

Licensing Applications Sub-Committee

Yellow Papers

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Reading
Borough Council
Working better with you

READING BOROUGH COUNCIL LICENSING APPLICATIONS SUB-COMMITTEE

YELLOW PAPERS

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READING BOROUGH COUNCIL – HACKNEY CARRIAGE AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused, or an existing licence holder will have their licence revoked. For other offences the policy gives the times scales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrates Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension/revocation issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. The bar has been raised. Existing licence holders that have been granted licences prior to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser, or those offences not included. It is not reasonable that those licences should be automatically revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.

8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction check on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions.
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

and the

Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
<https://www.legislation.gov.uk/ukpga/2022/14/enacted>

13. The Licensing Authority will consider each case on its own merits; applicants and licensees are entitled to a fair and impartial consideration of their application.
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour

Their overall conviction history

- Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant.
- Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process.

- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services.
 - Any other matters that are relevant.
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. (ref: Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Sections 1(1), 1(2), 1(3) - <https://www.legislation.gov.uk/ukpga/2022/14/enacted#section-1-1>)
 17. A caution is regarded in the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered.
 20. Where a period is given below, it should be taken to be a **minimum** in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
 21. It is important to recognise that matters which have not resulted in a criminal conviction whether that is the result of an acquittal, a conviction being quashed, where a decision not to prosecute has been made or an investigation which is continuing where the individual has been bailed can and will be considered by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
 26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing

authority has powers to take action against the holder of all types of licence (drivers, vehicles, and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked. There is a further ongoing duty to notify the licensing authority of arrest and/or prosecution within the timescales set out in the adopted statutory standards.

27. Any dishonesty by any applicant or other person on the applicants behalf which is discovered to have occurred in any part of any application process (e.g., failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.

This includes (this is not an exhaustive list)

- a. Slavery,
- b. Child sexual abuse,
- c. Exploitation,
- d. Grooming,
- e. Psychological,
- f. Emotional,
- g. Financial abuse,
- h. Domestic abuse,
- i. Harassment and stalking.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least **TEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked.
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked.

39. Sexual/Indecency Offences include (this is not an exhaustive list)

- a. Rape
- b. Assault by penetration
- c. Offences involving children or vulnerable adults
- d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e. Making or distributing obscene material
- f. Possession of indecent photographs depicting child pornography.
- g. Sexual assault
- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted, or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously.

42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked.

43. Dishonesty offence includes (this is not an exhaustive list)

- a. Theft
- b. Burglary
- c. Fraud
- d. Benefit fraud
- e. Handling or receiving stolen goods
- f. Forgery
- g. Conspiracy to defraud
- h. Obtaining money or property by deception
- i. Other deception
- j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least **TEN YEARS** have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **FIVE YEARS** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.
47. Examples of Discrimination offences include (this is not exhaustive list)
- a. Racially aggravated common assault
 - b. Any racially aggravated offence against a person or property.
 - c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
 - d. Offences under The Equality Act 2010
 - e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction, the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.

Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of **up to 6** points, a licence holder can agree to complete an extended driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee.

54. Where a licence holder has **more than 6** valid penalty points for driving offences, their licence will be revoked.

Drink driving/driving under the influence of drugs

55. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

Using a hand-held device whilst driving

56. Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least **FIVE YEARS** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
57. Where the offence is dealt with as a driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least **FOUR YEARS** have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

58. Where an applicant has a licence for any offences under any relevant hackney carriage or private hire legislation will not be granted a licence until at least **SEVEN YEARS** have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked.

Penalty points (endorsements)

1. Overview

The courts can fine you and ‘endorse’ your driving record with penalty points if you’re convicted of a motoring offence.

Endorsements must stay on your driving record for 4 or 11 years, depending on the offence.

The endorsement and penalty points are put on your driver record. [View your driving licence record \(/view-driving-licence\)](#) to see what penalty points you have and when they’ll be removed.

You can be [disqualified from driving \(/driving-disqualifications\)](#) if you build up 12 or more penalty points within a period of 3 years. There are different [rules for new drivers \(/penalty-points-endorsements/new-drivers\)](#).

[Endorsement codes and processes in Northern Ireland \(http://www.nidirect.gov.uk/index/information-and-services/motoring/driver-licensing/endorsements-and-disqualifications.htm\)](#) are different.

2. Endorsement codes and penalty points

Each endorsement has a special code and is given ‘penalty points’ on a scale from 1 to 11. You get more points for more serious offences.

The table shows the offence codes that can be put on your driving record. It also shows how many penalty points you can get for them. Some offences may also involve a disqualification.

Offence codes and penalty points must stay on your driving record for 4 or 11 years depending on the offence.

Accident offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD33 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD33	Causing serious injury by careless or inconsiderate driving	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	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
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to co-operate with a preliminary test	4

Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10
DR70	Failing to co-operate with a preliminary test	4
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
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 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
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	6

Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

(Downloaded: 14.02.2025)

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
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 traffic sign (excluding 'stop' signs, traffic lights 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

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

You'll get an 'MR' code on your driving record if you're disqualified while driving in Northern Ireland or the Isle of Man. Your disqualification period will

also be valid in GB and will stay on your record for 4 years from the date of conviction.

Code	Offence
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MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
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MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
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MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
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MR39	Driving a vehicle faster than the permitted speed
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MR49	Driving a vehicle whilst disqualified
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MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence
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Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your driving record if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your driving record if you've incited someone to do this.

3. How long endorsements stay on your driving record

Endorsements stay on your driving record for 4 or 11 years depending on the offence. This can start from either the date you're convicted or the date of your offence.

The endorsement is 'valid' for the first:

- 3 years, for a 4-year endorsement
- 10 years, for an 11-year endorsement

A court can take your endorsement into account if both:

- you commit another offence while it's valid
- the endorsement is still on your driving record when the court considers your case

Other people, like insurers and employers, may be able to find out that you have the endorsement:

- any time during a 4-year endorsement
- during the first 5 years of an 11-year endorsement, or the first 30 months if you're under 18

4 years from date of conviction

An endorsement will stay on a driving record for 4 years from the date of conviction if the offence:

- is for reckless/dangerous driving - shown on the driving record as DD40, DD60 and DD80
- results in disqualification

Example

Date of conviction 28 May 2011 - the endorsement must stay on the driving record until 28 May 2015.

4 years from the date of offence

In all other cases endorsements stay on your driving record for 4 years from the date of offence.

Example

Date of offence 10 June 2012 - the endorsement must stay on the driving record until 10 June 2016.

11 years from date of conviction

If the offence is:

- drink driving or drug driving - shown on the driving record as DR10, DR20, DR30, DR31, DR61 and DR80
- causing death by careless driving while under the influence of drink or drugs – shown on the driving record as CD40, CD50 and CD60
- causing death by careless driving, then failing to provide a specimen for analysis – shown on the driving record as CD70

Example

Date of conviction 3 December 2009 - the endorsement must stay on the driving record until 3 December 2020.

4. New drivers

Your licence will be cancelled (revoked) if you get 6 or more points within 2 years of passing your test.

Points on your provisional licence

Any penalty points on your provisional licence that have not expired will be carried over to your full licence when you pass your test. However, your licence will be cancelled if you get any further penalty points that take you up to a total of 6 or more within 2 years of passing your driving test.

If your licence is cancelled within 2 years

You'll have to apply and pay for a new provisional licence and pass both theory and practical parts of the driving or riding test again to get a full licence.

If you have not sent off for your full licence

You must retake both parts of your driving test if your licence has been cancelled after you've passed your test, but you have not sent off for your full licence yet. You can use your current provisional licence to take the tests.

Who's covered by the rules

These rules apply to all new drivers who passed their first driving test in:

- Great Britain
- Northern Ireland
- Isle of Man
- Channel Islands
- Gibraltar
- the European Community (EC) and European Economic Area (EEA)

The EC/EEA countries are:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain and Sweden.

There is not another 2 year period if you pass a test for another category of vehicle, for example to drive a heavy goods vehicle.

Foreign licences

The rules also apply if you [exchange a foreign driving licence for a British licence \(/exchange-a-foreign-driving-licence\)](#) and then pass a further driving test in Great Britain.

5. Returning your driving licence for endorsement

If you get a fixed penalty notice for a motoring offence, you do not need to give your driving licence to the police or fixed penalty office (FPO).

To accept the fixed penalty you need to give them your:

- name
- date of birth
- driving licence number

The FPO will tell the DVLA about the endorsement (including penalty points) so they can add it to your record.

You may be asked to hand your licence in at court. The court will then send it to DVLA. If you do not hand it in, then you may be asked to send it to DVLA.

When you must send your licence to DVLA

DVLA will write to you asking you to send your licence to them if:

- you're a new driver, who has been given 6 or more penalty points within 2 years of passing your test, and DVLA has revoked your licence
- you have been disqualified from driving by the court and you did not hand your licence in to the court
- the licence you gave the court is invalid
- you've let DVLA know that [you've changed your address \(/tell-dvla-changed-address\)](/tell-dvla-changed-address)



You must send your driving licence to DVLA when asked. If you do not, you could be fined up to £1000.

6. Removing expired endorsements from your driving record

Most expired endorsements will automatically be removed from your driving record when they're no longer valid.

The length of time [they stay on your record \(/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence\)](/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence) depends on how serious the offence was.

7. How to check your endorsement details

[View your driving licence record \(/view-driving-licence\)](/view-driving-licence) to see what penalty points you have and when they'll be removed.

You can also [contact DVLA \(/contact-the-dvla/y/driver-licensing\)](/contact-the-dvla/y/driver-licensing).

Incorrect endorsement details on your licence

Contact the court that convicted if your endorsement details are shown incorrectly on your driving licence.



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HACKNEY CARRIAGE DRIVER CONDITIONS

LEGISLATION

A) TOWN POLICE CLAUSES ACT 1847

- 1 The driver of a hackney carriage whilst on a taxi rank or in any street who refuses or neglects without reasonable excuse to drive to any place in the area for which he is licensed (the Borough of Reading) commits an offence. (Section 53)

B) LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

- 1 You must produce your hackney carriage driver's licence at the request of a council officer or police officer at the Civic Offices or Police Station within five days of the request. (Section 53)
- 2 Provide a medical certificate as and when required by the council. You must be examined by the Consultant occupational Health Physician to ascertain your fitness to hold a licence before the grant of your first licence, every fifth year until age 60, every other year to age 70 and annually thereafter, or at any other time considered reasonably necessary the Head of Planning and Environmental Health. (Section 57)
- 3 The Council may suspend or revoke or refuse to renew your licence if since the grant of the licence—
 - 3.1 Has been convicted of an offence involving dishonesty, indecency or violence; or
 - 3.2 Has been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
 - 3.3 That he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
 - 3.4 Any other reasonable cause. (Section 61)
- 4 When undertaking a journey which ends outside the licensed area (the Borough of Reading) you must not charge more than the fare shown on the taximeter unless a fare was agreed before commencement of the journey. (Section 66)
- 5 When used as a private hire vehicle, i.e., when not plying for hire or standing on a taxi rank or accepting bookings through a third person you must only charge the fare shown on the taximeter from where the hirer commenced the journey. (Section 67)
- 6 You must not without reasonable cause unnecessarily prolong in distance or time, the journey for which the vehicle was hired. (Section 69)
- 7 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)

C) BYELAWS MADE BY THE COUNCIL UNDER SECTION 68 TOWN POLICE CLAUSES ACT 1847 AND SECTION 171 PUBLIC HEALTH ACT 1875

- 1 The driver of a hackney carriage provided with a taximeter shall:
 - 1.1 When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
 - 1.2 Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word “HIRED” is legible on the face of the taximeter to indicate that the hackney carriage is hired or that a fare is being charged and keep the machinery of the taximeter in action until termination of hiring;
 - 1.3 Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
(Byelaw 5)
- 2 The driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto. (Byelaw 6)
- 3 The driver of a hackney carriage shall, when plying for hire, in any street and not actually hired:
 - 3.1 Proceed with reasonable speed to one of the stands appointed or deemed to have been appointed. If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, shall proceed to another stand. Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
 - 3.2 On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward. (Byelaw 7)
- 4 The driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose. (Byelaw 8)
- 5 The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle (Byelaw 9)
- 6 The driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place. (Byelaw 10)

- 7 The driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage provided that for the purpose of this byelaw two children under the age of twelve years shall be regarded as one person and children under the age of three years shall not be reckoned subject to the limitation that no hackney carriage licensed to carry three, four or five persons shall carry more than five, six or seven adults and children respectively. (Byelaw 11)
- 8 If a badge has been provided by the council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible. (Byelaw 12)
- 9 The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - 9.1 Convey a reasonable quantity of luggage.
 - 9.2 Afford reasonable assistance in loading and unloading.
 - 9.3 Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person. (Byelaw 13)
- 10 Every hackney carriage driver shall present a clean and tidy appearance. (Byelaw 14)
- 11 The driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Table of Fares. The fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- 12 Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Table of Fares which it may not be possible to record on the face of the taximeter. (Byelaw 15)
- 13 A Statement of fares fixed by the Table of Fares shall be exhibited inside the carriage in clearly distinguishable letters and figures. The driver of a hackney carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire. (Byelaw 16)
- 14 The driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein. (Byelaw 17)
- 15 The driver of a hackney carriage shall if any property is accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:
 - Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Civic Offices, Reading, or other office for the time being of the Borough Council, and leave it in the custody of the officer in charge on his giving a receipt for it;

- be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence on the pound of its estimated value (or the fare for the distance from the place of finding to the office of the council, whichever be the greater) but not more than five pounds. (Byelaw 18)

D Hackney Carriage Driver Conditions

1. On payment of a fare by card, no extra or minimum charge shall be imposed on the hirer (Byelaw 15 and Town Police Clause Act 1847 Section 53).

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

LEGISLATION

In these conditions unless the subject or context otherwise requires, “the Proprietor” means the holder of a Hackney Carriage Proprietor’s Licence, “the Council” means the Reading Borough Council and “the Licence” means a Hackney Carriage Proprietor’s licence issued by the Council.

A) TOWN POLICE CLAUSES ACT 1847

1. Licence plate to be displayed on the vehicle. (Section 38)
2. The proprietor must inform the council within seven days of any change of address. (Section 44)
3. The proprietor must retain the hackney carriage driver’s licence of any person he permits or employs to drive a hackney carriage and shall return it when he ceases to drive such vehicle. (Section 48)

B) LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

1. 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)
2. You must present the vehicle for inspection and testing and produce a certificate of insurance when required by the council. (Section 50)
3. 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)
4. 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)
5. The council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:
 - 5.1 that the vehicle is unfit for use as a hackney carriage
 - 5.2 any offence or non-compliance with the laws and conditions controlling the hackney carriage trade
 - 5.3 any other reasonable cause. (Section 60)
6. 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)
7. 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)

C) BYELAWS MADE BY THE COUNCIL UNDER SECTION 68 TOWN POLICE CLAUSES ACT 1847 AND SECTION 171 PUBLIC HEALTH ACT 18751.

1. The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside of the carriage, or on a plate affixed thereto.

- 1.1 Cause the roof or covering to be kept watertight

- 1.2 Provide any necessary windows and a means of opening and closing not less than one window on each side

- 1.3 Cause the seats to be properly cushioned or covered

- 1.4 Cause the floor to be provided with a proper carpet, mat or other suitable covering

- 1.5 Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service

- 1.6 Provide means for securing luggage if the carriage is so constructed as to carry luggage

- 1.7 Provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use by the driver

- 1.8 Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress of the driver

2. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements

- 2.1 The taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter or for the taximeter to indicate that the carriage is hired or that a fare is being charged

- 2.2 Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter

- 2.3 When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the Table of Fares

- 2.4 The word "FARE" shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon

2.5 The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring

2.5 The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

HACKNEY CARRIAGE VEHICLE LICENCE

In these conditions unless the subject or context otherwise requires, “the proprietor” means the holder of a hackney carriage proprietor’s licence, “the council” means the Reading Borough Council and “the licence” means the hackney carriage proprietor’s licence issued by the council.

D) CONDITIONS

1. The proprietor shall report the loss of any plate or the licence to the council as soon as the loss becomes known and, in the event of ceasing to use his vehicle as a hackney carriage, shall return the plate and licence to the council within seven days.
2. In the event of a licence plate being stolen, lost, damaged, or destroyed, the full cost of replacement shall be payable by the proprietor.
3. The proprietor shall ensure that the internal identification plate issued by the council is displayed on the driver’s side of the glass partition, so as to be clearly visible to Passengers, without obscuring their view of the taximeter. In the event of the proprietor ceasing to use the vehicle as a hackney carriage, he shall return the plate to the council within seven days.
4. The proprietor shall ensure that the exterior sign approved by the council clearly displays to the front of the vehicle the word “TAXI” in normal daylight and shall be kept illuminated during the hours of darkness, as defined in the Road Traffic Acts, when plying for hire. “TAXI” shall be shown on the said side on plain letters not less than 50mm high, such lettering to be dark in colour, on a light background.
5. The proprietor shall ensure that no advertisement is displayed, on or within the vehicle, unless prior approval has been received from the Council.
6. All hackney carriage vehicles must have council approved, electronic payment device facilities available for use by customers, at all times and must display council approved signage to show this facility is available.
7. The proprietor shall not attach or affix or cause to be attached or affixed to the vehicle any sign or mark other than those allowed under conditions 3, 4, 5 and 6 above and section 38 Town Police Clauses Act 1847.
8. A Hackney carriage vehicle shall comply with Part II of the Public carriage Office Specification “Conditions of Fitness” as amended appropriate to, the Borough of Reading at all times.

9. The proprietor shall provide a copy of these conditions and a valid vehicle insurance certificate to any licensed driver of this vehicle.

E. 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 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.

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

Local Government (Miscellaneous Provisions) Act 1976

Updated 2 June 2010

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.*

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.

PRIVATE HIRE VEHICLE OPERATOR

A private hire operator is a person making provision in the course of a business for the invitation or acceptance of bookings for private hire vehicles.

PRIVATE HIRE VEHICLE OPERATOR CONDITIONS

In these conditions “operator” means the holder of an operator’s licence granted by the Council, “The Council” means the Reading Borough Council, “the proprietor” means the holder of a private hire vehicle licence, “The Act” means the Local Government (Miscellaneous Provisions) Act 1976.

Bookings & Records

- 1 (i) The operator shall keep details of all bookings accepted by him/her either from the hirer or another operator and shall record on the approved booking system immediately the booking is received the matters listed in, (a) to (j) and (k) to (n) below as they occur:
 - (a) name of the hirer;
 - (b) phone number of the hirer, unless he refuses to approve it;
 - (c) date & time the booking was made;
 - (e) date & time pick up required;
 - (f) location of pick up;
 - (g) destination;
 - (h) how the booking was received (ie telephone, email, web, in person);
 - (i) price quoted for booking (Shall quote price);
 - (j) identity of person accepting booking;
 - (k) time booking is allocated to driver;
 - (l) identity of driver accepting hiring;
 - (m) identity of vehicle used for booking;
 - (n) time job completed.

(ii) The above record shall be retained by the operator for a period of not less than six months and must be available for inspection on demand by any authorised officer of the Council or any Police Officer at all reasonable times.

(iii) Any computerised system used must be able to produce a printed record of the details specified above.

(iv) A backup of the records required to be kept must be made daily.

- 2 All records held in association with the company or firm, operated by virtue of this operator's licence, must be distinct and separate from that of any other company or firm.
- 3 (i) If operating more than 5 vehicles, all booking records held in respect of the company or firm operated by virtue of this operator's licence, shall be held on a computerised system or in the event of temporary computer breakdown, booking records may be held in another manner and for a specified time period, both of which require approval by the Council in writing.

(ii) If operating 5 or less vehicles a manual bookings system, approved by the Council, in writing, may be used.
- 4 If operating more than 5 vehicles, all bookings allocated to Reading Borough Council licensed private hire drivers, operated by virtue of this operating licence, must be allocated by way of an electronic Personal Digital Assistant (PDA) or similar device, or in the event of temporary computer breakdown, in another manner and for a specified time period, both of which require approval by the Council in writing.
- 5 (i) The operator shall retain a copy of the private hire vehicle driver's licence, the private hire vehicle licence and a copy of the certificate of insurance in respect of every driver and vehicle operated by him, and shall make such documents readily available for inspection by an authorised officer of the Council or Police Officer.

(ii) These documents must be returned to the driver or proprietor when the driver or vehicle ceases to be operated by him/her.

(iii) These documents and any other paper records required to be held by the Council must be kept in secure lockable cupboards with access restricted to persons approved by the operator in writing. A list of such persons must be made available to officers of the Council or a Police Officer on request.

6 The information specified below, shall be submitted to the Council on or before the 7th day of each month in respect of the previous month.

- (a) the registration number of each vehicle operated;**
- (b) the private hire vehicle licence number of each vehicle operated;**
- (c) the date of expiry of each vehicle licence;**
- (d) the date of expiry of each vehicle insurance;**
- (e) the name of each private hire vehicle driver;**
- (f) the private hire vehicle driver licence number of each driver;**
- (g) the date of expiry of the private hire vehicle driver's licence of each driver;**
- (h) the dates the vehicles and drivers commenced and ceased work.**

Bookings received through the internet or via an app based booking system shall only be received at the company base stated on the operator's licence, unless otherwise approved by the council in writing and only at such other addresses supplied on the application form to the council and approved by the council in writing.

7 The operator must keep a daily record of the names of controllers engaged in the receiving of bookings and despatching of vehicles to accepted bookings and the times that those persons were so engaged. This record must be kept for not less than 6 months and be available for inspection on demand, by any authorised officer of the Council or any Police Officer, at all reasonable times. The operator shall be totally responsible for the conduct and actions of controllers engaged in the receiving of bookings and despatching vehicles to accepted bookings, operating under his/her licence.

8 Bookings received by telephone shall only be received at the company base stated in the operator's licence, unless otherwise approved by the Council in writing and only on the telephone number(s) supplied on the application form to the Council or such other number(s) as maybe approved by the Council on the application by the operator in writing.

Advertising

9 No advertisement for the hire of private hire vehicles:

(i) shall misleadingly give the impression that a private hire vehicle is a taxi or a cab, whether the words 'taxi' or 'cab' are in singular or plural or by using any similar words. In this context advertisement includes every form of advertising.

(ii) is permitted, which includes the words "taxi" or "cab" whether in singular or plural or any similar words, unless the operator provides and has access to the services of hackney carriages as part of the business. In this context advertisement includes every form of advertising.

10 The operator shall not by calling out or otherwise importune any person to hire a private hire vehicle and shall not make use of the services of any other person for that purpose.

Vehicles, Drivers and Escorts

11 If the operator by virtue of their operating licence, carries on the business of Home to School Transportation of children's contracts and in doing so provides school transport escorts to fulfil those contracts, they shall ensure all school transport escorts used in the course of such contracts produce valid up to date enhanced Disclosure and Barring Service (DBS) checks every 3 years to the operator. The operator shall provide copies of these DBS checks to an authorised officer of the council for verification before the escort commences employment with the operator and on the anniversary of the expiration of the previous DBS check.

12 The operator shall not carry or permit to be carried in a private hire vehicle more persons than permitted on the licence plate.

13 A private hire vehicle operated by the operator shall conform to the conditions attached to private hire vehicle licences

14 Before employing or contracting any person as a driver of a private hire vehicle, the operator, must ensure that the driver is the holder of a current private hire vehicle driver's licence issued by Reading Borough Council, and that the vehicle is correctly licensed by Reading Borough Council.

- 15 Only vehicles and drivers that are licensed by Reading Borough Council shall be used to fulfil bookings accepted by virtue of this operator licence, unless the booking neither commences nor terminates in the district of Reading Borough Council, in which case hackney carriages licensed by other authorities may be utilised.
- 16 The holder of a Private Hire Vehicle Operator Licence, issued by Reading Borough Council that operates school transport vehicles, must ensure that they comply with the conditions applicable to School Transport Vehicle Operators, as well as these conditions. These are available on the Council's website or on request.

Office Staff

- 17 The operator shall at all reasonable times provide Council Officers and the Police with any information necessary for the purpose of checking booking records. Whenever the company office is open for accepting bookings, the operator shall ensure that there is an authorised member of staff present who has received suitable and sufficient training and instruction concerning the provision of information required, including the ability to satisfactorily and competently operate any computer system used for the purpose.
- 18 The operator shall not knowingly or recklessly employ anyone as a controller to receive bookings and despatch vehicles, who has been deemed not fit and proper, by any local authority, to hold a private hire operator, private hire driver or hackney carriage driver's licence, unless approved by the Head of Environment & Consumer Services on the application by the operator in writing.

General

- 19 The operator who has accepted a booking for a private hire vehicle shall arrange for it to attend punctually at the appointed place and time unless delayed or prevented by some cause beyond his/her control.
- 20 The operator shall ensure that all controllers taking telephone calls for bookings for private hire services clearly identify the company by the name(s) on the operator licence, to callers when answering the telephone.
- 21 Only trading or company name(s) that are written on the operator licence, or other trading name approved by the Council in writing, shall be used for trading in the borough of Reading.

- 22 The operator shall inform the council within 28 days of any conviction against him/her since the grant of the licence.
- 23 The operator shall not operate from an address other than that stated on the licence unless authorised to do so by the Council issuing an amended licence for that purpose.
- 24 Every applicant for an operator's licence must, at the time of application for the grant or renewal of such a licence, notify the council of those persons who are in control of the operational management of the company. Any changes to the nominated persons must be notified in writing to the Council within 72 hours.
- 25 All advertisements, websites and contact details, including telephone lines and telephone numbers used in association with the company or firm operated by virtue of this private hire operator's licence must be distinct from and separate to that of any other company or firm.
- 26 All advertising on the internet in respect of the operators business including the companies operating name and any trading names shall provide full details of the address of the operating base and must be clearly stated on their websites.
- 27 The operator shall display a copy of the licence within the operator base and where this base has a customer area, the licence must be displayed where the public can easily view it.

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 or amendment thereof) shall apply to the proceedings.
3. 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.

Guidance Notes on Legislation

Laws relevant to the operation of private hire vehicles in the Borough of Reading.
Local Government (Miscellaneous Provisions) Act 1976

No person shall operate a private hire vehicle without a current licence. (*Section 55*)

A licensed operator must not:

- (a) operate an unlicensed private hire vehicle; (*Section 48*)
- (b) operate an unlicensed private hire driver. (*Section 46*)

An operator must keep a record of every booking accepted by him in the manner prescribed by the council and must produce such record to an authorised council officer or police constable on request. (*Section 56*)

An operator must keep records of all private hire cars operated by him in the manner prescribed by the council and produce the records to an authorised council officer or police constable on request. (*Section 56*)

An operator must produce his operator's licence on the request of any authorised council officer or police constable. (*Section 56*)

The council may suspend, revoke, or refuse to renew an operator's licence on any of the following grounds:

- (a) any offence under or non-compliance with the provisions of the above Act;
- (b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence;
- (c) 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
- (d) any other reasonable cause. (*Section 62*)

An operator 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 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*)

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**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.*

SCHOOL TRANSPORT VEHICLE CONDITIONS

These conditions shall apply to all proprietors of school transport vehicles that operate within the Borough of Reading.

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

- (i) "Authorised Officer" means any officer of Reading Borough Council authorised to deal with school transport services;
- (ii) "The Borough" means the district controlled by Reading Borough Council;
- (iii) "The Council" means Reading Borough Council;
- (iv) "Licence" means a School Transport Vehicle Licence issued by the Council;
- (v) "Proprietor" includes a part-proprietor and means the owner of the vehicle, or in relation to any vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle under that agreement.
- (vi) "Passengers" includes both escorts and children/pupils/students/Social Services clients carried in a school transport vehicle;
- (vii) "School transport vehicle" means a vehicle that is used for the transportation of children or clients under a School Transport Service (STS) contract.
- (viii) "Clients" means any person registered with Social Services requiring transport between normal place of abode and Social Services establishment, or between establishments.
- (ix) "STS" is the School Transport Service, which is responsible for the planning and organisation of school and social services transport for all eligible pupils, students and clients in accordance with Reading Borough Council Policy.

Conditions attached to school transport vehicle licence

1. You must not use or permit the use of a vehicle without a licence.
2. You must not employ any person who is not the holder of a school transport vehicle driver's licence to drive such a vehicle.
3. You must display the licence plate issued to the vehicle in the manner prescribed by the council.
4. If you transfer your interest in your vehicle you must inform the council in writing of this person's name and address and date of transfer within **14 days**.

5. You must present the vehicle for inspection and testing and produce a valid certificate of insurance cover in respect of third party and for hire and reward purposes when required by the council.
6. You must ensure that an appropriate level of public liability insurance is provided in respect of the vehicle as required by the Council.
7. 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.
8. On the expiry, revocation or suspension of your licence you must return the licence plates issued to the vehicle within **seven days** of a request of the council.
9. The council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:
 - (i) that the vehicle is unfit for use as a school transport vehicle;
 - (i) any offence or non-compliance with the conditions relating to school transport services.
 - (iii) any other reasonable cause.
10. 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 and may suspend the vehicle licence until this test is carried out. Should the officer not be satisfied with the fitness during the two months following the date of issue of the notice, the licence is deemed to have been revoked.
11. You must not wilfully obstruct an authorised officer of the Council or police officer, 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.

Vehicle Requirements

12. No vehicle:
 - (i) more than five years old at the time of application shall be eligible for licensing as a school transport vehicle for the first time.
 - (ii) shall be relicensed as a school transport vehicle following a gap of two years where it has not been licensed.
 - (iii) more than eight years old shall be eligible for licensing as a school transport vehicle provided that the Council in its absolute discretion may license such a vehicle.
13. Vehicles of the “estate” type must be fitted with a secure fixed grille behind the rear seat to prevent luggage from entering the passenger area.

14. Vehicles must be right hand drive.
15. The vehicle must be suitable for the school transport route covered.
16. All tyres must be 'E' marked and comply with the requirements of Construction and Use Regulations. Remoulded tyres must be marked as complying with the requirements of BSAU 144e, or as amended, or be certified for use by the Vehicle Certification Agency. All tyres and wheels must be of the size, type and load rating recommended by the vehicle manufacturer.
17. The vehicle must carry at all times, in the place designed for that purpose, a spare wheel and tyre, wheel brace and vehicle jack. 'Space Saver' spare wheels and tyres must be used in accordance with the vehicle manufacturer's recommendations.
18. The proprietor of any vehicle that is licensed must inform the council prior to any changes they propose to the interior layout of seating.
19. All seating should be arranged so that all passengers are seated facing forwards.
20. Three point type seat belts must be fitted to all passenger seats. Lap belts may only be used for the middle rear passenger seat of saloon vehicles. Otherwise, all seat belts must be of the three-point type.
21. Vehicles which are adapted to carry passengers seated in wheelchairs must meet the following specifications:
 - (i) Suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer's instructions. At no time should wheelchair passengers be transported in vehicles that do not have floor restraints fitted.
 - (ii) Passengers must not be fitted in wheelchairs facing sideways or rearward.
 - (iii) Vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. Vehicles with a floor height of more than 330mm must be fitted with a power operated lift and not a ramp. All such equipment must be installed, operated and maintained in accordance with the manufacturer's instructions.
 - (iv) If a powered lift is used, an emergency manual method of lowering the lift must be provided.
 - (v) Ramps or lifts must not prevent service and emergency doors from being operated from both outside and inside the vehicle.
 - (vi) The ramp surface must be of non-slip material and raised edges should be provided on each side of the ramp.

- (vii) Doorways for use by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm, and 600mm wide (between the hand rails) above that height. The height of the doorway must be a minimum of 1300mm. There should be a minimum floor to ceiling height of 1350mm in any part of the vehicle to be occupied by passengers in wheelchairs.
- 22. Equipment for the assistance of disabled persons, such as tail-lifts and ramps, will require separate maintenance records.
- 23. Power-operated passengers lifts must have a load-bearing capacity of at least 300kg, and have a platform size of at least 750mm wide and 1200 mm long with raised rear rollback plate when deployed and with grip handles fitted to both side edges.
- 24. Vehicles using power-operated passenger lifts must ensure that they have
 - (i) fluorescent yellow grip handles and strips on the edges of the lift;
 - (ii) an audible signal to indicate deployment of the lift;
 - (iii) clear warning notices displayed to advise passengers not to board a moving lift;
 - (iv) a lift surface of non-slip material.
- 25. If the vehicle requires specialist equipment for any passenger, such as a harness, the proprietor should ensure that STS are contacted. If necessary, the equipment will be supplied on loan by STS. If this is the case, the proprietor must ensure that the equipment is maintained and kept in good order.
- 26. No child under the age of 8 shall sit in the front passenger seat of any school transport vehicle.
- 27. The proprietor shall use booster cushions conforming to British Standard BS AU 185 or European Standard ECE44 for use by small children where provided by STS, unless the seat belts installed in the vehicle are designed to be adjusted to the shoulder height of young children.
- 28. Where a vehicle is fitted with childproof locks on the rear doors, these must be used at all times when the vehicle is carrying children under the age of 18.
- 29. No vehicle shall be licensed unless it has been the subject of a vehicle examination (“an authorised vehicle examination”) by a vehicle examiner approved by the Council, which may occur up to three occasions in a twelve month period.
- 30. No vehicle shall be licensed, unless it has been issued with a current vehicle inspection exemption certificate, issued as a result of a test carried out under Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976.
- 31. Where a vehicle has been issued with a vehicle inspection exemption certificate, which has subsequently expired, the vehicle must not be used for school transport purposes until it has undergone a further authorised vehicle examination and passed.

32. Where a vehicle attends an authorised vehicle examination and fails, if the vehicle has not previously been licensed as a school transport vehicle, it will not be licensed until the fault has been rectified and the vehicle has been re-tested and issued a vehicle inspection exemption certificate.
33. Where a vehicle which is currently licensed as a school transport vehicle attends an authorised vehicle examination and fails;
- (i) The vehicle shall not be used for school transport purposes until the fault has been rectified; and
 - (ii) The vehicle must be re-tested and issued a current vehicle inspection exemption certificate.
34. Where a school transport vehicle has been issued with a vehicle inspection exemption certificate which expires later than the school transport vehicle licence issued to the same vehicle, provided a renewal application has been submitted in respect of the school transport vehicle licence before the expiry of the current licence, the vehicle may continue to be used as a school transport vehicle, during the remaining period of validity of the vehicle inspection exemption certificate.
35. Where a school transport vehicle has been issued with a vehicle inspection exemption certificate, which expires prior to the school transport vehicle licence issued to the same vehicle, the vehicle may only continue to be used as a school transport vehicle up until the expiry of the exemption certificate. However, provided a new exemption certificate is issued to start during the currency of the previous exemption certificate then the vehicle may continue to be used as a school transport vehicle.
36. Where a vehicle has been issued with a vehicle inspection exemption certificate and a school transport vehicle licence, which run concurrently and expire on the same date, the vehicle shall only continue to be used as a school transport vehicle, provided:
- (i) a renewal application has been submitted in respect of the licence, prior to the expiry of the current licence;
- and
- (ii) the vehicle must undergo an authorised vehicle examination and a new vehicle inspection exemption certificate must be issued to the vehicle before the expiry of the current vehicle inspection exemption certificate.
37. The proprietor shall not cause or permit the vehicle to stand on a road in a manner which suggests that it is a hackney carriage and shall in no circumstances cause or permit the vehicle to wait on a hackney carriage stand.
38. The proprietor shall 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.
39. Without prejudice to condition 41 below, a school transport vehicle shall not display a sign or notice:
- (i) 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;

- (ii) 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.
- 40. 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.
- 41. A school transport vehicle shall not carry or display any roof signs or advertisements of any nature on the exterior of the vehicle apart from the following, which are required:
 - (i) the school transport vehicle licence plate issued to the vehicle;
 - (ii) 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.
- 42. Vehicles should not be fitted with heavy tinted glass, so that the driver, and front and/or rear passenger(s) cannot be clearly seen from outside of the vehicle.
- 43.
 - (i) The proprietor shall not carry or permit to be carried in such vehicle any greater number of persons than the vehicle is licensed to carry and in any case no more persons than the number of seats and seat belts fitted.
 - (ii) The vehicle shall not be fitted with a greater number of seats than the maximum number of passengers that is shown on the vehicle licence.
- 44. The proprietor **shall** at all times when the vehicle is engaged in use under the terms of a STS contract:
 - (i) display the school transport vehicle licence plate issued by the council on the rear bumper or boot of the vehicle, to be fitted to a fixed permanent mounting plate in accordance with the reasonable instructions of an authorised officer;
 - (ii) not remove or cause or permit the removal of the school transport vehicle licence plate unless under the instructions of an authorised officer;
 - (iii) not wilfully or negligently cause or suffer the school transport vehicle licence plate allocated to the vehicle by the Council to be concealed from public view or to be so defaced that any figure or material particular is illegible.
 - (iv) display the internal licence plate issued by the council on or around the dashboard of the vehicle so it is clearly visible to passengers.
- 45. Proprietors of more than two vehicles shall supply monthly return sheets with the following details:
 - (i) vehicle make, registration number, school transport vehicle licence number;
 - (ii) driver name, address, badge number.

46. The proprietor of the vehicle shall ensure before he/she commences work each day that:
- (i) 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;
 - (ii) the vehicle is provided with both a first aid kit and a suitable BCF dry powder fire extinguisher of 1kg or greater capacity. The extinguisher shall be fitted to the vehicle readily available for use by the driver. The school transport vehicle licence number shall be painted on the extinguisher.
47. At all times during the currency of the licence the proprietor shall keep in force in relation to that vehicle a policy of insurance complying with the requirements of part VI of the Road Traffic Act 1988.
48. At all times during the currency of the licence the proprietor shall keep in force in relation to that vehicle a current and valid vehicle excise licence.
49. All vehicles used for the provision of a STS contract shall be well-maintained. Vehicles should be kept clean, free from litter and graffiti.
50. (i) You must, following a road traffic accident or any other incident involving a licensed school transport vehicle owned by you, give full details of :
- (a) yourself
 - (b) the driver of the vehicle at the time of the accident or incident
 - (c) the insurance for the vehicle.
- to any person reasonably requesting the information within 72 hours of the accident.
- (ii) You must report the accident or incident to STS as soon as possible and in any case within 72 hours.
51. The proprietor shall notify the council in writing within 14 days of the following:
- (i) any change of address from that shown on the school transport vehicle licence;
 - (ii) any change in the engine capacity, registration mark or internal features of the vehicle;
 - (iii) any conviction in any court involving the proprietor and/or the vehicle giving details of the date, offence, name of Court and penalty imposed.
52. The proprietor shall keep written records of any maintenance checks of the vehicle and these shall be available for inspection by authorised officers of the Council.
53. The proprietor shall report the loss or theft of a school transport vehicle licence plate or card to the Police and the Council as soon as the loss becomes known, and in the event of ceasing to use the vehicle for school transport purposes shall return the school transport vehicle licence plate and card to the council within **seven days**.
54. In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of replacement shall be payable by the proprietor.

55. If the vehicle is operated by a school transport vehicle operator, the proprietor of the vehicle shall, before commencing employment, deposit the school transport vehicle licence and a copy of the certificate of insurance for the vehicle with the school transport vehicle operator for retention by him/her until such time as the vehicle ceases to be operated by him/her.
56. The proprietor of the vehicle shall within **14 days** inform the council in writing if the vehicle ceases to work for the operator with whom his/her licence is deposited.
57. Where a proprietor surrenders his school transport vehicle licence and plate to the council a refund will be made equivalent to one twelfth of the licence fee for each unexpired month subject to a maximum of one half of the licence fee.

Appeal Procedure

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

The procedure shall be by way of complaint, and the Magistrates' Court Act 1980 (or any re-enactment thereof) 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.

**For laws relevant to the operation of school transport vehicles in the
Borough of Reading please see Local Government (Miscellaneous Provisions)
Act 1976.**

Conditions attached to School Transport Vehicle Operator's Licence

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

- (i) "Operator" means the holder of a school transport vehicle operator's licence granted by the Council;
 - (ii) "Council" means Reading Borough Council;
 - (iii) "Licence" means a School Transport Vehicle Operator's Licence issued by the Council;
 - (iv) "School transport vehicle" means a vehicle that is used for the transportation of children/social services clients under a School Transport Service (STS) contract.
1. No person shall operate school transport vehicles unless they are the holder of one of the following licences: School Transport Vehicle Operator Licence, Private Hire Vehicle Operator Licence, PCV licence or a Hackney Carriage Licence.
 2. The holders of Private Hire Vehicle Operator Licences and Hackney Carriage Licences issued by Reading Borough Council that operate school transport vehicles must ensure that they comply with these conditions in addition to their standard Licence conditions.
 3. An operator must not:
 - (a) operate an unlicensed vehicle; and/or
 - (b) operate an unlicensed driver.
 4. An operator must keep a record of every contract undertaken accepted by him/her in the manner prescribed by the council and must produce such record to an authorised council officer or police constable on request.
 5. An operator must keep records of all school transport vehicles operated by him/her in the manner prescribed by the council and produce the records to an authorised council officer or police constable on request.
 6. An operator must produce his/her operator's licence on the request of any authorised council officer or police constable.
 7. The council may suspend, revoke, or refuse to renew an operator's licence on any of the following grounds:
 - (a) any non-compliance with the conditions of the licence;
 - (b) any conduct on the part of the operator which appears to the council to render him/her unfit to hold an operator's licence;

- (c) 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;
 - (d) if you are convicted of an offence involving dishonesty, indecency or violence;
 - (e) any other reasonable cause.
8. An operator must not wilfully obstruct a council officer or police constable, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause fail to give any such person any other assistance or information he/she may reasonably require in the performance of his duties.
 9. An operator must not when providing information to the Council:
 - (a) knowingly or recklessly make a false statement; and/or
 - (b) knowingly omit any material information.
 10. The operator shall not by calling out or otherwise importune any person to hire a school transport vehicle and shall not make use of the services of any other person for that purpose.
 11. The operator who has undertaken a contract shall arrange for a licensed school transport vehicle to attend punctually at the appointed place and time unless delayed or prevented by some cause beyond his/her control.
 12. The operator shall not carry or permit to be carried in a school transport vehicle more persons than permitted on the licence plate.
 13. No advertisement for a school transport vehicle is permitted which includes the words “taxi” or “cab” whether in singular or plural or any phonetically or derivative words thereof. Advertisement includes every form of advertising.
 14. The operator shall keep details of all contracts undertaken by him/her, either on behalf of the Council or another operator, in a bound volume, or in any other manner approved by the Council, and shall record the following details:
 - (a) name of the passenger;
 - (b) address of the passenger;
 - (c) time of pick up;
 - (d) point of pick up;
 - (e) destination;
 - (f) identity of driver completing journey.

The above record shall be retained by the operator for a period of not less than twelve months.

15. A school transport vehicle operated by the operator shall not carry or display any signs or advertisements of any nature on the exterior of the vehicle apart from the following which is required to be displayed.
 - (a) the council’s official school transport plate;
 - (b) the school transport sign provided by the Council.
16. Without prejudice to the above condition a school transport vehicle operated by the operator shall not display any sign or notice;

- (a) which consists 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 other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it or would be so available if not already engaged on a contract.

17. The operator shall keep a record of all school transport vehicles, escorts and drivers operated by him containing the following information:

- (a) registration number of each vehicle;
- (b) licence number of each vehicle;
- (c) name and address of the vehicle proprietor;
- (d) name, address and licence number of each driver;
- (e) date of expiry of the vehicle licence;
- (f) date of expiry of the driver’s licence;
- (g) dates the vehicles and drivers commenced or ceased work.

18. The records specified in the above condition shall be submitted to the appropriate officer of the council on or before the 7th day of each month in respect of the previous month.

19. Before employing any person as a driver of a school transport vehicle, the operator must ensure that the driver is the holder of a current school transport vehicle driver’s licence issued by Reading Borough Council, and that the vehicle is correctly licensed by Reading Borough Council.

20. The operator shall retain the school transport vehicle driver’s licence, the school transport vehicle licence and a copy of the certificate of insurance in respect of every driver and vehicle operated by him, and shall make such documents readily available for inspection by an authorised officer of the council or Police Officer. Such documents shall be returned to the driver or proprietor when the driver or vehicle ceases to be operated by him.

21. If the operator by virtue of their operating licence carries on the business of Home to School Transportation of children’s contracts and in doing so provides school transport escorts to full fill those contracts, they shall ensure all school transport escorts used in the course of such contracts produce valid up to date Disclosure and Barring Service (DBS) checks every 3 years to the operator. The operator shall provide copies of these DBS checks to an authorised officer of the council for verification before the escort commences employment with the operator and on the anniversary of the expiration of the previous DBS check

22. The operator must ensure that an appropriate level of public liability insurance is provided in respect of each school transport vehicle as specified by the Council.

23. The operator shall inform the council within 14 days of:

- (a) any change of address from that shown on his licence;
- (b) any conviction (including cautions and fixed penalties) against him since the grant of the licence.

24. The operator shall ensure that any school transport vehicle operated by him is in a suitable mechanical condition, safe, comfortable, clean and presentable.
25. 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 the operator must report the damage to the council as soon as reasonably practicable or in any case within 72 hours of the accident.
26. The operator shall ensure compliance with regulations regarding driving hours where applicable.
27. If the operator is leaving the country for more than 28 days, they must notify the Council in writing, before they leave the country, details of the person responsible for the company administration during the absence.
28. Every holder of an operator's licence must keep a daily record in a bound volume of the names of those persons responsible for ensuring school transport vehicles complete their contracted bookings and the control of vehicles and the times that those persons were so engaged. This record must be available for inspection by any authorised officer of the council or any Police Officer.
29. The holder of an operator's licence shall ensure that all staff employed by them as controllers are aware of the conditions and legislation controlling the various activities in which they are engaged.
30. All advertising on the internet in respect of the operators business including the companies operating name and any trading names shall provide full details of the full address of the operating base on their websites.

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, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereof) shall apply to the proceedings.
3. 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.