Use

33. The primary use of a hackney carriage licensed by North Dorset District Council should be to stand and ply for hire within the North Dorset District Council boundary area.

34. In some circumstances where the applicant for a Hackney Carriage Proprietors licence is or is associated with a Private Hire Operator other than licensed by North Dorset District Council or declares as part of the intended use declaration, that the vehicle may or is to be used for the occasional purposes of fulfilling pre-booked hiring's on behalf of a Private Hire Operator not licensed by North Dorset District Council that:

- 1) Subject to all other relevant application criteria being met that the licence is granted subject to the following condition:
- a. The holder of the hackney carriage proprietor's licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle arising from plying for hire as a hackney carriage and when used to fulfil pre-booked hiring's other than through a contract for hire with a Private Hire Operator licensed by North Dorset District Council.
 - b. Details of all journeys, so as to include the criteria set out below, shall be legibly and clearly recorded in a stitch or heat/glue bound book so as to provide a continuous record without breaks between rows, of all uses in horizontal rows by date and time:
 - Date
 - Time of first "pickup"
 - First "pick up" point by location/name/address including house number and post code as appropriate
 - Final "drop off" point by location/name/address including house number and post code as appropriate
 - Nature of hiring – whether (i) as a hackney carriage plying for hire within the County of Northumberland, or (ii) when used to fulfil pre-booked hirings other than through a contract for hire with a Private Hire Operator licensed by North Dorset District Council
 - Where applicable, the name of the Private Hire Operator not licensed by North Dorset District Council through which the pre-booked hiring has been fulfilled
 - c. Each book shall legibly and clearly display the details of the vehicle it relates to including the make, model, vehicle registration number and hackney carriage licence number.
 - d. The record of journeys shall be available for inspection at any time by an authorised officer of North Dorset District Council when the vehicle is being used for the purposes of plying for hire or used to fulfil pre-booked hiring's.
 - e. The record of journeys shall be available for inspection at any time by a Dorset Police or Community Support Officer AND an officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle.
 - f. Each book, when full, shall be forwarded to the Licensing Team, North Dorset District Council, Norden, Blandford Forum, Salisbury Road, Dorset, DT11 7LL.
34. In circumstances where the holder of a hackney carriage proprietor's licence wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from North Dorset District

Council.

2) That the Hackney Carriage and Private Hire Licensing Policy be amended so as to require that the conditions stated above are to be attached to all hackney carriage proprietor's licences upon grant or renewal, where the applicant is or is associated with a Private Hire Operator other than licensed by North Dorset District Council or the applicant declares as part of the intended use declaration, that the vehicle is to be used for the purposes of fulfilling pre-booked hiring's other than through a contract for hire with a Private Hire Operator licensed by North Dorset District Council

3) That the Request for Information – "Intended usage of a hackney carriage - Local Government (Miscellaneous Provisions) Act 1976, section 57" which is part of the standard application procedure be revised as follows:

- A specific question/declaration that the vehicle is or is not, as part of the intended use, to be used for the purposes of fulfilling pre-booked hiring's other than through a contract for hire with a Private Hire Operator licensed by North Dorset District Council.
- To include an additional question requiring the applicant to provide details of where the vehicle is to be usually kept when not in use.

4) In circumstances where the application is made by a person who does not live, or intend to keep or maintain the vehicle for which a licence is sought, in a local authority which has a border with North Dorset District Council that the application be refused unless the applicant is able to demonstrate that there are exceptional circumstances which would make it appropriate to grant the licence

Advertising on licensed vehicles (Taxis)

35. North Dorset District Council in its function to act as the Licensing Authority for North Dorset can licence vehicles as either Hackney Carriage or Private Hire Vehicles for the purpose of transporting members of the public. In carrying out this function North Dorset District Council may attach conditions to any vehicle licensed as a Private Hire Vehicle or a Hackney Carriage. The conditions attached to licensed vehicles are:

Other Signs and Notices, including Advertisements

5. At no time shall a Licensed Private Hire Vehicle have attached to or on it:

- (1) the words "taxi", "cab", "hackney", "carriage" or "for hire"; or
- (2) any other words that could lead a reasonable member of the public to believe that it was a vehicle in respect of which a Hackney Licence had been issued, without the prior written approval of the Council.

6. No sign, whether being an advertisement or otherwise, or other notice shall be placed on or in a Licensed Private Hire Vehicle at any time that it is being used as a Private Hire Vehicle unless:

- (1) it only specifies the name of the Proprietor and/or Private Hire Name; or
- (2) the prior written approval of the Council has been secured and the sign or notice (as the case may be) is in accordance with the approval.

36. In the interests of consistency and clarity, the Licensing and Orders Committee considers it appropriate to establish a policy for dealing with applications to vary these particular conditions where licensees wish to display advertising material whether inside or outside the vehicle. This policy is therefore designed only as guidance to licensees who may wish to have advertising placed on or in a licensed vehicle and as information as to how North Dorset District Council acting as the Licensing Authority will assess any information provided to them for the purposes of advertising on vehicles. It is not envisaged that this policy will cover every possible request, and leave from this policy may be required from time to time.

37. The following criteria for the purposes of this policy are considered both practical and reasonable:-

- a. All advertising material a licensee would like to display on or within any licensed vehicle requires approval in writing from the Licensing Authority.
- b. The Licensing Authority will compile and maintain a register of approved advertising artwork considered suitable for use either on or in a licensed vehicle.

38. Applications for approval of such advertising artwork must be made on the appropriate application form (which is online) and accompanied by two copies of all proposed advertising in full colour. Applications for full livery advertising must be accompanied by colour copies of artwork showing the advertising as it is intended to appear on the vehicle from five viewpoints (front, back, left, right and top).

39. All applications for advertising must be made by the licence holder or his / her approved agent.

40. Any person claiming to act as an agent on behalf of the licence holder, must provide written consent confirmation of their authority to do so, which must be signed by the licence holder.
41. Applications for advertising which are approved by the Licensing and Orders Committee will not require re approval as long as the vehicle proprietor holds a current licence issued by North Dorset District Council. Should there be a break in continuation of the vehicle being cover by a licence issued by North Dorset District Council will require the advertising artwork to be re approved.
42. In general all advertisements must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency i.e. all advertisements must be legal, decent, honest and truthful.
43. Each application for approval of advertising artwork will be considered on its own merits but advertisements will not normally be considered or permitted if they promote the sale of alcohol or tobacco products; nor if they contain political, ethnic, religious, sectarian, sexual or controversial text; display nude or semi-nude figures; or are likely to offend the public taste; depict men, women or children as sexual objects; depict direct and immediate violence to anyone or character shown in the advertisement or observing it; advertise any racist group or organisation which intends to promote such a group or organisation and/or any of its activities.
44. The licensee remains responsible for the content of any advertisement displayed outside or inside their vehicle. It remains the licensee's responsibility to comply with the current law and British Code of Advertising Practice referred to previously irrespective of any consent to display the advertisement which may have been given by the Licensing and Orders Committee. It remains the responsibility of the licensee to ensure that none of the advertising material obscures the driver's vision or the vehicle's licence plates.
45. Only one supplier or brand name may be advertised on the exterior of any licensed vehicle at any one time. Material used for advertisements must be of a quality not easily defaced or detached. Advertisements must be fixed directly to the body of the vehicle or initially attached to an approved magnetic panel which is then attached to the vehicle.
46. Interior advertisements must be placed in encapsulated clear non-flammable plastic.

**POLICY FOR GRANTING EXECUTIVE PLATE EXEMPTIONS UNDER S75(3)
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

47. This policy provides guidance that will normally be applied in relation to any application for a plate exemption notice. Whilst each application will be considered on its merits regard will be had to this policy as part of any relevant assessment. Failure to accord with any one or more requirements of this policy may therefore result in an application being refused.
48. Applications for an exemption notice from displaying private hire vehicle plates will only be considered for individual vehicles. Applications for exemptions for a fleet will not be allowed.
49. A vehicle to which an application relates will need to be inspected by an authorised officer to ensure that it is suitable for the work it is expected to undertake in advance of any determination for an exemption notice being made. The proprietor of the vehicle will therefore be expected to make arrangements with the Council's authorised officer for such an inspection to take place.
50. Any application should be made by the proprietor(s) who hold the private hire licence for the vehicle in question.
51. An application for a plate exemption will not be determined without the provision to the Council of a completed application form from the proprietor(s). A copy of the application form is available from the Licensing Team upon request.
52. In particular, it is important that the completed application form clearly identifies the occasion(s) for which the exemption is being sought.
53. The completed application form should also be accompanied by any supporting documentation that the proprietor considers appropriate to support the application.
54. The Council may require an applicant to provide such additional documentation as it considers appropriate to allow an informed decision to be made. This will normally be one or a combination of the following but not limited to:
- i. a business proposal for the type of work and amount of work they are expecting to undertake if an exemption certificate is granted
 - ii. the past 12 months financial records showing the amount of work they have undertaken which they believe fits into the executive bracket, and reasons why they now require an exemption certificate
 - iii. if they are a current exemption certificate holder the financial accounts showing the percentage of executive work undertaken.
 - iv. reasons of security i.e. Transporting high ranking officers on and off Blandford Camp. Any request under this section

should be accompanied by written confirmation from the client of need for security or privacy.

Dependant up on the information provided will depend on whether an exemption notice is granted, and in the event that an exemption notice is granted; whether the exemption notice applies to limited occasions of work being undertaken or applies when the exemption notice is carried in the vehicle.

55. In assessing any application the Licensing and Orders Committee will have particular regard towards the following information:
- i. vehicles should be of a standard or comfort equal to or above luxury brands of vehicles such as S & E Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. This list is not meant to be exhaustive and it is recommended that applicants check with the Licensing Office regarding the suitability of a vehicle before making an application.
 - ii. Applications for people carrier style vehicles will not normally be accepted.
 - iii. The vehicle is in pristine condition with no visible defects, dents or blemishes to the external body work or internal trim and is under 5 years old.
 - iv. The vehicle is used ONLY for work that is applied on the exemption certificate.
56. Where an application is successful the exemption notice will be issued as soon as is reasonably practicable after the decision is made. Every exemption notice will specify the occasion(s) to which it applies.
57. During those occasions where a vehicle is exempted from displaying its external plate by virtue of an exemption notice it will also be exempted from displaying its internal plate.
58. Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the private hire vehicle licence for that vehicle. A new exemption notice must be applied for on an annual basis.
59. There is no right of appeal to the Magistrates' Court against any decision made by the Licensing & Orders Committee to refuse to issue an exemption notice.

4. OPERATORS

Criteria for licensing Private Hire Operators (applies in respect of both an original licence and any renewal)

57. In addition to all relevant statutory requirements, a Private Hire Operator's Licence will not normally be issued unless the Proposed Operator:

1. has:

- (A) either a current Hackney Driver Licence and/or current Private Hire Driver Licence issued by the Council, or has been the subject of a Criminal Record Bureau basic disclosure not more than six (6) calendar months prior to the date of the application for the Private Hire Operator's Licence, and the original documentation in respect of that check has been produced to the Council; and
- (B) produced to the Council a written statement signed and dated by the Proposed Operator no earlier than the date of the application, certifying that since the date of the check, the Proposed Operator is not aware of:
 - (i) having committed any offence that could or will lead to criminal proceedings being taken against the Proposed Operator;
 - (ii) any criminal proceedings having been commenced against the Proposed Operator; or
 - (iii) any conviction against the Proposed Operator not identified in the check; and
- (C) produced to the Council any such further information as the Council identifies to the Proposed Operator as being required;

2. has:

- i. identified to the Council whether one or more premises to which the public have access for the purposes of booking a vehicle with a Private Hire Licence is to be used by the Proposed Operator; and
- ii. if premises are to be used, then prior to the issue of the Private Hire Operator's Licence, or at such other alternative time as the Council has previously specified in writing, produced to the Council:
 - (a) the public liability insurance in respect of those premises; and
 - (b) an explanation, together with any relevant supporting information, as to why the Proposed Operator considers that public liability insurance to be adequate.

**APPLICATION FOR HACKNEY CARRIAGE OR
PRIVATE HIRE VEHICLE DRIVERS LICENCE**

58. Applications can be made to drive hackney carriages or private hire vehicles, or a joint application for licences to drive both types of vehicles.

59. Before the council will grant a licence the law requires that they must be satisfied that:

- that the applicant is a fit and proper person to hold a driver's licence
- The person must have held a full driving licence for at least twelve months before the date of application

60. In order to determine whether a person is fit and proper the Council has adopted the following policies which require new applicants to

- pass a **medical** to a group 2 standard,
- produce their **DVLA licence**
- be subject to an enhanced criminal record check by the Disclosure and Barring Service (**DBS**) and if necessary a statement of criminal convictions, and
- from 1 January 2014 have taken a DSA taxi driver test or advanced driving test, or have a BTEch qualification in taxi driving, or hold a PCV or HGV licence.

61. The council may by law take into account any other matter that is considered to be relevant when deciding whether a person is fit and proper.

How to apply

Stage 1 – Application Visit

62. Make an appointment by calling 01258 484027 and bring

- the completed application form and
- the fee

63. At this visit we will expect you to

- Complete the DBS form
- Have your picture taken
- Undertake a Knowledge Test (Hackney only)

Stage 2 - Medical

64. Whilst you wait for the DBS results you should

- Undertake a medical

Stage 3 - You will receive the results of the DBS check

65. Bring or send the certificate you receive from the DBS to us

Application Forms

66. All applicants must complete an application form which includes a declaration of convictions imposed by a Court. The Council will receive details of all convictions including any that are spent on the Criminal Record Bureau Record. They may, if they are relevant, be taken into account when the Council decides whether an applicant is a 'fit and proper' person to hold a licence.

DBS Checks

67. Drivers applying for their first licence, and every three years after that, will be required to complete a criminal record check by the Disclosure and Barring Service (DBS). We require a full 'enhanced' check to be made on any criminal record they might have as well as checking the ISA registers. The form will need to be completed in the council offices when licensing staff will complete identity checks before being sent to the DBS for processing, you will need to ring and make an appointment on 01258 484022. There are strict rules about identity checking for applicants for DBS checks. At present the Service require us to see at least three documents to be sure of an applicant's identity. The details of which documents are acceptable are included on the enclosed list. There is a fee payable for each check, this non-refundable. The results will be sent to the applicant only and these results need to be forwarded to the licensing department before any application is processed. If an applicant has very recently had an enhanced DBS check done by another Dorset Council this may be acceptable but please contact the office to discuss the particular circumstances, and an additional declaration will be required.
68. The Council has a separate policy to assist them in deciding how to deal with applicants with convictions, this is available on request. If there are details of any cautions, warnings or convictions these will initially be considered by the Licensing Officers (see decisions below). If there is anything revealed that leads the Officer to question whether the person is 'fit and proper' to drive the public the matter will be referred to the Licensing and Orders Committee or a sub-committee of the same for a decision as to whether to licence the applicant.

DVLA Driving Licence

69. Applicants are required to produce their original DVLA driving licence (photocopies are not acceptable) Both the paper and card parts of the licence are required.

Medical

70. The council requires the drivers of the district to be as physically fit as other professional drivers such as bus drivers or long distance lorry drivers. The standard required is for group 2 licences. Applicants must get

their own Doctor, or a Doctor from the same practice, to complete the 'Medical form' and return it to the licensing office. The Doctor may make a charge for this service. If you are unable to make an appointment at your current Doctors practice you will need to contact the licensing office to discuss special arrangements. Medicals should not be carried out more than 28 days before you submit an application to the Council.

71. Licensed drivers will be required to have a medical on the renewal of their licence every three years until they reach the age of 65. After the age of 65 a medical will be required every year. Further information regarding the medical standards required can be at www.dvla.gov.uk/at_a_glance/content.htm.

APPLICATION FOR HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE

72. The Law states that the Council may licence vehicles of any kind or description as they think fit as hackney carriages. For private hire vehicles the Council must be satisfied that vehicles to be licensed are suitable in type, size and to be suitable mechanically, safe and comfortable.

73. This Council has a policy of only licensing vehicles that meet the following criteria:

- The vehicle must have a hard top (metal or fiberglass).
- Vehicles must have a minimum of four doors.
- The front four doors of a vehicle must all provide reasonable access to the vehicle by an able bodied Adult without assistance.
- Each passenger door of a vehicle must have fully operational internal and external door handles by which the door may be opened
- The minimum specification for vehicle seating is as follows:
 - (I) Height (inside): the distance from the top of the seat cushions to the roof at its lowest point must not be less than 800 millimetres (30 inches);
 - (II) Knee space: the distance between the rear of the front seats and the squab of the back seat must not be less than 750 millimetres (30 inches);
 - (III) Seats (width): the width of the back seats from the squab to the front edge must not be less than 450 millimetres (18 inches);
 - (IV) Rear seats (length): the length of the rear seat measured in a straight line must be such as to allow seating accommodation to the extent of at least 400 millimetres (16 inches) per person.
- Vehicles must have a minimum seating capacity for 4 people plus the driver each using different seats.

74. This is the policy of the Council, should an application be received for a vehicle that falls outside of these criteria it could be considered on an individual basis. If there were compelling reasons as to why a vehicle should be licensed, maybe because it would meet a need that other vehicles fail to fill, the Committee could consider whether to disregard their policy in that particular instance..

Mechanical suitability

75. A licence will only normally be granted to a vehicle if a Vehicle Inspection Report (VIR) and MOT has been completed by an approved garage no more than 14 days prior to the submission of an application for a licence (or 14 days following the date of submission of an application). Only a VIR will be required for brand new vehicles.
76. Vehicles will need to be presented to an officer at the Council Offices for a visual inspection before a licence is issued. The vehicle will be expected to meet the Council's Cleanliness Standard. Please contact the office to make an appointment.

Insurance

77. A licence will not normally be granted to a vehicle unless there has been produced to the Council a valid insurance certificate which will be in force on the date when the licence is issued providing as a minimum third party insurance cover in respect of that vehicle that complies with the requirements of Part VI of the Road Traffic Act 1988, or any other relevant legislation that imposes insurance requirements for motor vehicles. The Council may request production of insurance policies during the course of the licence and these must by law be complied with immediately.

Six Monthly Check

78. All licensed vehicle must have a VIR (Vehicle Inspection Report) six months after licensing. It is a condition of the licence that this check is carried out. It is the responsibility of the licence holder to make the appointment with the garage before the Inspection is due. This inspection does not require the completion of an MOT. The licensing office normally send reminders before the tests are due, but this is a courtesy service. The check must be carried out before the six months passes but no more than one week before this date.

Renewal of a Licence

79. The application for renewal **MUST** be made before the current Licence expires. If the application is even one day late it will have to be treated as a first application.
80. An application for renewal can be made at any time up to one month prior to the expiry of the Licence.

Vehicle Fitness Spot Checks

81. From time to time a licensed vehicle may be subject to a 'spot check' to determine its road worthiness. This check will be carried out by an authorised officer of the Council, or by an authorised tester in the presence of an authorised officer, usually by the roadside.

82. If, as a result of a check, an immediate suspension notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension lifted by an authorised officer.
83. If the suspension notice gives you 10 days in which to rectify the defects, then a vehicle may continue to be used until the date given on the notice. If the defect is rectified during this 10 days the licensing office should be contacted regarding the lifting of the notice. If the defect is not rectified by the time limit specified the licence will be suspended and the vehicle will not be able to be used as a licensed vehicle until such time as the defect is rectified and the suspension has been lifted.
84. The roadside check carried out on a vehicle, because of practical difficulties, is unable to cover all items normally examined at a full test. The list of defects given to you only serves as justification for the issue of a suspension notice.

Change of Owner

85. Should a licence holder sell a Taxi, the licensing department must be informed of the name and address of the new owner within 14 days.

Notify Accidents

86. Accidents that affect the safety of the vehicle, its performance or appearance, comfort or convenience to the passengers **must** be reported to the Licensing Office within 72 hours.

APPLICATION PROCESS FOR LICENCES FOR OPERATING PRIVATE HIRE VEHICLES

87. The Council has to be satisfied that applicants for licences to operate private hire vehicles are 'fit and proper' people. If the Council has already licensed an applicant as a driver then this will already be satisfied. If the applicant has not been licensed as a driver they will need to obtain a basic CRB check from 'Disclosure Scotland' or produce an original CRB check done by another authority and produce a signed written statement certifying that since the date of the check, the Proposed Operator is not aware of: having committed any offence any criminal proceedings or any conviction. The Council may request further information
88. Applicants will need to identify the premises from where the bookings will be taken and whether the premises will have access to the public. If they are to be used by members of the public the Council will require the public liability insurance in respect of those premises; and an explanation, together with any relevant supporting information, as to why the Proposed Operator considers the public liability insurance to be adequate.

Licence Renewals

89. The responsibility for renewal rests with the licence holder. Reminders are sent purely as a courtesy. The Council will endeavour to send all licence holders a reminder and the necessary forms of renewal well in advance of the expiry of a licence.
90. The application for renewal **MUST** be made before the current Licence expires. Even if the application is only one day late it must be treated as a First Application.
91. An application for renewal can be made in the month before the expiry of the current licence. Should the new licence be issued during this period, it will commence at the expiry of the current licence and will run for a full 12 months

CRIMINAL CONVICTIONS POLICY

1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children and young persons

1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/ panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions

1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 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; 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). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

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

CRIMINAL CONVICTIONS POLICY

3. Appeals

3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

4. Powers

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

5.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within twenty-eight days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer, North Dorset District Council, Nordon, Salisbury Road, Blandford, DT11 7LL or 01258 484022/141 in confidence for advice.

5.4 The licensing authority conducts enhanced disclosures (including suitability information relating to both children and vulnerable adults) from the Criminal Records Bureau (CRB) of any applicant for a driver licence. The licensing authority follows the CRB's Code of Practice on the fair use of disclosure information. A copy is available on request.

5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain a standard disclosure at their expense. The licensing authority abides by the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

5.6 More information about the CRB can be found on their website at www.crb.homeoffice.gov.uk.

5.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

6 Serious offences involving violence

6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

CRIMINAL CONVICTIONS POLICY

6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

CRIMINAL CONVICTIONS POLICY

7. Possession of a weapon

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

8. Sex and indecency offences

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

8.2 (a) Unless there are exceptional circumstances, an application will be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.4 (c) Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

8.6 A licence will not be granted if an applicant has more than one conviction for a sex or indecency offence.

CRIMINAL CONVICTIONS POLICY

9. Dishonesty

9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10. Drugs

10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11 Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

11.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

12 Drink driving/driving under the influence of drugs

12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

13 Outstanding charges or summonses

13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.

13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

13.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

14 Non-conviction information

14.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

15 Cautions

15.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

16 Licensing offences

16.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .

17 Insurance offences

17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

17.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

18 Overseas residents

18.1 If a private hire operator applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period.

19 Licences issued by other licensing authorities

19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

20 Summary

20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

List of motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
Careless Driving		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
Construction & Use Of Offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
Dangerous Driving		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
Drink or Drugs		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11

DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit though drugs	3-11
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence Offences		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic Directions And Signs		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		
TT99	To signify a disqualification under totting-up procedure.	

	If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Aiding, abetting, counseling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk

Annex E

CLEANLINESS STANDARD

Body Condition (Interior)	Reasons For Rejection
a. Fixtures, fittings or accessories.	a. Insecure and loose fixtures, fittings or accessories.
b. Trim, seat covers, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items.	b. Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats.
c. Interior lights, motion door locks and warning lights.	c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated
d. Heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)	d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.
e. Windows	e. An opening window that is inoperative or difficult to open and or close mechanism broken/missing.
f. Interior door locks, grab handles/rails safety covers	f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.
g. Grills/partitions for security and condition	g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver.
h. Electrical wiring for condition, security, including intercom systems.	h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.
i. Boot access, contents, cleanliness, and water ingress.	i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).
Additional items to be inspected in limousines and novelty vehicles:	
j. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment.	j. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.

<p>k. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p>	<p>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>
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HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CODE OF CONDUCT

The Council recognises the valuable service provided by Hackney Carriage and Private Hire drivers and operators. The following Code of Conduct will be used as a reference when any complaints are received that relate to the conduct of a licensed driver or operator. Any complaint must be either made in writing or given in a statement to a licensing officer. Substantiated reports may result in a hearing before the Licensing and Orders Committee. The Committee will consider the severity of the misconduct, this code, any previous appearances before them and any other information put to them.

Customer Care

Passengers are entitled to expect a vehicle that is odour free and clean inside and out. This includes the boot or any luggage space.

A vehicle should be kept free of any rubbish.

The driver should always drive in an appropriate manner for their passengers, taking special care if they are old, young, nervous or disabled.

In the event of a pre-booked vehicle being unable to fulfil a booking the driver or operator will be expected to let the customer know as soon as possible to allow for alternative arrangements to be made.

Treating people with courtesy and having a sympathetic manner is very important - especially when dealing with complaints from customers. Drivers and operators are therefore expected to remain polite and well mannered towards customers at all times.

Nuisance

Drivers should do their best not to cause a nuisance to their passengers, other drivers or other members of the public. Particular instances of this would be blowing a horn to attract a passengers attention, this may annoy others especially if it is early in the morning or done every day.

Your radio should only be played with the consent of the hirer and should not cause a nuisance to anyone either inside or outside of the vehicle.

Leaving car engines running can cause fumes and noise nuisance, particularly in the middle of a town at quiet times, or if a number of cars are sitting at the same place at the same time.

If parking a licensed vehicle when it is not in use due consideration should be given to the potential impact on neighbours. Please try not to annoy neighbours by blocking other cars in or obstructing the road or driveways.

Inappropriate behaviour

The following behaviours are unacceptable;

- Rude gestures to other licensed drivers or members of the public,

- Aggressive or threatening behaviour to other drivers or members of the public,
- Road rage,
- Rude or offensive notes on windows of premises or vehicles,
- Swearing at other drivers or members of the public.

CODE OF CONDUCT

Inappropriate behaviour towards other licensed drivers

It is important that drivers have respect for each other and treat other members of their profession fairly. Complaints of cutting up or blocking other licensed drivers on the rank in order to secure a better position at the rank will be deemed to be inappropriate as will stealing other drivers pre-booked fares.

Disregarding requests from an Officer of the Council

Disregarding repeated reminders for things like incorrect plate display or producing an insurance certificate could lead to the offender being brought before the Licensing & Orders Committee.

Not telling the Council of any significant medical issues that arise during the course of your licence that might affect your ability to drive. Technically we need to know about anything that would take you below the group 2 standard - this includes diabetes, heart disease, angina, TIA's or stokes, any black outs, serious head injuries, significant deterioration of eyesight, sleep disorders and cancer. It is always best to talk to an officer as early as possible if you are in any doubt and we will advise whether you may continue to drive or not. Failure to inform the Council will not be looked upon favourably and you may also be putting the safety of the public at stake which the Council will take a very serious view of.

Dress

It is not for the Council to tell you what to wear, however as North Dorset District Council licensed drivers a certain level of appearance and hygiene is expected. The wearing of offensive t-shirts, revealing clothing or dirty clothes may offend your passengers.

The same goes for tattoos, if there is any possibility that a tattoo could cause offence or upset to any customer it should be covered up.

Should complaints be received a common sense approach will be taken by Officers and the Committee as to whether a reasonable person is likely to be offended.

Mobile Phones

Whilst Officers are unable to prosecute drivers for using a hand held mobile phone to make a call they will still consider this unacceptable as this sort of conduct may put the safety of the travelling public at risk. Any sightings by officers or substantiated complaints will be put before committee.

Money

If your customer asks for a receipt we expect you to be able to comply with their request.

While the law is quite clear on these points a driver or operator should make sure their passenger knows whether the fare is an agreed fare or will be run on the meter before the journey starts and preferably at the time of booking. Please try to give a specific figure and do not say it will be "about £XXX" as this can lead to disputes and complaints to us.

Definitions and Interpretation:

Definitions

1. **"Adult"** means a person aged 16 years and over.
2. **"Approved Garage"** means a garage approved by the Ministry of Transport (or any other body or agency with such power) for issuing MOTs which at the time of the issue of a VIR or a VIRMOT (as the case may be) is approved by the Council for the purpose of carrying out of examinations and inspections on behalf of the Council;
3. **"Assistance Dog"** has the meaning contained in the Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002;
4. **"Authorised Person"** means an Officer but also includes in relation to any matter a person or body appointed to act on behalf of the Council in relation to that matter
5. **"Cleanliness Standard"** means the minimum standard for assessment of the cleanliness of a Proposed Vehicle as contained in relevant adopted policy of the Council (if any)
6. **"Council"** means the North Dorset District Council;
7. **"DVLA"** means the Driver and Vehicle Licensing Agency or any body or agency that assumes powers and responsibilities of that agency;
8. **"Exempted Vehicle"** means a Licensed Private Hire Vehicle which has the benefit of and exhibits a certificate of exemption that accords with the provisions of the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act;
9. **"Group 2 Standards"** means those medical standards applicable to a Group 2 licence holder as identified in the most up to date guidance produced by the DVLA as may be amended at any time and from time to time;
10. **"Hackney Carriage"** shall have the same meaning as that contained in section 80(1) Local Government (Miscellaneous Provisions) Act 1976
11. **"Hackney Driver Licence"** means a licence issued pursuant to section 46 of the Town Police Clauses Act 1847 authorizing a person to whom it relates to drive a Hackney Carriage;
12. **"Hackney Name"** means the business trading name under which the Licensed Hackney Vehicle generally operates;
13. **"Hackney Licence"** means a licence issued by the Council under section 37 of the Town Police Clauses Act 1847 authorizing the vehicle to which it relates to be used as a Hackney Carriage;
14. **"Hackney Plate"** means the plate issued by the Council in relation to a Hackney License for attachment to the vehicle to which that Hackney Licence relates;
15. **"Knowledge Assessment"** means such assessment(s) as have been approved by the Council for the purposes of assessing the knowledge of an applicant for a Hackney Driver Licence and/or Private Hire Driver Licence (as the case may be)
16. **"Licensed Driver"** means the person in respect of which a Private Hire Driver Licence has been issued;
17. **"Licensed Hackney Vehicle"** means a vehicle in respect of which a Hackney Licence has been issued;
18. **"Licensed Private Hire Vehicle"** means a vehicle in respect of which a Private Hire Licence has been issued;
19. **"Licenced Vehicle"** means a vehicle possessing an extant Hackney Licence and / or a Private Hire Licence;
20. **"Lifting or Pulling Equipment"** means any piece of equipment which has a purpose to lift or lower a person or load or pull a load and includes attachments used for anchoring, fixing or supporting it;
21. **"Medical Certificate"** means a certificate of a kind that accords in all material respects with a sample form contained in relevant adopted policy of the Council (if any);
22. **"Member"** means an elected Member of the Council;

23. **"Minimum Inspection Standards"** means the minimum standard for assessment of the mechanical and non-mechanical suitability of a Proposed Vehicle as contained in relevant adopted policy of the Council (if any)
24. **"New Vehicle"** means a vehicle (a) which was first registered with the DVLA less than three (3) calendar months prior to the date of the application for a Hackney Licence or Private Hire Licence (as the case may be) for that vehicle, (b) which has recorded less than one hundred (100) miles on its milometer; (c) for which the applicant for a licence relating to that vehicle is registered as its owner with the DVLA; and (d) for which there has not been more than one registered owner other than the applicant and that registered owner was a garage or car dealer;
25. **"Officer"** means an employee of the Council;
26. **"Operator"** means a person for whom a licence has been issued under section 55 Local Government (Miscellaneous Provisions) Act 1976 to operate one (1) or more Private Hire Vehicles;
27. **"Private Hire Driver Licence"** means a licence issued pursuant to section 51 of the Local Government (Miscellaneous Provisions) Act 1976 authorising the person to whom it relates to drive a Private Hire Vehicle;
28. **"Private Hire Licence"** means a licence issued under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 authorising the vehicle to which it relates to be used as a Private Hire Vehicle;
29. **"Private Hire Name"** means the business trading name under which the Licensed Private Hire Vehicle generally operates;
30. **"Private Hire Operator's Licence"** means a licence issued pursuant to section 55 of the Local Government (Miscellaneous Provisions) Act 1976 authorising the person to whom it relates to operate a Private Hire Vehicle;
31. **"Private Hire Plate"** means the plate issued by the Council in relation to the issue of a Licensed Private Hire Vehicle for attachment to the vehicle to which that Licensed Private Hire Vehicle relates;
32. **"Private Hire Vehicle"** shall have the same meaning as that contained in section 80 (1) Local Government (Miscellaneous Provisions) Act 1976;
33. **"Proposed Operator"** means the person applying for a Private Hire Operator's Licence;
34. **"Proposed Vehicle"** means a vehicle for which a Hackney Licence and/or Private Hire License is being sought;
35. **"Proprietor"** means the proprietor(s) of the vehicle identified in the current Hackney Licence and/or Private Hire Licence (as the case may be) relating to that vehicle;
36. **"Registered Medical Practitioner"** means a fully registered person as defined by s55(1) of the Medical Act 1983 or such other person who is able to satisfy the Council that he/she is a current medical practitioner who possesses qualifications, and is subject to codes, regulations and control that would be comparable in all relevant respects to such a person;
37. **"Re-inspection Date"** means the day commencing six (6) calendar months following the day of issue of the current Hackney Licence and/or Private Hire Licence (as the case may be) for the vehicle to which that licence relates;
38. **"Relevant Fire Protection"** means fire prevention equipment and any other item which has been provided and located in accordance with adopted policy of the Council (if any);
39. **"VIR"** means an inspection report not incorporating MOT inspection requirements that has been issued by an Approved Garage confirming that a Proposed Vehicle complies with the Minimum Inspection Standards completed on a form which accords in all material respects with the most up to date sample inspection report form contained in the relevant adopted policy of the Council (if any);
40. **"VIRMOT"** means an inspection report incorporating MOT inspection requirements that has been issued by an Approved Garage confirming that a Proposed Vehicle complies with the Minimum Inspection Standards completed on a form which accords in all material respects with the most up to date sample inspection report form contained in the relevant adopted policy of the Council (if any);

Interpretation

1. A Licensed Hackney Vehicle shall be deemed to be used as a Hackney Carriage if it is being used for a purpose to which a Hackney Licence relates including the carrying of passengers as a consequence thereof.
2. A Licensed Private Hire Vehicle shall be deemed to be used for private hire if it is being used for a purpose to which a Private Hire Licence relates including the carrying of passengers as a consequence thereof
3. Reference to any legislation shall be deemed to include:
 - (a) any amendments to that legislation; and
 - (b) any other legislation replacing or reenacting the legislation without or without modification.
4. Reference to Council policy includes any amendment to that policy which may be made at any time and from time to time, provided that in relation to any specific licence, reference to Council policy shall be deemed to mean those Council policies existing, and as worded, at the time of the issue of the licence. Any policy adopted after that date, or any subsequent amendment to existing policy, shall not be deemed to apply to that licence until:
 - (a) notice of it has been sent by first class post or delivered to the last known address of the person to whom the licence is issued and 2 calendar days have expired since such sending or delivery; or
 - (b) that licence is renewed or otherwise replaced.
5. Reference to any assessment includes any amendment to that assessment or any addition to or replacement of the assessment which may be approved at any time and from time to time.