

1. Introduction

- 1.1. The law relating to the hackney carriage and private hire trades is largely contained in 2 statutes, the Town Police Clauses Act 1847 which is exclusively concerned with hackney carriages and the Local Government (Miscellaneous Provisions) Act 1976 which deals with both the hackney carriage and private hire trades. The object of the legislation is to ensure the safety and well being of the public.
- 1.2. The power to regulate the private hire trade under the 1976 Act is adoptive. The Council resolved to adopt those powers in 1992 and has regulated the private hire trade since.
- 1.3. Under the legislation the Council is responsible for licensing hackney carriages and private hire vehicles, drivers of those vehicles and operators of private hire vehicles.
- 1.4. The aim of this policy is to set out the approach the Council will take in dealing with the grant of licences; the Council's conditions and the approach taken with regard to enforcement of conditions and the legislation.

2. Licensing of Drivers

- 2.1. The Council has a duty to grant a driver's licence to anyone who applies for a licence who holds a full driving licence (or is otherwise authorised to drive under the Road Traffic Act 1988) and who has held such a licence or authorisation for at least 12 months. However the Council must not grant a licence unless it is satisfied that the driver is a fit and proper person to hold such a licence.
- 2.2. In determining whether someone is a fit and proper person councils are entitled to have policies. The Council's policy in the form of its Licensing Standards - Drivers is attached as Appendix A. It sets out the standards expected of those who apply for, or hold, licences to drive hackney carriages and/or private hire vehicles.
- 2.3. The policy is not binding upon the Council. However applicants who do not meet all the licensing standards will only be granted a licence if there are good grounds for departing from the Council's policy. The burden of proof is

upon the applicant to satisfy the Council that he or she is a fit and proper person.

- 2.4. The fact that someone meets the licensing standards is not a guarantee that a licence will be granted. There may be reasons why an applicant may be considered not to be a fit and proper person even though he or she meets licensing standards. Conversely there will be cases where someone does not meet the licensing standards but nevertheless the Council is satisfied that he or she is a fit and proper person so that a licence can be issued. Each case is decided upon its merits. Where an applicant does not meet the Council's medical standards the application will be considered on a risk basis and a licence may be granted if the Council is satisfied that the applicant will be safe to drive.
- 2.5. Save for drivers who are prepared to accept conditions on their licence that (1) they may not carry passengers (2) they will drive hackney carriages/private hire vehicles only for the purposes of road testing or for the purpose of collecting the same from and returning it to an operator or proprietor before and after the vehicle has been submitted for the purposes of repair, servicing or testing (a "limited licence") all applicants for a driver's licence will be required to have an enhanced Disclosure and Barring Service ("DBS") check at the time of the first application for a licence and thereafter at 3 yearly intervals. Applicants will also be required to undergo a medical at the time of the first application for a licence and generally every 3 years thereafter although the Council may request medical certificates more frequently if there are reasons to be concerned about a driver's medical fitness to drive.
- 2.6. The Assistant Chief Executive - Legal has delegated authority to grant licences where applicants meet the Council's licensing standards. However there will be occasions when he feels that the decision would be better taken by Members (e.g. the number or nature of spent convictions; police intelligence revealed by the enhanced DBS check; false statements made by an applicant on the application for the licence etc.). In such cases he may refer the application to the Licensing and Environmental Health Committee for determination.

- 2.7. The Assistant Chief Executive - Legal also has delegated authority to refuse licences where applicants do not meet the Council's licensing standards. The Assistant Chief Executive - Legal cannot grant a licence in such cases but if he considers the circumstances are such that an exception to policy could be made he may refer the application to the Licensing and Environmental Health Committee for determination.
- 2.8 The Assistant Chief Executive - Legal may refer a driver or operator to the committee at any time for the committee to consider the revocation of a licence where in the opinion of the Assistant Chief Executive - Legal there are grounds to consider that the driver may not be fit and proper person. The Assistant Chief - Legal may take such action notwithstanding the fact that the driver meets the licensing standards set out in Appendix A to this policy.
- 2.9 Where a decision is taken to grant or refuse an application for a licence which is contrary to the Council's policy clear reasons for that decision will be given.
- 2.10 Where applications for licences are refused the applicants have a right of appeal against that decision. Details of the appeal procedure will be given to unsuccessful applicants along with the written notice of the decision.

3. Licensing of Operators

- 3.1. Private hire vehicles are not permitted to ply or stand for hire and must be pre-booked through an operator. Operators are required to be licensed under the 1976 Act.
- 3.2. The only qualification for a private hire operator is that the Council must be satisfied that he or she is a fit and proper person to hold such a licence. Again the Council has a policy to guide it in its determination as to whether an applicant is a fit and proper person in its Licensing Standards - Operators which is attached as Appendix B.
- 3.3. The standards for operators are not as strict as for drivers. The policy does not take into account conditional discharges after they are deemed spent (whereas for drivers a conditional discharge will be taken into consideration even if spent for 12 months after the date of sentence) or cautions.



**CONDITIONS RELATING TO LIMITED VEHICLE TESTER'S LICENCES TO DRIVE
HACKNEY CARRIAGES AND/OR PRIVATE HIRE VEHICLES**

Drivers will:-

1. Notify UDC in writing of:-
 - a. Any change of address within 7 days of the change of address occurring
 - b. Any change in the driver's physical or mental condition which may affect his or her ability to drive within 48 hours of the driver becoming aware of such change
 - c. Any motoring convictions, or fixed penalty notices (save for in respect of civil parking fixed penalty notices which cannot result in the endorsement of points upon the driver's licence) within 7 days of the date of conviction or the issue of a fixed penalty notice
 - d. Any damage caused to a licensed vehicle or any accident the driver may have been involved in whilst in charge of a licensed vehicle within 72 hours of the damage or accident occurring
2. Not carry any passengers
3. To drive Hackney Carriage or Private Hire Vehicles ONLY for the purpose of road testing or for the purposes of collecting the same from and returning to an operator or proprietor before and after the vehicle has been submitted for the purposes of repair, servicing or testing.

**DRIVERS WHO FAIL TO OBSERVE THESE CONDITIONS MAY HAVE
THEIR LICENCE SUSPENDED OR REVOKED**

Thug who told ex he'd 'burn her out' is jailed

Outburst in court as he is sentenced for threats and damage

By **Huw Wales**

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A STANSTED man who told his ex that he had a knife and a petrol can and was going to "burn her out" went on a foul-mouthed rant as he was jailed.

Andrew Logan, 42, of Woodfields, admitted threatening to damage or destroy property and criminal damage after the incident in Bishop's Stortford on April 23.

But as he was sent to prison for his actions, he told Recorder Giles Eyre: "You will be judged too one day" along with a series of swear words directed towards his former girlfriend.

In the corridor leading to the cells he continued to shout and could be heard hitting the walls.

On April 23 Logan, a car mechanic, rang up his ex at around 11.45pm, telling her that he was two minutes away, that he had a knife and a petrol can and that he would "burn her out".

The court heard that the sound of swishing liquid was also heard during the phone call.

Car horn

Within minutes he had parked on the driveway of her father's house, where she was staying, and started to beep his car horn and flash the lights before launching an attack on the house itself and damaging the front door.

Recorder Eyre said: "This is a 42-year-old man who has behaved appallingly in relation to this matter.

"On the 23rd of April you rang and spoke with your former girlfriend who you had recently split up with and you suggested to her that you were two minutes down the road with a knife and a petrol can and you were going to burn her out.

"This was a terrifying ordeal and you need to understand how terrifying that was."

In mitigation, the court heard that Logan had been suffering from mental health problems and that he helped provide care for his elderly mother at the weekends.

Logan was sentenced to 14 months in prison and given a restraining order not to contact, directly or indirectly, his former girlfriend and not to go within 100 yards of anywhere she was living.

Andrew Logan was sentenced to 14 months in prison for threatening to destroy property and for causing criminal damage



Stansted campaigners file for a judicial review

