

To: Councillor Woodward (Chair)
Councillors Maskell, D Edwards, Ennis,
McDonald and Skeats

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 8 JANUARY 2019

A meeting of the Licensing Applications Sub-Committee 3 will be held on Tuesday, 8 January 2019 at 6.30 pm in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		3 - 4
To confirm the Minutes of the Licensing Applications Sub-Committee 3 meeting held on 28 November 2018.		
3. QUESTIONS		
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		
4. EXCLUSION OF PRESS AND PUBLIC		

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At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of that Act”

- | | | | |
|----|---|----------------------|----------------|
| 5. | APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE | ALL
WARDS | 5 - 152 |
|----|---|----------------------|----------------|

Present: Councillor Woodward (Chair);
Councillors Ennis and Skeats.

Apologies: Councillors D Edwards, Maskell, and McDonald.

14. MINUTES

The Minutes of the meeting held on 25 September 2018 were confirmed as a correct record and signed by the Chair.

15. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following item of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2 and 3, specified in Part 1 of Schedule 12A (as amended) to that Act.

16. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider two applications for the grant of private hire vehicle driver's licences, the consideration of the suspension or revocation of a hackney carriage vehicle driver's licence, the consideration of the suspension or revocation of a hackney carriage vehicle licence and an appeal against penalty points allocated to a private hire vehicle driver's licence.

A summary of the circumstances of each case was appended to the report.

HT, MB, NA, and LAA were all present at the meeting and addressed the Sub-Committee.

HSA was not present at the meeting and had requested that his case be adjourned.

Resolved -

- (1) That the application in respect of HSA for the grant of a three year private hire vehicle driver's licence be deferred to the next meeting of the Sub-Committee to allow the applicant to attend. The application would be determined at the next meeting whether or not the applicant was in attendance;
- (2) That the application in respect of HT for the grant of a three year private hire vehicle driver's licence be granted for six months subject to the completion of the application process including any payment

of additional fees and to be effective from the date on the licence issued, and that the Head of Planning, Development and Regulatory Services be authorised to renew the licence for a further six months, subject to no breaches of licence conditions, offences being committed or complaints being received and then for a further 24 months subject to no breaches of licence conditions, offences being committed or complaints being received;

- (3) That the hackney carriage vehicle driver's licence in respect of MB be revoked with effect from the end of 21 days' notice of the decision being given due to the Sub-Committee not considering him to be a fit and proper person to hold such a licence and due to the following reasonable causes pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976:
- (a) the nature of the offences, as detailed in the report;
 - (b) the breaches of licence conditions, traffic regulations and legislation, as detailed in the report;
 - (c) concern over the safety of the public if MB continued to hold such a licence given the circumstances of the incidents;
 - (d) the pattern of behaviour, as detailed in the report, and MB's failure to learn from past incidents;

MB was advised of his right of appeal;

- (4) That the hackney carriage vehicle licence in respect of NA be revoked with effect from the end of 21 days' notice of the decision being given due to the Sub-Committee not considering her to be a fit and proper person to hold such a licence and due to the following reasonable causes pursuant to section 60 of the Local Government (Miscellaneous Provisions) Act 1976:
- (a) the hackney carriage had been unfit for use as a hackney carriage, as detailed in the report;
 - (b) the admission by NA that she had failed to carry out necessary duties as a vehicle licence holder;
 - (c) the history of MOT failures;
 - (d) the Sub-Committee had concerns that the licence holder did not have the capacity to carry out the necessary vehicle maintenance;

NA was advised of her right of appeal;

- (5) That the appeal by LAA against the allocation of nine penalty points on his private hire vehicle driver's licence be dismissed.

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting started at 6.36pm and closed at 9.36pm)

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Taxi and Private Hire Vehicle (PHV) Licensing 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 the person does not pose a threat to the public
 - That the public are safeguarded from dishonest person
 - 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' and operators' licences
 - Existing licensed drivers and operators 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) who will also utilise these guidelines. 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)].

3. Appeals

- 3.1 Any applicant refused a driver or operator'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 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to suspend, revoke or refuse to renew a driver's licence if the applicant/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 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to suspend, revoke or refuse to renew an operator's licence: if the applicant/licence holder has been convicted of any offence under, or none compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any conduct on the part of the operator which appears to render him unfit to hold an operators licence; or any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or any other reasonable cause.
- 4.3 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.
- 4.4 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 any action required to be undertaken as part of a court agreed reduction in the period of disqualification has been successfully completed.

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 driver's licence and/or private hire vehicle operator's 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 section in confidence for advice.
- 5.4 The licensing authority conducts enhanced disclosures 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 an enhanced 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.disclosure.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 a period free of conviction in accordance with the following paragraphs. 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
- 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.

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 normally 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 normally be granted if an applicant has more than one conviction for a sex or indecency offence.

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 driver's licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for three years.

18 Overseas residents

- 18.1 If a private hire driver or 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, or in cases where criminal record checks are not available from the countries in question, a

Certificate of Good Conduct from the applicants embassy or consulate, with certified written English translation, will need to be provided.

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.

Annex A – 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 through 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	3

	stationary vehicle	
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.

Encouraging or assisting the commission of an offence (previously 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 by 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

PRIVATE HIRE VEHICLE CONDITIONS

SECOND SCHEDULE

Laws relevant to the PROPRIETORS of private hire vehicles in the Borough of Reading.

LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

You must not use or permit the use of a vehicle without a private hire vehicle licence.
(Section 46)

You must not employ a person who is not the holder of a private hire vehicle driver's licence to drive such a vehicle. (Section 46)

You must display the licence plates issued to the vehicle in the manner prescribed by the council.
(Section 48)

If you transfer your interest in your vehicle you must inform the council of this person's name and address within 14 days. (Section 49)

You must present the vehicle for inspection and testing and produce a certificate of insurance when required by the council. (Section 50)

If the vehicle is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of passengers you must report the damage to the council as soon as reasonably practicable or in any case within 72 hours of the accident. (Section 50)

You must return the licence plate issued to the vehicle within seven days of the request of the council when it has expired or been revoked or suspended. (Section 58)

The council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- (a) that the vehicle is unfit for use as a private hire vehicle;
- (b) any offence or non-compliance with the laws and conditions controlling the private hire trade;
- (c) any other reasonable cause. (Section 60)

An authorised officer of the council or police constable may inspect your vehicle at all reasonable times to ascertain its fitness for use and if he/she is not satisfied with its condition may, by notice in writing, require it to be made available for a further test at a date and time shown in the notice. The vehicle licence is suspended until this examination is carried out. Should you fail to present the vehicle for such a test within two months the licence is deemed to have been revoked. (Section 68)

You must not wilfully obstruct a council officer or police constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause fail to give any such person, any other assistance or information he may reasonably require in the performance of his duties under the above Act.
(Section 73)

CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE LICENCES

In these conditions, unless the subject or context otherwise requires "The Act" means the Local Government (Miscellaneous Provisions) Act 1976, "The Council" means Reading Borough Council, "the licence" means a Private Hire Vehicle Licence issued by the council and the terms "authorised officer" and "proprietor" have the same meaning as in section 80 of the above Act.

1. The owner shall ensure that:

- (a) the vehicle is maintained in a clean comfortable, safe, water tight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended;
 - (b) the vehicle is provided with a suitable AFFF (Aqueous Film Forming Foam) fire extinguisher of 1litre or greater capacity. The extinguisher shall be located in a position readily available for use by the driver. The licence number shall be painted on the extinguisher.
2. Subject to section 75 of the Act and to any notice thereunder given by the Council, the owner shall at all times:
 - (a) permanently display the licence plate issued by the Council securely on the rear exterior of the vehicle by fixing the plate backing bracket to the vehicle and attaching the plate to the bracket with the fixing clips, or in accordance with the reasonable instructions of an authorised officer;
 - (b) display the interior identification card issued by the Council in a position where it can be readily seen by all passengers;
 - (c) the owner shall not wilfully or negligently allow the plate or identification card attached to the vehicle in pursuance of this condition, to become concealed from public view or to become illegible in any way.
3. The owner shall report the loss of any plate, licence or card to the Council as soon as the loss becomes known and in the event of ceasing to use the vehicle for private hire purposes shall return the licence plate and interior identification card to the Council within seven days.
4. In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of replacement shall be payable by the owner.
5. The owner of a private hire vehicle shall not by calling out or otherwise invite any person to hire such vehicle and shall not make use of the services of any person for such purpose.
6. The owner shall not carry or permit to be carried in such vehicle any more persons than the vehicle is licensed to carry.
7. The owner of the vehicle, or the driver if he is not the owner, shall before commencing employment deposit the vehicle licence and a copy of the certificate of insurance with the vehicle operator for retention by him until such time as the vehicle ceases to be operated by him.
8. Where an owner surrenders his vehicle licence and plate to the Council a refund will be made equivalent in accordance with the Council's refund policy.
9. The owner shall notify the council in writing within 14 days of the following:
 - (a) any change of address from that shown on the licence;
 - (b) any change in the engine capacity, colour, registration mark or internal features of the vehicle.
10. With effect from 1 April 2006, a private hire vehicle must display at all times during the duration of the licence either side identification panels (see condition 12 (b)), or a roof sign which is in accordance with the following:
 - (a) Aero design, colour white, not illuminated, magnetic fittings.
 - (b) Height: No less than 6" (152mm), no more than 6 ½ " (165mm)
 - (c) Width: No less than 18" (457mm), no more than 18 ½ " (470mm)
 - (d) Depth of base, front to back: No less than 6 ½ " (165mm), no more than 7" (178mm).
 - (e) Black lettering and numbers, all of which should be 31mm in height.

- (f) The front shall contain the following from top to bottom of the sign:
 "Advance Bookings Only" (in negative, white letters on black background)
 Telephone number of private hire vehicle operator
 Name of private hire vehicle operator (currently working for)
 - (g) The back shall contain the following from top to bottom of the sign:
 "Advance Bookings Only" (in negative, white letters on black background)
 Telephone number of private hire vehicle operator
 (Left) Vehicle registration number
 (Right) Private hire vehicle plate number
 - (h) The sign shall be attached to the roof in such a manner so that the contents of the sign are visible either from directly in front of or to the rear or from either side of the vehicle and shall be displayed at all times during the validity of the vehicle licence.
11. Where from time to time changes are necessary to the private hire vehicle roof sign or side panel, by reason of a change of vehicle, or plate number, the amendment must be carried out by an approved sign writer and must be of the same printed material, colour and design as the remainder of the printing on the roof sign or side panel.
12. A private hire vehicle shall not carry or display any signs or advertisements of any nature on the exterior of the vehicle apart from:
- (a) the licence plate issued to the vehicle;
 - (b) side identification panels on the rear doors of the vehicle with the words "Private Hire, Advance Bookings Only" in letters not less than 1" (2.5cm) in height and the vehicle registration and plate number in letters not less than 5/8" (16mm) in height;
 - (c) Operator advertisement or livery approved by the Council.
13. Without prejudice to the generality of conditions 10-12 a private hire vehicle shall **not** display any sign or notice:
- (a) which consists of or includes the word "taxi" or "cab" whether in the singular or plural and whether alone or as part of another word;
or
 - (b) which consists of the words "for hire" or the form of wording of which is in any way such as to suggest that the vehicle on which it is displayed is presently available for hire or would be so available if not already hired.
14. Nothing shall be done to the vehicle which will alter its design or appearance so as to lead any person to believe that the vehicle is a hackney carriage.
15. At all times during the currency of the licence the owner shall keep in force in relation to that vehicle a policy of insurance complying with the requirement of parts VI of the Road Traffic Act 1988.
16. You must, following a road traffic accident or any other incident involving a licensed Hackney Carriage or Private Hire Vehicle owned by you, give full details of yourself, the driver of the vehicle at the time of the incident, and of the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made.

APPEAL PROCEDURE

- (1) Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.
- (2) The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment thereof) shall apply to the proceedings.
- (3) The time within which any such appeal may be brought shall be 21 days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

**LEGISLATION AND CONDITIONS
APPLICABLE TO
PRIVATE HIRE VEHICLE DRIVER'S LICENCES
&
PENALTY POINTS ENFORCEMENT SYSTEM**

Local Government (Miscellaneous Provisions) Act 1976

PART 1 - PENALTY POINTS SYSTEM

1. OPERATION OF PENALTY POINTS SYSTEM

- 1.1 Without prejudice to any other course of action or remedy available to the Council, in the event of any contravention of any relevant statute, byelaw, regulation or private hire vehicle driver condition, the Council may use this penalty points system as a means of enforcement. Where the system is used, if a breach or contravention occurs, as indicated in these conditions, the penalty points indicated within this document shall be allocated to the licence.
- 1.2 Where a driver submits a completed application to renew a licence prior to the expiry of an existing licence the Council will normally write to that driver advising that he/she is entitled to continue driving private hire vehicles pending the determination of his/her application. In these circumstances if a driver accumulates sufficient penalty points in order to warrant a licence suspension the entitlement to continue driving will be suspended for the same period of time that a private hire vehicle driver's licence would have been suspended had one been in force. The suspension of this entitlement to drive shall be notified in writing to the driver by officers.
- 1.3 Where a driver is sent an entitlement to driver letter, as detailed in 1.2 above, if the a driver accumulates sufficient penalty points in order to warrant a licence revocation, the entitlement to continue driving will be withdrawn and the renewal application refused. The withdrawal of the entitlement to continue driving and the refusal to renew the licence, and the rights of appeal against it, shall be notified in writing to the driver by officers
- 1.4 In the event that a driver surrenders his/her private hire vehicle driver's licence or withdraws his/her application to renew a private hire vehicle driver's licence or does not apply to renew a licence, any penalty points issued or in process will remain live and will be imposed on any subsequent private hire vehicle driver's licence issued within 12 months of the issue of any penalty points.
- 1.5 Penalty points accumulated during a period of entitlement to drive, which do not result in the suspension or revocation of a licence, shall be imposed on any new licence issued within 12 months of the issue of the penalty points.

2. Action where a suspected breach or non compliance occurs

- 2.1 Where a suspected breach or non compliance with the Local Government (Miscellaneous Provisions) Act 1976, or Private Hire Vehicle Driver Licence Conditions is detected a letter will be sent to that person setting out the circumstances of the alleged breach or non compliance. The letter shall offer an opportunity to either admit or deny the allegation. Where the breach is admitted the appropriate number of penalty points shall be allocated to the licence and a letter shall be sent to the licence holder confirming the allocation of points.
- 2.2 If the licence holder fails to respond to the letter setting out the circumstances of the alleged breach or non-compliance within 28 days, the appropriate number of penalty points shall be allocated to that individual's licence and a letter shall be sent confirming the allocation of points.

- 2.3 If the licence holder responds to the letter, but denies the allegation due to him/her not being the vehicle driver at the time of the incident, they shall be given an opportunity to nominate another driver. In the event that the licence holder fails to nominate another person the appropriate number of penalty points shall be allocated and again, a letter shall be sent to the licence holder confirming the allocation of points. That letter shall also explain the appeal options open to the licence holder.
- 2.4 If the licence holder denies the allegation due to a dispute of facts he/she shall have the opportunity to challenge the matter as detailed in the disputes options, as set out at paragraph 7 below.

3. Use of alternative enforcement action in conjunction with penalty points

- 3.1 Where penalty points are shown in the conditions this shall not preclude alternative formal action, including prosecution/suspension/revocation, being taken by the Council.
- 3.2 Where enforcement action such as prosecution or fixed penalty notices are used in respect of breaches this shall not preclude the issuing of penalty points and penalty points will normally be awarded in addition to the alternative form of enforcement.
- 3.3 Where a driver also holds a hackney carriage vehicle driver's licence any action taken in respect of his private hire vehicle driver's badge will also apply to his hackney carriage driver's badge.

4. First accumulation of 12 penalty points

- 4.1 If a licence holder accumulates 12 penalty points in any 12 month period the licence shall be suspended for 14 calendar days. Following the suspension the points shall be removed from the licence. If no more than 11 penalty points have been issued to the licence holder within any 12 month period, no suspension shall occur. In cases where a combination of breaches of licence conditions result in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward. In the case of a breach of condition 13.6, resulting in 36 penalty points being awarded, no suspension shall occur, instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

5. Second accumulation of 12 penalty points

- 5.1 If, following a first suspension, a licence holder accumulates a further 12 points in any 12 month period, within 4 years of the end of the first suspension, a further suspension for a period of 28 calendar days shall occur. Following the suspension the points shall be removed from the licence. If no more than 11 penalty points have been issued to the licence holder within any 12 month period, no suspension shall occur. In cases where a combination of breaches of licence conditions result in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.

In the case of a breach of condition 13.6, resulting in 36 penalty points being awarded, no suspension shall occur, instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

6. Third accumulation of 12 penalty points

- 6.1 If, following a second suspension, a licence holder accumulates a further 12 points in any 12 month period, within 4 years of the end of the second suspension, his/her private hire vehicle driver's licence shall be automatically revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers. In cases where a combination of breaches of licence conditions result in the number of penalty points reaching more than 12, and a revocation subsequently occurs, all the penalty points from the breaches resulting in the revocation shall be considered spent and no penalty points will be carried forward.

7. Disputes

7.1 Review by Senior Officer

In the event of the licence holder disputing that he/she is liable for points to be awarded against him/her, the licence holder may request, in writing within 28 days of being notified of the allegation, that the incident and awarding of penalty points be considered by a Senior Officer. Where this occurs the Senior Officer shall consider the evidence attached to the incident and will aim to respond to the licence holder, in writing, within 28 days of being notified of the dispute. The Senior Officer shall decide whether it is appropriate to allocate the penalty points.

7.2 Appeal to Licensing Sub Committee

In the event that the licence holder is unhappy with the findings of the Senior Officer, he/she may ask, in writing within 28 days of being notified of the Senior Officers findings, for the matter to be reviewed by the Council's Licensing Sub-Committee. Where this occurs a hearing shall be held where details of the incident shall be provided to the Sub-Committee in writing and the licence holder will have the opportunity to present evidence and information in support of his/her case.

In the event that the Sub-Committee upholds the decision of the Senior Officer no greater punishment shall be imposed other than the awarding of the penalty points for that particular breach or requirement.

8. Action where licence holder has received a previous suspension or suspensions via the Warning Letter System in operation prior to the introduction of the Penalty Points System

- 8.1 Where a licence holder accumulates 12 penalty points in any period of 12 months, but his/her licence has already been suspended previously within the last 4 years, if the licence had been suspended on one occasion, a further suspension for a period of 28 calendar days shall occur. Where a licence has been suspended on two previous occasions, the last occasion being within the previous 4 years, the drivers licence shall be automatically revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

9. Appeals to the Magistrates Court in connection with Penalty Points

- 9.1 Where a driver receives a period of suspension, that person shall be notified in writing within 14 days of the reason(s) for the suspension, and shall have a right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.
- 9.2 Where a driver's licence is revoked, that person shall be notified in writing within 14 days of the reason(s) for the revocation, and shall have a right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.

10. Action where a hackney carriage licence is also held

In the event of the suspension or revocation of a private hire driver's licence an identical suspension or revocation shall apply in respect of any hackney carriage driver's licence held by the same individual. This suspension or revocation and the rights of appeal against it shall be notified in writing to the driver by officers.

11. Action following revocation of licence

A person who has had a private hire vehicle driver's licence revoked under the penalty points system of enforcement shall not be eligible for the issue of a further private hire vehicle driver's or hackney carriage driver's licence until three years have elapsed since the revocation. The Head of Environment & Consumer Services is authorised to refuse any application for a licence in these circumstances.

Interpretation of Conditions attached to private hire vehicle driver's licence

In these conditions, unless the subject or context otherwise requires:

- (i) "The Act" means the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) "The Borough" means the Borough of Reading.
- (iii) "The Council" means Reading Borough Council.
- (iv) "Driver" means a person holding and acting in accordance with a private hire vehicle driver's licence issued by the Council.
- (v) "Driving" includes parking or leaving a vehicle unattended.
- (vi) "Licence" means private hire vehicle driver's licence.
- (vii) "Penalty Points" means the number of points, which may be attached to your private hire vehicle driver's licence for a breach of the Act or the conditions in this document.

Appeal Procedure in respect of conditions attached to licence

Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.

The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereto) shall apply to the proceedings.

The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

PART 2 - PRIVATE HIRE VEHICLE DRIVER CONDITIONS

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CONDITIONS

1. **Action where a DVLA Driver's Licence or similar is suspended**
 - 1.1 Where a driver has been disqualified from driving by a court, his/her private hire driver's licence will be revoked by the Head of Environment and Consumer Services.
 - 1.2 You must not drive a private hire vehicle if you no longer hold, have had suspended or are disqualified from holding a DVLA, European Economic Area or Northern Ireland driving licence for that type of vehicle. *To do so - 6 penalty points.*
2. **Requirement to wear/display Reading Borough Council Private Hire Badge**
 - 2.1 You must wear, at all times when driving a private hire vehicle, one of your current private hire driver's badges issued to you. (Failure to do so - 3 penalty points.
 - 2.2 All drivers must display in the vehicle, in full view of passenger(s), the other private hire driver's badge issued to you. Failure to do so - 3 penalty points.
3. **Requirement to display a private hire vehicle licence plate**
 - 3.1 You must not drive a licensed private hire vehicle without a private hire vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle. *Failure to do so - 3 penalty points.*
 - 3.2 You must not wilfully or negligently cause or suffer the licence plate or identification card allocated to your private hire vehicle, to be concealed from public view or to be so defaced such that it is illegible. *To do so - 3 penalty points.*
 - 3.3 You must not remove a private hire vehicle licence plate from a private hire vehicle, whilst the vehicle remains licensed. *To do so - 3 penalty points.*
4. **Requirement to produce private hire driver's licence**
 - 4.1 You must produce your private hire vehicle driver's licence at the request of an authorised officer of Reading Borough Council and/or a Police officer, either forthwith, or, in the case of an Authorised Officer, at the Civic Offices, Reading and in the case of a Police Constable, the Police Station of your choice within the Borough of Reading within five days of the request. *Failure to do so - 3 penalty points.*
5. **Medical fitness**
 - 5.1 You must undergo a medical examination as prescribed by the Council, confirming your fitness to drive a licensed private hire vehicle as and when required by the Council. The frequencies at which medical examination must usually be

undertaken are prior to obtaining your first licence, then at least every 5 years to age 60, then at least every 2 years to age 70 and at least once a year over the age of 70. *Failure to do so - suspension of licence until medical examination passed and 3 penalty points.*

- 5.2 You must not drive a private hire vehicle if you are suffering from any disease or disability which would cause the vehicle being driven by you to be a danger to the public. *To do so - suspension of licence until medical examination passed and 3 penalty points.*
- 5.3 You must ensure that you can, at all times, meet the eyesight requirements specified by the Department of Transport driving test. *Failure to do so - suspension of licence until eyesight requirements met and 3 penalty points.*

6. Provision of information to the Council

- 6.1 You must not, when providing information to the Council, on applying for a private hire vehicle driver's licence knowingly or recklessly make a false statement and/or knowingly omit any material information. *To do so - 6 penalty points.*

7. Waiting on a hackney carriage stand

- 7.1 You must not cause or permit a vehicle to wait on a hackney carriage stand without reasonable excuse. *To do so - 6 penalty points.*

8. Prolonging of journeys

- 8.1 You must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired. *To do so - 3 penalty points.*

9. Obstruction of authorised officers

- 9.1 You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. *To do so - 6 penalty points.*

10. Copy of licence to be deposited with Operator

- 10.1 You must deposit the copy of your licence marked "operator copy" with your private hire vehicle operator, who shall retain such licence during the period of your employment with him and shall return it to you when you cease to be employed by or with that operator. *Failure to do so - 3 penalty points.*

11. Requirement to use a licensed vehicle and work for a licensed operator

- 11.1 When licensed as a driver of private hire vehicles by the Council you must only use a private hire vehicle licensed by Reading Borough Council, unless you are appropriately licensed to use a vehicle licensed by another authority. *Failure to do so - 6 penalty points.*
- 11.2 When licensed as a driver of private hire vehicles by the Council you must only work for a private hire vehicle operator who is also licensed by Reading Borough Council, unless you are appropriately licensed to work for an operator licensed by another authority. *Failure to do so - 3 penalty points.*
- 11.3 You must not take bookings from any person other than the licensed private hire vehicle operator for whom you are working. *To do otherwise - 3 penalty points.*
- 11.4 You must not take bookings personally direct from customers. *To do - 3 points.*
- 11.5 If you change the operator that you work for you must notify the Council within 7 days in writing of your new operator. *Failure to do so - 3 penalty points.*

12. Requirement to report loss of licence/badge

- 12.1 You must report the loss of your licence and/or badge(s) to the Council as soon as such loss becomes known. *Failure to do so - 3 penalty points.*

13. Conduct of driver

- 13.1 You must conduct yourself in an orderly and professional manner at all times and be civil towards your passengers, council officers, other road users and police officers. *Failure to do so - 3 penalty points.*
- 13.2 You must comply with every reasonable requirement of your passengers. *Failure to do so - 3 penalty points.*
- 13.3 You must not drink or eat in your vehicle whilst you have a passenger or passengers on board. *Failure to do so - 3 penalty points.*
- 13.4 You must not smoke in a private hire vehicle at any time. *To do so - 3 penalty points*
- 13.5 You must not behave in a sexually offensive manner towards passengers. *To do so - 12 penalty points.*
- 13.6 Without prejudice to the generality of condition 13.5, you are not permitted to have sexual intercourse with passengers whilst on duty or in a licensed vehicle. *To do so - 36 penalty points resulting in licence revocation.*
- 13.7 Without prejudice to the generality of condition 13.5, you are not permitted to have sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty or in a licensed vehicle. *To do so - 12 penalty points.*

13.8 Without prejudice to the generality of condition 13.5, you must not engage in any discussion of a sexual nature or about a sexual relationship with a passenger, be it past present or future relationship. *To do so - 12 penalty points*

14. Carriage of luggage

14.1 You must convey a reasonable quantity of luggage. *Failure to do so - 3 penalty points.*

14.2 You must give reasonable assistance in removing luggage to or from the entrance of any building, station or place when picking up or setting down a passenger. *Failure to do so - 3 penalty points.*

15. Carriage of guide/assistance dogs

15.1 You must carry a guide dog, or assistance dog belonging to and accompanying a passenger, free of charge, unless you have a proven medical condition that would preclude such action. *Failure to do so - 6 penalty points.*

15.2 You must inform your operator in writing, of any medical condition that precludes you from carrying a guide dog or assistance dog. *Failure to do so - 3 penalty points.*

15.3 You must advise the Council in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog. *Failure to do so - 3 penalty points.*

15.4 You must not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey. *Failure to do so - 6 penalty points*

16. Provision of receipts

16.1 You must, if requested by your hirer/passenger, give a receipt of the operator for whom you work, in respect of the fare paid. The receipt must state the operating company, fare paid, date, time and driver badge number. *Failure to do so - 3 penalty points.*

17. Lost Property

17.1 You must search your vehicle at the end of each hiring or as soon as possible afterwards for any property which may have been left there. Any property accidentally left in your vehicle, if not claimed by the owner, must be taken to the Lost Property Office at Reading Police Station within 24 hours. *Failure to do so - 3 penalty points.*

17.2 Where within the first 24 hours, the property owner contacts you or your operator and the operator informs you that he/she has been contacted, an agreement

should be reached in respect of the return of the property. This may be by the property being lodged at Reading Police Station, the owner/loser collecting the property from you or your operating base, the property being delivered to the owner/loser as soon as possible or by the property being returned by post/courier or similar. If agreement cannot be reached in respect of the return of the property then the property must be taken without delay to the Lost Property Office at Reading Police Station. *Failure to do so - 3 penalty points.*

- 17.3 Where the owner/loser of the property collects the property from you or your operator base, no charge may be made for the return of that property. *Failure to do so - 3 penalty points.*
- 17.4 Where an agreement has been reached that the property will be returned either by posting, by courier, or by similar means no charge over and above the postage cost, courier cost or similar may be made for the return of the property. *To do so - 3 penalty points.*
- 17.5 Where the property is returned to the owner/loser by private hire vehicle, the normal charge for the journey may be made, but the charge must be agreed to by the owner/loser in advance of the journey being made. *Failure to do so - 3 penalty points.*

18. Suitability of vehicles

- 18.1 You must not drive a private hire vehicle if the vehicle does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended. *To do so - 3 penalty points.*
- 18.2 You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended. *Failure to do so - 3 penalty points.*
- 18.3 You must ensure that any private hire vehicle you drive complies with the Council's requirements in relation to tinted windows at all times. Windscreens must allow at least 75% of light to be transmitted through, front side windows must allow at least 70% of light to be transmitted through and rear windows and screen must allow at least 65% of light to be transmitted through. *Failure to do so - 3 penalty points.*

19. Requirement to notify Council of change of address or a conviction

- 19.1 You must notify the Council within 14 days in writing of any change of address from that shown on your licence. *Failure to do so - 3 penalty points.*
- 19.2 You must notify the Council within 28 days in writing of any criminal or motoring conviction (this includes fixed penalty notices). *Failure to do so - 3 penalty points.*
- 19.3 You must notify the Council within 28 days in writing of any caution(s) received. *Failure to do so - 3 penalty points.*

20. Insurance

- 20.1 You must not drive a private hire vehicle if you are not insured to do so. *To do so - 6 penalty points.*
- 20.2 You must provide the Licensing Section of the Council with the original, valid certificate of insurance in respect of third party risks which must cover your vehicle for private hire purposes. *Failure to do so - 3 penalty points.*

21. Leaving the address shown on your licence for more than 28 days

- 21.1 You must notify the Council in advance, in writing, if you are to be away from the address shown on your licence for a period of more than 28 days. *Failure to do so - 3 penalty points.*
- 21.2 If you are to be away from your home address for a period of more than 28 days and someone else is to use your private hire vehicle whilst you are away you must provide the name, address and home telephone number of that person to the Council prior to going away. *Failure to do so - 3 penalty points.*

22. Road traffic accidents and other incidents

- 22.1 Following a road traffic accident or any other incident involving a private hire vehicle driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle and the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made. *Failure to do so - 3 penalty points.*
- 22.2 If you are not the owner of the private hire vehicle that is involved in a road traffic accident or any other incident while being driven by you, you must notify the owner of the vehicle as soon as is reasonably practicable, and in any case within 72 hours of the incident. *Failure to do so - 3 penalty points*
- 22.3 If a private hire vehicle driven by you is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of the passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. *Failure to do so - 3 penalty points.*

23. Theft or loss of licence plate

- 23.1 You must report the loss or theft of any private hire vehicle licence plate, private hire vehicle licence or internal vehicle licence plate, to the Police and the Council, as soon as the loss becomes known and in the event of ceasing to use the vehicle for private hire purposes shall return the external and internal licence plates, to the council within seven days. *Failure to do so - 3 penalty points.*

24. Action whilst not engaged in carriage of customers

- 24.1 At any time when not engaged in the carriage of passengers or goods, you must proceed without delay to either the nearest lawful parking area e.g. lawful car park, a road or street without any parking restriction or your operator base, provided sufficient legal parking exists. *Failure to do so - 3 penalty points.*

25. School Transport Drivers

- 25.1 If you work as a school transport vehicle driver you shall also comply with the conditions applicable to drivers of school transport vehicles and the code of conduct for drivers of school transport vehicles. *Failure to do so - 6 penalty points.*
- 25.2 You shall not undertake school transport work without first having had an enhanced criminal record check and being notified of a satisfactory outcome of this check by the Licensing Section. *To do so - 6 penalty points.*

26. Plying for hire

- 26.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to stand or ply for hire or otherwise be used so as to suggest that it is a hackney carriage vehicle. *Contravention during a test purchase operation by Reading Borough Council - 12 penalty points, all other cases - 6 penalty points.*
- 26.2 You must not, by calling out or otherwise, invite any person to hire such vehicle and shall not make use of the services of any other person for such purpose. *To do so - 12 penalty points.*

27. Bus stops and lanes

- 27.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to stand at any bus stop or in any bus lay-by. *To do so - 3 penalty points*
- 27.2 At any time when driving a private hire vehicle you must not permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit use by private hire vehicles. *To do so - 3 penalty points*

28. Disabled bays

- 28.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority. *To do so - 3 penalty points.*

29. Dangerous parking

29.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction). *To do so - 3 penalty points.*

29.2 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be driven on or become stationary on a footway. *To do so - 3 penalty points.*

30. Parking on yellow lines/contravening traffic laws

30.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from your vehicle. *To do so - 3 penalty points.*

30.2 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from your vehicle. *To do so - 3 penalty points.*

30.3 At any time when driving a private hire vehicle you must not contravene any traffic laws, regulations, orders or guidance outlined in the current highway code. *To do so - 3 penalty points.*

31. Sounding of horn

31.1 You must not sound the horn of the vehicle you are driving, whilst it is stationary, to signify the vehicle is waiting for passengers. *To do so - 3 penalty points.*

32. Number of passengers carried

32.1 In the event of a parent or guardian of a child asking you to carry a child in your vehicle when a suitable child restraint is not available, you may carry the child provided the following arrangements are adhered to;

- (a) if the child is under 3 years old the child must travel unrestrained (not held in the standard adult seat belt of your car) in the rear of your vehicle; or
- (b) if the child is 3 years or older the child must use the adult seat belt in the rear of your vehicle.

Failure to do so - 6 penalty points

32.2 You must not carry more persons than specified on the vehicle licence plate. One child under the age of 3, carried in accordance with condition 33.1(a) above does not count towards the total number of persons permitted to be carried. *To do so - 3 penalty points.*

32.3 You must not carry more persons than the number of seats with seat belts fitted. One child under the age of 3, carried in accordance with condition 33.1(a) above does not count towards this total. *To do so - 6 penalty points.*

32.4 You must not carry any other person in your vehicle without the permission of the hirer. *To do so - 3 penalty points.*

33. Giving or lending of vehicle or licence to others

33.1 You must not lend or give your licence to any other person, other than the copy of your licence that you are required by these conditions to give to your operator. *To do so - 6 penalty points.*

33.2 You must not permit any other person who is not a Reading Borough Council licensed private hire vehicle driver to drive your licensed private hire vehicle. *To do so - 6 penalty points.*

34. Playing of radio or similar

34.1 You must not play a radio or any other sound producing device to the annoyance or discomfort of your passengers. *To do so - 3 penalty points.*

35. Use of hand held communication, navigation or similar device

35.1 You must not use a hand held communications or navigation device or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving. *To do so - 3 penalty points.*

36. Signs

36.1 You must display on your vehicle, at all times when you are working as a private hire driver, a roof sign in accordance with the Council's approved specification as detailed below, unless your vehicle is fitted with side identification panels in accordance with the Council's approved specification. *Failure to do so - 3 penalty points.*

Roof signs must be of Aero design, coloured white, not illuminated, have magnetic fittings, be no less than 152mm high and no more than 165mm high, be no less than 457mm wide and no more than 470mm wide, the depth of the base front to back must be no less than 165mm and no more than 178mm. Lettering must be black 31mm high. The front of the sign must contain the following wording from top to bottom "Advanced Bookings Only" (in negative white letters on black background), telephone number of private hire vehicle operator and the name of the operator. The back of the sign shall contain the following from top to bottom, "Advanced Bookings Only" (in negative white letters on black background), telephone number of private hire vehicle operator, vehicle registration (to the left of the sign) and private hire vehicle plate number (to the right of the sign).

36.2 Where from time to time changes are necessary to the private hire vehicle roof sign due to a change of vehicle, operator or plate number the amendment must be carried out by a professional sign writer and must be the same printed material, colour and design as the remainder of the printing on the roof sign. *Failure to do so - 3 penalty points.*

- 36.3 You must not permit any private hire vehicle you are driving to display any signs or advertisements of any nature on the exterior of the vehicle apart from the licence plate for the vehicle, Council approved side identification panels or approved roof sign or advertisements approved in accordance with the Council's private hire vehicle and operator licence conditions. *To do so - 3 penalty points.*

37. Drivers of Executive Private Hire Vehicles

When a driver is using a Private Hire Vehicle that has been licensed as an Executive Private Hire Vehicle the following conditions shall apply, notwithstanding that they may be in conflict with the conditions stated above.

- 37.1 You must display the private hire vehicle licence identification disc issued by the Council within the nearside of the front windscreen at all times. *Failure to do so - 3 penalty points.*
- 37.2 You must carry within the vehicle the 'Exemption Notification' issued by the Council in respect of the licensed private hire vehicle and driver, at all times, which you must present for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer. *Failure to do so - 3 penalty points*
- 37.3 The private hire vehicle licence identification plate issued by the Council, shall not be affixed to the vehicle and shall not be displayed in, on or from the vehicle at any time, except as provided in condition 37.5 (ii). *To do so - 6 penalty points*
- 37.4 The vehicle shall not be fitted with a roof sign at any time. *To do so - 6 penalty points.*
- 37.5 You must ensure that the private hire vehicle licence identification plate issued by the Council, shall be;
- (i) Carried within the boot of vehicle at all times;
 - (ii) Fixed in the boot in a manner in which it can be easily inspected and not cause damage to any luggage carried;
 - (iii) Produced for inspection, upon the request of:
 - (a) an authorised officer of the council;
 - (b) a police officer (including traffic wardens);
 - (c) the hirer.

Failure to do so - 3 penalty points.

- 37.6 You shall convey within the vehicle at all times, but are not obliged to wear, your private hire driver's identification badge issued by the Council. *To fail to do so - 3 penalty points*
- 37.7 The driver of an executive private hire vehicle shall be appropriately dressed in a smart business or morning suit when the vehicle is hired. *To fail to do so - 3 penalty points*

- 37.8 You must not carry more than four passengers, unless it is a stretched limousine, which is specifically designed or adapted and licensed to carry a maximum of eight passengers. *To do so - 6 penalty points.*
- 37.9 You must not settle accounts and/or tender direct payment by any method, including, credit card, debit card, cheque or cash from passengers. Payment may only be made to the operator's office either before or after the journey. *To do so - 3 penalty points.*

**LEGISLATION AND CONDITIONS
APPLICABLE TO
SCHOOL TRANSPORT VEHICLE DRIVERS'
LICENCES
&
PENALTY POINTS ENFORCEMENT SYSTEM**

Local Government (Miscellaneous Provisions) Act 1976

15 December 2010

USE OF SCHOOL TRANSPORT DRIVER AND VEHICLE LICENCES

A school transport vehicle driver's licence is a form of restricted private hire vehicle driver's licence. These licences are issued by Reading Borough Council to persons who only wish to undertake limited forms of hire and reward work involving the transporting of children in accordance with contracts in place with local authorities. The extent of the hire and reward activities permitted to be undertaken by persons issued with school transport vehicle driver's licence is controlled by these conditions.

1. School transport driver driving a school transport vehicle.

Any person licensed by Reading Borough Council as a school transport driver may drive a Reading Borough Council licensed school transport vehicle for the transporting of children in accordance with contracts in place with local authorities and in addition, may drive such a vehicle for social, domestic and pleasure purposes. No school transport vehicle shall be used by any person, however that person may be licensed, for private hire or hire and reward purposes, other than fulfilling school contracts.

2. School transport driver driving a private hire vehicle.

Any person licensed by Reading Borough Council as a school transport driver may drive a Reading Borough Council licensed private hire vehicle for the transporting of children in accordance with contracts in place with local authorities and in addition, may drive such a vehicle for social, domestic and pleasure purposes. A licensed school transport driver shall not drive a private hire vehicle for private hire or hire and reward purposes, other than the fulfilling of a school contract.

3. Private hire driver driving a school transport vehicle.

Any person licensed by Reading Borough Council as a private hire driver may drive a Reading Borough Council licensed school transport vehicle for the transporting of children in accordance with contracts in place with local authorities, only if they have provided an enhanced criminal records disclosure to the Council and in addition may drive a licensed school transport vehicle for social, domestic and pleasure purposes. A licensed private hire driver shall not drive a school transport vehicle for private hire or hire and reward purposes, other than the fulfilling of a school contract.

NB In all cases it is the responsibility of the driver to ensure that the vehicle is appropriately insured.

PART 1 - PENALTY POINTS SYSTEM

1. OPERATION OF PENALTY POINTS SYSTEM

- 1.1 Without prejudice to any other course of action or remedy available to the Council, in the event of any contravention of any relevant statute, byelaw, regulation or school transport vehicle driver condition, the Council may use this penalty points system as a means of enforcement. Where the system is used, if a breach or contravention occurs, as indicated in these conditions, the penalty points indicated within this document shall be allocated to the licence.
- 1.2 Where a driver submits a completed application to renew a licence prior to the expiry of an existing licence the Council will normally write to that driver advising that he/she is entitled to continue driving school transport vehicles pending the determination of his/her application. In these circumstances if a driver accumulates sufficient penalty points in order to warrant a licence suspension the entitlement to continue driving will be suspended for the same period of time that a school transport vehicle driver's licence would have been suspended had one been in force. The suspension of this entitlement to drive shall be notified in writing to the driver by officers.
- 1.3 Where a driver is sent an entitlement to drive letter, as detailed in 1.2 above, if the a driver accumulates sufficient penalty points in order to warrant a licence revocation, the entitlement to continue driving will be withdrawn and the renewal application refused. The withdrawal of the entitlement to continue driving and the refusal to renew the licence, and the rights of appeal against it, shall be notified in writing to the driver by officers
- 1.4 In the event that a driver surrenders his/her school transport vehicle driver's licence or withdraws his/her application to renew a school transport vehicle driver's licence or does not apply to renew a licence, any penalty points issued or in process shall remain live and shall be imposed on any subsequent school transport vehicle driver's licence issued within 12 months of the issue of any penalty points.
- 1.5 Penalty points accumulated during a period of entitlement to drive, which do not result in the suspension or revocation of a licence, shall be imposed on any new licence issued within 12 months of the issue of the penalty points.

2. Action where a suspected breach or non compliance occurs

- 2.1 Where a suspected breach or non compliance with the Local Government (Miscellaneous Provisions) Act 1976, or School Transport Vehicle Driver Licence Conditions is detected a letter will be sent to that person setting out the circumstances of the alleged breach or non compliance. The letter shall offer an opportunity to either admit or deny the allegation. Where the breach is admitted the appropriate number of penalty points shall be allocated to the licence and a letter shall be sent to the licence holder confirming the allocation of points.
- 2.2 If the licence holder fails to respond to the letter setting out the circumstances of the alleged breach or non-compliance within 28 days, the appropriate number of

penalty points shall be allocated to that individual's licence and a letter shall be sent confirming the allocation of points.

- 2.3 If the licence holder responds to the letter, but denies the allegation due to him/her not being the vehicle driver at the time of the incident, they shall be given an opportunity to nominate another driver. In the event that the licence holder fails to nominate another person the appropriate number of penalty points shall be allocated and again, a letter shall be sent to the licence holder confirming the allocation of points. That letter shall also explain the appeal options open to the licence holder.
- 2.4 If the licence holder denies the allegation due to a dispute of facts he/she shall have the opportunity to challenge the matter as detailed in the disputes options, as set out at paragraph 7 below.

3. Use of alternative enforcement action in conjunction with penalty points

- 3.1 Where penalty points are shown in the conditions this shall not preclude alternative formal action, including prosecution/suspension/revocation, being taken by the Council.
- 3.2 Where enforcement action such as prosecution or fixed penalty notices are used in respect of breaches this shall not preclude the issuing of penalty points and penalty points will normally be awarded in addition to the alternative form of enforcement.
- 3.3 Where a driver also holds a hackney carriage and/or private hire vehicle driver's licence any action taken in respect of his school transport vehicle driver's licence shall also apply to his hackney carriage driver's and/or private hire vehicle driver's licence badge.

4. First accumulation of 12 penalty points

- 4.1 If a licence holder accumulates 12 penalty points in any 12 month period the licence shall be suspended for 14 calendar days. Following the suspension the points shall be removed from the licence. If no more than 11 penalty points have been issued to the licence holder within any 12 month period, no suspension shall occur. In cases where a combination of breaches of licence conditions result in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward. In the case of a breach of condition 13.5, resulting in 36 penalty points being awarded, no suspension shall occur. Instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

5. Second accumulation of 12 penalty points

- 5.1 If, following a first suspension, a licence holder accumulates a further 12 points in any 12 month period, within 4 years of the end of the first suspension, a further suspension for a period of 28 calendar days shall occur. Following the suspension the points shall be removed from the licence. If no more than 11 penalty points have been issued to the licence holder within any 12 month period, no suspension shall occur. In cases where a combination of breaches of licence conditions result

in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward. In the case of a breach of condition 13.5, resulting in 36 penalty points being awarded, no suspension shall occur, instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

6. Third accumulation of 12 penalty points

- 6.1 If, following a second suspension, a licence holder accumulates a further 12 points in any 12 month period, within 4 years of the end of the second suspension, his/her school transport vehicle driver's licence shall be automatically revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers. In cases where a combination of breaches of licence conditions result in the number of penalty points reaching more than 12, and a revocation subsequently occurs, all the penalty points from the breaches resulting in the revocation shall be considered spent and no penalty points will be carried forward.

7. Disputes

7.1 Review by Senior Officer

In the event of the licence holder disputing that he/she is liable for points to be awarded against him/her, the licence holder may request, in writing within 28 days of being notified of the allegation, that the incident and awarding of penalty points be considered by a Senior Officer. Where this occurs the Senior Officer shall consider the evidence attached to the incident and will aim to respond to the licence holder, in writing, within 28 days of being notified of the dispute. The Senior Officer shall decide whether it is appropriate to allocate the penalty points.

7.2 Appeal to Licensing Sub Committee

In the event that the licence holder is unhappy with the findings of the Senior Officer, he/she may ask, in writing within 28 days of being notified of the Senior Officers findings, for the matter to be reviewed by the Council's Licensing Sub-Committee. Where this occurs a hearing shall be held where details of the incident shall be provided to the Sub-Committee in writing and the licence holder will have the opportunity to present evidence and information in support of his/her case.

In the event that the Sub-Committee upholds the decision of the Senior Officer no greater punishment shall be imposed other than the awarding of the penalty points for that particular breach or requirement.

8. Action where licence holder has received a previous suspension or suspensions via the Warning Letter System in operation prior to the introduction of the Penalty Points System

- 8.1 Where a licence holder accumulates 12 penalty points in any period of 12 months, but his/her licence has already been suspended previously within the last 4 years, if the licence had been suspended on one occasion, a further suspension for a

period of 28 calendar days shall occur. Where a licence has been suspended on two previous occasions, the last occasion being within the previous 4 years, the driver's licence shall be automatically revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

9. Appeals to the Magistrates Court in connection with Penalty Points

9.1 Where a driver receives a period of suspension, that person shall be notified in writing within 14 days of the reason(s) for the suspension, and shall have a right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.

9.2 Where a driver's licence is revoked, that person shall be notified in writing within 14 days of the reason(s) for the revocation, and shall have a right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.

10. Action where a hackney carriage and or private hire vehicle licence is also held

In the event of the suspension or revocation of a school transport driver's licence an identical suspension or revocation shall apply in respect of any hackney carriage or private hire vehicle driver's licence held by the same individual. This suspension or revocation and the rights of appeal against it shall be notified in writing to the driver by officers.

11. Action following revocation of licence

A person who has had a school transport vehicle driver's licence revoked under the penalty points system of enforcement shall not be eligible for the issue of a further school transport vehicle driver's, private hire vehicle driver's or hackney carriage driver's licence until three years have elapsed since the revocation. The Head of Environment & Consumer Services is authorised to refuse any application for a licence in these circumstances.

Interpretation of Conditions attached to school transport vehicle driver's licence

A school transport vehicle driver's licence, permits the holder of the licence, to undertake School Transport Contracts between a local authority and a licensed school transport operator or private hire operator. It does not allow the holder of the school transport vehicle driver's licence to undertake any other form of private hire work.

In these conditions, unless the subject or context otherwise requires:

- (i) "The Act" means the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) "School transport contract" means a written contract between a local authority and a licensed school transport operator or private hire operator for the purpose of transporting children".
- (iii) "The Borough" means the Borough of Reading.

- (iv) "The Council" means Reading Borough Council.
- (v) "Driver" means a person holding and acting in accordance with a school transport vehicle driver's licence issued by the Council.
- (vi) "Driving" includes parking or leaving a vehicle unattended and driving the vehicle while it is in motion.
- (vii) "Licence" means a school transport vehicle driver's licence.
- (viii) "Penalty Points" means the number of points, which may be attached to your school transport vehicle driver's licence for a breach of the conditions in this document.

Appeal Procedure in respect of conditions attached to licence

Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.

The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereto) shall apply to the proceedings.

The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

PART 2 - SCHOOL TRANSPORT VEHICLE DRIVER CONDITIONS

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CONDITIONS

1. **Action where a DVLA Driver's Licence or similar is suspended**
 - 1.1 Where a driver has been disqualified from driving by a court, his/her school transport driver's licence shall be revoked by the Head of Environment and Consumer Services.
 - 1.2 You must not drive a school transport/private hire vehicle if you no longer hold, have had suspended or are disqualified from holding a DVLA, European Economic Area or Northern Ireland driving licence for that type of vehicle. *To do so - 6 penalty points.*
2. **Requirement to wear Reading Borough Council school transport badge**
 - 2.1 You must wear, at all times when driving a school transport or private hire vehicle, one of your current school transport driver's badges issued to you. *Failure to do so - 3 penalty points.*
 - 2.2 All drivers must display in the vehicle, in full view of passenger(s), the other school transport/private hire driver's badge issued to you. *Failure to do so - 3 penalty points.*
3. **Requirement to display a school transport/private hire vehicle licence plate**
 - 3.1 You must not drive a licensed school transport/private hire vehicle without a school transport/private hire vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle. *To do so - 3 penalty points.*
 - 3.2 You must not wilfully or negligently cause or suffer the licence plate or identification card allocated to your school transport/private hire vehicle, to be concealed from public view or to be so defaced such that it is illegible. *To do so - 3 penalty points.*
 - 3.3 You must not remove a school transport/private hire vehicle licence plate from a school transport vehicle, whilst the vehicle remains licensed. *To do so - 3 penalty points.*
4. **Requirement to produce school transport driver's licence**
 - 4.1 You must produce your school transport vehicle driver's licence at the request of an authorised officer of Reading Borough Council and/or a Police officer, either forthwith, or, in the case of an Authorised Officer, at the Civic Offices, Reading and in the case of a Police Constable, the Police Station of your choice (unless the police officer directs you to produce it at a specified police station) within the Borough within five days of the request. *Failure to do so - 3 penalty points.*

Medical fitness

- 5.1 You must undergo a medical examination as prescribed by the Council, confirming your fitness to drive a licensed school transport/private hire vehicle as and when required by the Council. The frequencies at which medical examination must usually be undertaken are prior to obtaining your first licence, then at least every 5 years to age 60, then at least every 2 years to age 70 and at least once a year over the age of 70. *Failure to do so - suspension of licence until medical examination passed and 3 penalty points.*
- 5.2 You must not drive a school transport/private hire vehicle if you are suffering from any disease or disability, which would cause the vehicle being driven by you to be a danger to the public. *To do so - suspension of licence until medical examination passed and 3 penalty points.*
- 5.3 You must ensure that you can, at all times, meet the eyesight requirements specified by the Department of Transport driving test. *Failure to do so - suspension of licence until eyesight requirements met and 3 penalty points.*

6. Provision of information to the Council

- 6.1 You must not, when providing information to the Council, on applying for a school transport vehicle driver's licence knowingly or recklessly make a false statement and/or knowingly omit any material information. *To do so - 6 penalty points.*

7. Waiting on a hackney carriage stand

- 7.1 You must not cause or permit a vehicle to wait on a hackney carriage stand without reasonable excuse. *To do so - 6 penalty points.*

8. Prolonging of journeys

- 8.1 You must not without reasonable cause, unnecessarily prolong in distance or time, the journey to which the school contract being undertaken relates. *To do so - 3 penalty points.*

9. Obstruction of authorised officers

- 9.1 You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. *To do so - 6 penalty points.*

10. Copy of licence to be deposited with Operator

- 10.1 You must deposit the copy of your licence marked "operator copy" with your school transport/private hire vehicle operator, who shall retain such licence during the period of your employment with him and shall return it to you when you cease to be employed by or with that operator. *Failure to do so - 3 penalty points.*

11. Requirement to use a licensed vehicle, work for a licensed operator and only undertake school contracts

- 11.1 You must only use a school transport or private hire vehicle licensed by the Council, unless you are appropriately licensed to use a vehicle licensed by another authority. *Failure to do so - 6 penalty points.*
- 11.2 You must only work for a school transport vehicle or private hire vehicle operator who is also licensed by the Council, unless you are appropriately licensed to work for an operator licensed by another authority. *Failure to do so - 3 penalty points.*
- 11.3 You must not undertake any private hire work or work for hire and reward other than the transportation of children in order to fulfil a written school transport contract between a local authority and a licensed school transport or private hire operator. *To do so - 6 penalty points.*
- 11.4 You must not take bookings personally direct from customers. *To do so - 6 points.*
- 11.5 If you change the operator that you work for you must notify the Council within 7 days in writing of your new operator. *Failure to do so - 3 penalty points.*

12. Requirement to report loss of licence/badge

- 12.1 You must report the loss of your licence and/or badge(s) to the Council as soon as such loss becomes known. *Failure to do so - 3 penalty points.*

13. Conduct of driver

- 13.1 You must conduct yourself in an orderly and professional manner at all times and be civil towards your passengers, passenger escorts, council officers, other road users and police officers. *Failure to do so - 3 penalty points.*
- 13.2 You must comply with every reasonable requirement of your passengers or their escorts. *Failure to do so - 3 penalty points.*
- 13.3 You must not drink or eat in your vehicle whilst you have a passenger or passengers on board. *To do so - 3 penalty points.*
- 13.4 You must not smoke in a school transport or private hire vehicle at any time. *To do so - 3 penalty points*

- 13.5 You must not behave in a sexually offensive manner towards passengers. You must not engage in any type of sexual contact with passengers. You must not engage in any discussion of a sexual nature or about a sexual relationship with a passenger, be it past present or future relationship. *To do so - 36 penalty points.*
- 13.6 You must know how to use a fire extinguisher and the location of the first aid kit. *Failure to know - 3 penalty points*
- 13.7 You must be clean and respectable in your dress and person. *Failure to do so - 3 penalty points.*
- 13.8 You must attend punctually at the agreed place and time, unless there is reasonable cause to prevent or delay your attendance. *Failure to do so - 3 penalty points.*
- 14. Carriage of luggage**
- 14.1 You must convey a reasonable quantity of luggage. *Failure to do so - 3 penalty points.*
- 14.2 You must give reasonable assistance in removing luggage to or from the entrance of any building, station or place when picking up or setting down a passenger. *Failure to do so - 3 penalty points.*
- 15. Carriage of guide/assistance dogs**
- 15.1 You must carry a guide dog, or assistance dog belonging to and accompanying a passenger, unless you have a proven medical condition that would preclude such action. *Failure to do so - 6 penalty points.*
- 15.2 You must inform your operator in writing, of any medical condition that precludes you from carrying a guide dog or assistance dog. *Failure to do so - 3 penalty points.*
- 15.3 You must advise the Council in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog. *Failure to do so - 3 penalty points.*
- 16. Lost Property**
- 16.1 You must search your vehicle at the end of each hiring or as soon as possible afterwards for any property which may have been left there. Any property accidentally left in your vehicle, must be handed to the school, social services establishment or the parent of the child/client as appropriate as soon as is reasonably possible. *Failure to do so - 3 penalty points.*

17. Suitability of vehicles

- 17.1 You must not drive a school transport/private hire vehicle if the vehicle does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended. *To do so - 3 penalty points.*
- 17.2 You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended. *Failure to do so - 3 penalty points.*
- 17.3 You must ensure that any school transport/private hire vehicle you drive complies with the Council's requirements in relation to tinted windows at all times. Windscreens must allow at least 75% of light to be transmitted through, front side windows must allow at least 70% of light to be transmitted through and rear windows and screen must allow at least 65% of light to be transmitted through. *Failure to do so - 3 penalty points.*

18. Requirement to notify Council of change of address or a conviction

- 18.1 You must notify the Council within 14 days in writing of any change of address from that shown on your licence. *Failure to do so - 3 penalty points.*
- 18.2 You must notify the Council within 28 days in writing of any criminal or motoring conviction (this includes fixed penalty notices). *Failure to do so - 3 penalty points.*
- 18.3 You must notify the Council within 28 days in writing of any caution(s) for a criminal offence received. *Failure to do so - 3 penalty points.*

19. Insurance

- 19.1 You must not drive a school transport/private hire vehicle if you are not insured to do so. *To do so - 6 penalty points.*
- 19.2 You must provide the Licensing Section of the Council with the original, valid certificate of insurance in respect of third party risks, which must cover your vehicle for school transport purposes. *Failure to do so - 3 penalty points.*

20. Leaving the address shown on your licence for more than 28 days

- 20.1 You must notify the Council in advance, in writing, if you are to be away from the address shown on your licence for a period of more than 28 days. *Failure to do so - 3 penalty points.*
- 20.2 If you are to be away from your home address for a period of more than 28 days and someone else is to use your school transport/private hire vehicle whilst you are away you must provide the name, address and home telephone number of that person to the Council prior to going away. *Failure to do so - 3 penalty points.*

21. Road traffic accidents and other incidents

- 21.1 Following a road traffic accident or any other incident involving a school transport/private hire vehicle driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle and the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made. *Failure to do so - 3 penalty points.*
- 21.2 If you are not the owner of the school transport/private hire vehicle that is involved in a road traffic accident or any other incident while being driven by you, you must notify the owner of the vehicle as soon as is reasonably practicable, and in any case within 72 hours of the incident. *Failure to do so - 3 penalty points*
- 21.2 If a school transport/private hire vehicle driven by you is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of the passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. *Failure to do so - 3 penalty points.*

22. Theft or loss of licence plate

- 22.1 You must report the loss or theft of any school transport/private hire vehicle licence plate, school transport/private hire vehicle licence or internal vehicle licence plate, to the Police and the Council, as soon as the loss becomes known and in the event of ceasing to use a school transport vehicle for school transport purposes shall return the external licence plate, to the council within seven days. *Failure to do so - 3 penalty points.*

23. Plying for hire

- 23.1 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to stand or ply for hire or otherwise be used so as to suggest that it is a hackney carriage vehicle. *Contravention during a test purchase operation by Reading Borough Council - 12 penalty points, all other cases - 6 penalty points.*
- 23.2 You must not, by calling out or otherwise, invite any person to hire such vehicle and shall not make use of the services of any other person for such purpose. *To do so - 12 penalty points.*

24. Bus stops and lanes

- 24.1 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to stand at any bus stop or in any bus lay-by. *To do so - 3 penalty points*

- 24.2 At any time when driving a school transport/private hire vehicle you must not permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit use by school transport/private hire vehicles. *To do so - 3 penalty points*
25. Disabled bays
- 25.1 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority. *To do so - 3 penalty points.*
26. Dangerous parking
- 26.1 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction). *To do so - 3 penalty points.*
- 26.2 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to be driven on or become stationary on a footway. *To do so - 3 penalty points.*
27. Parking on yellow lines/contravening traffic laws
- 27.1 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from your vehicle. *To do so - 3 penalty points.*
- 27.2 At any time when driving a school transport/private hire vehicle you must not cause or permit the vehicle to be stationary on the yellow zigzag lines at the entrance to a school without reasonable excuse. *To do so - 3 penalty points.*
- 27.3 At any time when driving a school transport/private hire vehicle you must not contravene any traffic laws, regulations, orders or guidance outlined in the current highway code. *To do so - 3 penalty points.*
28. Sounding of horn
- 28.1 You must not sound the horn of the vehicle you are driving, whilst it is stationary, to signify the vehicle is waiting for passengers. *To do so - 3 penalty points.*
29. Passengers carried
- 29.1 You must not carry more persons than specified on the school transport/private hire vehicle licence plate. *To do so - 3 penalty points*
- 29.2 You must not carry more persons than the number of seats with seat belts fitted. *To do so - 6 penalty points.*

- 29.3 You must ensure that each passenger is wearing a seat belt at all times during the journey and ensure wheelchairs are securely fixed in the floor restraint system within the vehicle. *Failure to do so - 3 penalty points.*
- 29.4 When undertaking a school transport contract, you must not carry any person in your vehicle other than a passenger that you are required to carry pursuant to the contract. *To do so - 3 penalty points.*
- 30. Giving or lending of vehicle or licence to others**
- 30.1 You must not lend or give your licence to any other person, other than the copy of your licence that you are required by these conditions to give to your operator. *To do so - 6 penalty points.*
- 30.2 You must not permit any other person who is not a Reading Borough Council licensed school transport vehicle driver or private hire driver with a current enhanced Criminal Records Bureau check, to drive your licensed school transport vehicle. *To do so - 6 penalty points.*
- 31. Playing of radio or similar**
- 31.1 You must not play a radio or any other sound producing device to the annoyance or discomfort of your passengers. *To do so - 3 penalty points.*
- 32. Use of hand held communication, navigation or similar device**
- 32.1 You must not use a hand held communications or navigation device or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving. *To do so - 3 penalty points.*
- 33. Signs**
- 33.1 You must not display any roof signs or advertisements of any nature on the exterior of the vehicle apart from the licence plate, school transport sign and that required by the school transport contract being undertaken. *To do so 3 penalty points.*
- 33.2 You must display on a school transport vehicle or private hire vehicle being used for a school contract the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time. *Failure to do so - 3 penalty points.*
- 33.3 You must display on a school transport vehicle or private hire vehicle being used for a school transport contract signs as specified in the contract, such as the school number and contract route number. *Failure to do so - 3 penalty points.*