29 October 2018

RE: Immigration Act 2016 - Applications for private hire and hackney carriage driver and private hire operator licences.

Right to work in the UK check required

The UK Government has changed the law regarding private hire, hackney carriage driver's and private hire operator licences with effect from 1 December 2016. These changes will affect you if:

- you apply for a driver's or operators licence on or after 1 December 2016; or
- you already hold a driver's or operators licence and you apply for your licence on or after 1 December 2016.

The legislation does not affect applications for vehicle licences.

This note explains what the changes mean, how they will affect you and what you need to do.

What do the changes mean?

The changes mean that, from 1 December 2016, the council as a licensing authority is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have the right to licence in the UK.

In order to comply with this duty the council has to check that all applicants on or after 1 December 2016 have the right to work in the UK. By law this applies to everyone regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

How the changes will affect you

For applications received on or after 1 December 2016 you will be required to provide original and valid evidence of your right to work in the UK before your licence will be issued. Should you fail to do so, your licence will not be issued and will not be processed further. Please see below for further details as to what is required for you to evidence your right to work in the UK.

What you need to do

You will be notified when to attend the licensing public counter where a council licensing officer will check your original valid documentation evidencing your right to work in the UK. You must attend in person and bring evidence of your right to work in the UK with you to the council offices. Only certain forms of documentation are acceptable. For applicants who are British
citizens all they need to produce will be a passport. For British Citizens who do not have British passports there are other documents which can be produced instead these are contained in List A attached to this note.

For applicants who have restrictions on their right to work in the UK they must produce one of the documents in List B attached to this note.

Please note that you must provide the original (not a copy). If you do not possess any of the mentioned forms of documentation, you must let us know as soon as possible. It is your responsibility to make sure that you can provide one of the acceptable forms of documentation and you should take steps to obtain this, if required.

The licensing officer at the time you personally produce your documents to is required to follow a 3 step process:

1. obtain the original version of one or more of the acceptable documents referred to above;
2. check the document’s validity in the presence of the applicant; and
3. make and retain a clear copy of the document.

Please assist the licensing officer in helping them to follow this legally required 3 step process.

**Once your documentation has been checked**

If the documentation you provide demonstrates that you have a permanent right to work in the UK (from list A) you will not be required to produce this on future applications.

In other cases, you will be required to provide your documentation when you next apply to apply your licence so that your documentation can be checked again or this may be earlier if your right to work in the UK is limited to a shorter period.

As part of these changes from the home office it is also important to highlight that if you currently have a VISA that confirms your stay in the UK that is attached in an expired passport, this is no longer accepted and as a result you will need to apply to the home office in order to get this corrected before being issued with a driver or operator licence.

Licensing Service
Luton Council

email:licensing@luton.gov.uk
List A

No restrictions on right to work in the UK. Once the council has undertaken the necessary check once, and retained a copy of your document, you will not have to repeat the check when you subsequently apply to renew your licence.

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.

5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents or adoptive parents (including an official extract of an entry in the register of births in Scotland in long form), together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
List B

Restrictions on right to work in the UK. The council may issue your licence (subject to statutory limitations) up to the expiry date of your permission to work in the UK. The council will check your immigration status each time you apply to renew your licence.

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

5. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.

6. A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK and work because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.
Dear Applicant;

Thank you for enquiring about making an application to the Licensing Service. Below are details on the process of applying as well as documents that you will need to supply to support this.

In order to submit a Licence application you must be eligible to work in the United Kingdom and if requested be in a position to provide the original documentary evidence of this to the Licensing Service. If the right to work in the United Kingdom is removed then the Luton Borough Council driver’s licence and badge must be returned to the Licensing Service with immediate effect.

You are required to apply to Personnel Checks to obtain a DBS Certificate (formally known as a CRB Disclosure) and a DVLA Driving Licence check prior to submitting a Licence application. Personnel Checks can be contacted on 01254 355669 or www.personnelchecks.co.uk/taxis/luton and will be able to take you through the process of obtaining a DBS Certificate and DVLA Driving Licence check. Once a DBS Certificate and DVLA Driving Licence check has been received you will be in a position to submit a Licence application, providing all additional documentation is in the correct requested details.

Please note: from 1st October 2015 the law has changed and a Private Hire / Hackney Carriage driver licence will be issued as standard for a period of three years. If you wish to apply for a lesser licence period this request must be submitted in writing at the time of application. In addition following receipt of your licence application the Authority may provide a Licence for a lesser period if a specific issue is identified that requires this e.g. a medical issue.

ONLINE APPLICATIONS – APPLY ONLINE

The Licensing Service has introduced online services for Driver and Vehicle applications solely for new and renewal applications.

It is now live which you can find on the council home page of the website and in the search box in the top right type “vehicle driver licence applications” select the top option then you can select the correct licence type you are applying for.

We will be able to accept these online applications with scanned documents (including good images taken on a mobile phone) and with electronic payments. The online facility will work on mobile phones, tablets and PC’s/Laptops.

In order to process your application the Licensing Service will require the following documents:

- A medical form - to be completed by your doctor and stamped with their surgery stamp (form enclosed)
- Completed DVLA Driving Licence Check
- An enhanced DBS Certificate (formerly CRB Disclosure) issued within the last 3 months
- Knowledge Test pass certificate issued by Luton Borough Council
- The original of your DVLA Driving Licence in your full correct name.

Please see the Private Hire and Hackney Carriage fee chart at the back of the application for the application fees. FEES ARE CORRECT AT THE TIME OF PRODUCING THIS LETTER

If you have any queries or concerns regarding this matter please do not hesitate to contact the Licensing Service on the above telephone number or email.

Yours faithfully

Licensing Service
IMPORTANT LICENSING SERVICE NOTICE

The Licensing Service will be situated part of the week at the Kingsway MOT testing Depot.
To accommodate the Licensing Service being partly ran at the depot there will be a change in the opening hours of the Licensing Counter at the Town Hall:

MONDAY, WEDNESDAY & FRIDAY the Licensing Counter will be open to provide a service at the TOWN HALL accepting all application types Monday & Friday between the hours of 09:00 and 16:00 and Wednesday between the hours of 10.00 and 16.00.

TUESDAY & THURSDAY the Licensing Counter will be open to provide a service at the DEPOT accepting Vehicle GRANT and RENEWAL applications booked in on these days paying by CARD PAYMENTS ONLY.
Appointment times are between 09:00 and 15:00 to be booked direct with the Depot, any tests booked outside of these times will require applications to be submitted at the Town Hall Licensing Counter on Monday & Friday between the hours of 09:00 and 16:00 and Wednesday between the hours 10.00 and 16.00.

Please note on the days the Licensing Service are open at the depot, we will only be able to serve customers that have an appointment booked on the days and times as stated above. We are unable to serve customers not booked in with the depot for a test.

PLEASE NOTE: IT IS FOR THE APPLICANT TO PRINT OFF THE APPLICATION FORM FROM THE COUNCILS WEBSITE OR APPLY FOR YOUR APPLICATION ONLINE. WE ARE NOT IN A POSITION TO PROVIDE THE PAPER VERSION OF THE APPLICATION.

Thank you.
APPLICATION PROCESS FOR PRIVATE HIRE, HACKNEY CARRIAGE DRIVER’S LICENCE

INITIAL ENQUIRY

WE STRONGLY ADVISE ANY APPLICANT TO READ OUR HACKNEY CARRIAGE PRIVATE HIRE LICENSING POLICY PRIOR TO APPLYING AT ANY STAGE.

APPLICANTS WILL BE PROVIDED WITH A KNOWLEDGE TEST REQUEST PACK THAT HIGHLIGHTS REQUIREMENTS TO REQUEST A TEST AND WHAT DOCUMENTS ARE REQUIRED TO SUBMIT THE REQUEST.

SUBMIT REQUEST WITH COMPLETED APPLICATION, FULL DVLA (COUNTERPART & PHOTO CARD), PASSPORT (IF NO PHOTO DVLA) AND FEE.

ONCE ACCEPTED YOU CAN BOOK KNOWLEDGE TEST DATE. (TESTS ARE GENERALLY EVERY MONDAY MORNINGS).

BOOK KNOWLEDGE TEST DATE and MAKE PAYMENT (Tests are generally every Monday mornings)

PERSONALLY ATTEND TO TAKE KNOWLEDGE TEST ON DATE BOOKED. WHERE YOU MUST BRING RECEIPT WHICH INCLUDES BOOKING REFERENCE NUMBER, FULL DVLA (COUNTERPART AND PHOTO CARD AND OR PASSPORT WHERE REQUIRED).

YOU NEED TO CONTACT COMPANY PERSONNEL CHECKS ON THE CONTACT DETAILS PROVIDED TO APPLY FOR YOUR DBS (formally CRB) AND YOUR DVLA MANDATE. YOU MUST APPLY AND RECEIVE THIS PRIOR TO APPLYING FOR YOUR DRIVER’S APPLICATION. FOR YOUR DVLA MANDATE CHECK YOU WILL RECEIVE CONFIRMATION HAS BEEN COMPLETED.

ONCE RECEIVED YOU NOW CAN APPLY FOR THE PRIVATE HIRE, HACKNEY CARRIAGE DRIVER’S LICENCE.

COMPLETE APPLICATION FORM WITH SUPPORTING DOCUMENTS (AS DETAILED WITHIN DRIVERS PACK) YOU WILL BE PROVIDED WITH THIS PACK ONCE PASSED THE KNOWLEDGE TEST.

SUBMIT APPLICATION FORM WITH ALL SUPPORTING INFORMATION REQUIRED.

ARE DBS & DVLA MANDATE SATISFACTORY AND ACCEPTABLE IN LINE WITH OUR POLICY.

If not

Satisfactory

APPLICATION REVIEWED AND ASSESSED AGAINST OUR POLICY.

DETERMINED BY LICENSING SERVICE MANAGER FILE SIGNED OFF

Licence Signed Off.

You will then be called or sent an SMS to notify your badge and licence can be personally collected. (You must bring full DVLA (counterpart and photo card and any old badges). Failure to produce these documents will result in you NOT being issued with your new badge and licence)

/you have any convictions and/or cautions for motoring or other offences, applicants will be interviewed to establish whether they are ‘fit and proper’ persons to be licensed. However, if the applicant does not declare convictions and/or cautions and are subsequently found, this may result in applicants being interviewed and attending a panel hearing. Applications that do not meet the council’s policy and subsequently refused the grant of a licence, no refund of fees will be made. Checks are always made and applicants should be aware the council has the power in law to refuse applications in certain circumstances.

If No

Fail

Retake Knowledge Test (cannot re take test within one calendar month).

Pass

DBS / DVLA MANDATE

IF RECENT CONVICTIONS / OFFENCES OR OTHERWISE UNACCEPTABLE OR IF ISSUES ON DVLA HISTORY THAT NEED INVESTIGATING

COULD RESULT IN INTERVIEW TO ASSESS IF LICENCE APPLICATION CAN BE DETERMINED BY LICENSING SERVICE MANAGER! IF NOT WILL BE HEARD AT TAXI / PH PANEL.

N.B. IF AN APPLICATION NEEDS TO BE HEARD BEFORE THE TAXI AND PRIVATE HIRE PANEL THIS PROCESS CAN TAKE CONSIDERABLY LONGER DUE TO DEMAND AND AVAILABILITY.

Licence Granted

If refused either by service manager or at panel applicants have the right to appeal to magistrates court at their cost.

* CONVICTIONS, CAUTIONS, MOTORING OR OTHER OFFENCES.

If you have any convictions and/or cautions for motoring or other offences, applicants will be interviewed to establish whether they are ‘fit and proper’ persons to be licensed. However, if the applicant does not declare convictions and/or cautions and are subsequently found, this may result in applicants being interviewed and attending a panel hearing. Applications that do not meet the council’s policy and subsequently refused the grant of a licence, no refund of fees will be made. Checks are always made and applicants should be aware the council has the power in law to refuse applications in certain circumstances.

AVERAGE TIMESCALE(S) OF PROCESS

You should note that after you have submitted your full PH / HC DRIVER’S APPLICATION (AFTER PASSING THE KNOWLEDGE TEST, APPLYING AND RECEIVING YOUR DBS CERTIFICATE & PROCESSING YOUR DVLA MANDATE) THE PROCESS OF OBTAINING A DRIVER LICENCE CAN ON AVERAGE TAKE TWELVE WEEKS IF ALL STAGES ARE COMPLETED SUCCESSFULLY. HOWEVER DELAYS ARE POSSIBLE BASED ON THE SPEED OF THE CRIMINAL RECORD BUREAU AND DVLA MANDATE RETURNING TO THE SERVICE. IF A PANEL HEARING IS REQUIRED THEN THE SERVICE WILL ADVISE ON THE EXPECTED TIMESCALES IN INDIVIDUAL CASES.

Please note: if your licence is granted it can only run until the expiry of your right to remain and work in the UK. But will not exceed the maximum statutory period of a licence.
Local Government (Miscellaneous Provisions) Act 1976

APPLICATION FOR LUTON BOROUGH COUNCIL DRIVER LICENCE

TO BE COMPLETED IN BLOCK CAPITALS IN BLACK INK

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<tr>
<th>Licence Applied For (Please Tick Licence Required)</th>
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<tr>
<td>Hackney Carriage</td>
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**Personal Details**

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<th>National Insurance No</th>
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Have you previously held a licence to drive a Hackney Carriage/Private Hire Vehicle in Luton, or within any other authority? (If so, state licensing authority, date of expiry of last licence, if full or temporary licence and quote Badge Number) **YES/NO**

If YES, give details of:-

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<th>Licensing Authority:</th>
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<td>Expiry Date:</td>
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<td>Temporary/Full:</td>
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<td>Badge No:</td>
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Have you held a UK driver's licence (NOT a provisional licence) throughout the last twelve months? **YES/NO**

Do you suffer from any physical/mental disabilities? If YES, please give details. **YES/NO**

Do you suffer from any condition that requires regular medical attention? If YES, please give details (e.g. heart complaint). **YES/NO**

Please declare **ALL** cautions or convictions regardless of their date for:-

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<tr>
<th>(a) Motoring offences?</th>
<th><strong>YES/NO</strong></th>
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<td>(b) Not Motoring offences?</td>
<td><strong>YES/NO</strong></td>
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If **YES**, give details:-

**Motoring Offences**

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<th>Court</th>
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**Non-Motoring Offences**

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Which operator are you intending to work for?
It is a criminal offence, for which you will be prosecuted, if you
• Knowingly make a false statement or omit any information from this application: or
• Drive a vehicle for hire without a licence to drive issued by the Council

I declare that to the best of my knowledge and belief, the information submitted in support of this application is true and correct. I understand that if I knowingly or recklessly make a false statement or omit any material particular, I shall be guilty of an offence. I undertake to inform Luton Borough Council’s Licensing Service Manager immediately of any changes to the information I have provided whilst my application is being considered and should a Licence be granted, during the period the Licence is valid.

I hereby apply to Luton Borough Council for a Licence to drive a Private Hire and/or Hackney Carriage Vehicle (as indicated in this application). If a licence is granted I undertake to comply with all statutory provisions, Byelaws and conditions relating to the Licence and accept that if I infringe or neglect to comply with any of these conditions subject to which the Licence is held, the Licence shall be liable to be suspended or revoked by the Council. I declare that I have no convictions other than those set out herein.

Please note: your licence if granted can only run until the expiry of your rights to remain and work in the UK, but will not exceed the maximum statutory period of a licence.

We strongly advise you take the time to read our hackney carriage and private hire licensing policy prior to submitting any form of application. The policy can be found within the Taxi and Private Hire Licence section at www.luton.gov.uk.

Signature…………………………………………………………………………... Date…………………………………………………..

Luton Borough Council is under a duty to protect the public fund it administers, and to this end, may use the information you have provided on this form within this authority for the protection and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes

Signed…………………………………………………………………………... Date…………………………………………………..

DATA PROTECTION ACT 1984

This department now holds most of its records on a computer data base. The purpose of holding this information on computer is to enable us to provide a more efficient service. All the information held will be confidential and you are at liberty to view the details that specifically apply to you should you so wish.

Data Protection Information

Privacy Notice

We take your privacy very seriously therefore we urge you to read Luton Council’s privacy statements carefully because it contains important information about us and:
• The personal information we collect about you
• What we do with your information, and
• Who your information may be shared with

To view this Privacy Notice, please visit https://www.luton.gov.uk/pages/privacy-statement

National Register of Taxi Licence Revocations & Refusals (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage driver or a private hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task
carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:
- Where a hackney carriage / private hire driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:
- Name
- Date of birth
- Address and contact details
- National insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for / being granted, a hackney carriage / private hire driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at https://www.luton.gov.uk/Business/Lists/LutonDocuments/PDF/Licensing/Hackney-carriage-private-hire-licensing-policy.pdf

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority’s statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at feedback@luton.gov.uk or telephone 01582 546398.

You have the right to make a complaint to the Information Commissioner’s Office (ICO). Advice on how to raise a concern about the handling of data can be found on the ICO’s website: https://ico.org.uk/make-a-complaint/
### Application Checklist

Before you submit your application, tick the following boxes to ensure you have completed all the necessary procedures and included all the necessary documents. The Licensing Service is unable to accept applications that are incomplete.

<table>
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<tr>
<th>Application form, fully completed and signed</th>
<th>Applicant to tick</th>
<th>Office Use Only</th>
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<tbody>
<tr>
<td>Current, original full United Kingdom DVLA Driving Licence, The Licence must state your current name and address.</td>
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<td>An enhanced DBS Certificate (formerly CRB Disclosure) issued within the last 3 months.</td>
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<td>Two recent identical colour passport sized photographs (no hats or sunglasses) taken against a white background</td>
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<tr>
<td>You must provide evidence to support your entitlement to live and work in the UK.</td>
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<tr>
<td>Licence fee which is payable by cheque (made payable to Luton Borough Council), cash or credit/debit card. (We do not accept American Express or Diners Club) Please note a service charge will be required for payments made by credit cards.</td>
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HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE MEDICAL QUESTIONNAIRE

IMPORTANT NOTE FOR MEDICAL PRACTITIONERS:

1) THIS QUESTIONNAIRE MUST BE COMPLETED BY THE APPLICANTS OWN GP WHERE THEY ARE REGISTERED OR ANOTHER GP AT THE SAME PRACTICE AND MUST BE A REGISTERED AND LICENSED GP.

2) THIS MEDICAL QUESTIONNAIRE SHOULD BE COMPLETED IN ACCORDANCE WITH GROUP 2 ENTITLEMENT CONTAINED IN THE DOCUMENT ‘MEDICAL ASPECTS OF FITNESS TO DRIVE’ ISSUED BY THE DRIVERS MEDICAL GROUP, DVLA.

(SEE BOTTOM OF PAGE 2 FOR MORE INFORMATION)

Full Name of Applicant ___________________________________________________________

Full Address ________________________________________________________________

_________________________________ ____________________________________________

Date of Birth __________________________________________________________________

IF YOU ANSWER YES TO ANY QUESTION 1 TO 10, THEN PLEASE PROVIDE ADDITIONAL INFORMATION IN THE COMMENTS BOX OVERLEAF

1. Has the applicant to your knowledge suffered any fit, convulsion or similar epileptic form of attack since the age of five years? YES/NO

2. Has the applicant any history of blackouts? If yes, please give brief details in the comments box overleaf. YES/NO

3. Has the applicant suffered from any of the following conditions in the last five years? (If yes, please give brief details overleaf.)

   (a) Diabetes YES/NO

   (b) Asthma YES/NO

   (c) Cardiovascular Disease YES/NO

   (d) Hypertension YES/NO

   (e) Central Nervous System Disorder YES/NO

   (f) Migraine YES/NO

4. Has the applicant suffered from any defect of balance including fainting, dizzy spells, vertigo, Mienier's Disease or other condition likely to affect cerebellar function? YES/NO

5. Has the applicant a history of psychiatric illness which might be likely to affect their ability to cope with physiological stress of driving professionally? YES/NO

6. Does the applicant suffer from defective eyesight or hearing which would in any way impair their ability to drive professionally? YES/NO

7. Has the applicant any deformity, loss of limb or physical disability likely to interfere with the efficient discharge of their duties as a driver of a Hackney Carriage or Private Hire Vehicle? (Special attention should be paid to the condition of the hands, arms, feet, legs and joints.) YES/NO
8. Does the applicant show any addiction to the excessive consumption of alcohol or drugs? YES/NO

9. Do you consider that the applicant is medically fit to drive a Hackney Carriage or Private Hire Vehicle? If not, please give details. YES/NO

10. Would you please confirm that the above named applicant is registered with your Practice. YES/NO

11. How long has the above named applicant been registered with your Practice?

Comments

TO BE COMPLETED BY GP ONLY.

I confirm that I have completed this medical in accordance with The 'Medical Standards Of Fitness to Drive' see: http://www.dvla.gov.uk/medical .

Signature: ..................................................Practice Stamp: Date:

GP NAME:
(block capitals): ..............................................................................

GMC Reference Number: ..............................................................

The information contained in this questionnaire will remain strictly confidential to the Head Of Environmental & Consumer Services, Luton Borough Council.

Licensing Service
Environmental and Consumer Services.
Town Hall
Luton LU1 2BQ
Tel: (01582) 546040
### PRIVATE HIRE & HACKNEY CARRIAGE DRIVER LICENSING APPLICATION FEES

FEES DETAILED BELOW ARE VALID FROM 1ST April 2018 AND ARE CORRECT AT THE TIME OF PRODUCING THIS LETTER

<table>
<thead>
<tr>
<th>DRIVER</th>
<th>LICENCE APPLICATION FEE</th>
<th>PAPER LICENCE AND BADGE FEE</th>
<th>DVLA Check</th>
<th>CRB</th>
<th>TOTAL</th>
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Please note that once a Licence application has been accepted by the Licensing Service there will be NO REFUND due if the Licence is not granted or the Licence application process is not completed.
### Private Hire / Hackney Carriage Driver Licence

<table>
<thead>
<tr>
<th>Additional Badges</th>
<th>Fee</th>
<th>Paper Licence / Badge Fee</th>
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<th>DVLA Check</th>
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<tr>
<td>(At time of renewal)</td>
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</tr>
</tbody>
</table>
LUTON BOROUGH COUNCIL

SCHEDULE

STANDARD CONDITIONS FOR A PRIVATE HIRE DRIVER’S LICENCE

1) The Licensee shall not assign or in any way part with the benefit or the licence that is personal to him or her. Any change of name or address of the Licensee must be notified to the Licensing Manager within 7 days of the occurrence.

2) The Licensee shall at the request of any Authorised Officer of the Council or of any Police Constable produce for inspection this Licence either forthwith or
   a) in the case of a request by an Authorised Officer of the Council, at the Town Hall, Luton, or such other place as may be specified, before the expiration of the period of seven days beginning with the day following that on which the request is made.
   b) in the case of a request by a Police Constable before the expiration of any such period and any such place as may be specified in writing for the purpose

3) The Licensee shall, unless specifically exempted in writing by the Council, whilst working as a Private Hire Driver wear, in such a position and manner as to be plainly and distinctly visible, a driver's badge issued in accordance with the grant or renewal of this Licence incorporating his or her photograph and badge number (the badge shall be provided by and remain the property of the Council at all times).

4) The Licensee shall pay a deposit to the Council (as determined by the Council) in respect of his or her Private Hire Driver's badge which shall be held on his or her behalf by the Council and shall be forfeited to the Council in the event of the loss of the badge or of damage occurring to the badge which renders it unfit for use.

5) Where the Council suspend, revoke or refuse to renew this Licence the Licensee shall on demand return the badge to the Council.

6) The Licensee shall not while driving or in charge of a Private Hire Vehicle:
   a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle; or
   b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle; or
   c) offer that vehicle for immediate hire whilst the vehicle is on a road or other public place; or
   d) accept any offer for the immediate hire of that vehicle whilst the Licensee of that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by a Licensed Operator by telephone or by radio or such other equipment fitted to that vehicle as may be specifically approved in writing by the Council.
   e) in this Condition "Road" includes any highway and any other road to which the public has access and includes bridges over which a road passes

7) The Licensee shall not permit or cause or suffer to be conveyed in a Private Hire Vehicle a greater number of persons from that specified in the Licence issued in respect
8) The Licensee shall not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Private Hire Vehicle he or she is driving has been hired.

9) Condition 9 is made without prejudice to the provisions of Section 25 of the Road Traffic Act 1972.

   a) If the Licensee is not the proprietor of the Private Hire Vehicle he or she is driving or is in charge of when the vehicle is involved in an accident he or she shall report or cause to be reported to the proprietor of that vehicle details of the accident in which the vehicle has been involved as soon as possible after the occurrence of the accident.

   b) The Licensee shall report to the Council as soon as practicable, but in any event within 72 hours after the occurrence of the accident, any accident in which he or she is involved whilst driving or in charge of a Private Hire Vehicle irrespective of the extent to which the vehicle is physically damaged.

10) The Licensee shall, if any property is accidentally left in a Private Hire Vehicle driven by him or her or by any person who may have been conveyed in the vehicle be found by or handed to him or her, carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the Luton Police Station, Buxton Road, Luton and leave it in the custody of the officer in charge of the office on his or her receiving a receipt for it.

11) The Licensee must inform the Council in writing within seven days of any motoring or other criminal conviction which has occurred since the grant or renewal of this Licence.

12) When the Licensee is driving a Private Hire Vehicle equipped with a taximeter they shall

   a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;

   b) at the commencement of the journey when the vehicle is hired by distance bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

   c) be entitled to demand and take for the hire of the vehicle by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 11 of the Council's Standard Conditions for a Private Hire Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter;

   d) ensure that during the time the vehicle is hired by distance the recording of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated; and

   e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle in accordance with Condition 11 of the Council's Standard Conditions for a Private Hire Vehicle Licence to be concealed or rendered illegible at any time while the vehicle is hired.

13) The Licensee shall not tamper with or permit any person to tamper with the taximeter or the fittings thereof or seals affixed thereto with which any Private Hire Vehicle in his or her charge is equipped.
14) Medical Conditions and Certificates

a) The Licensee shall notify the Council within 72 hours of any medical condition that could affect the Licensee’s fitness to drive a Private Hire Vehicle.

b) A medical certificate confirming the Licensee’s fitness to drive a Private Hire Vehicle shall be produced within seven days of the request of the Council for such certificate.

c) If the Licensee has reached the age of 60 years he/she shall produce a medical certificate to the Council on the Renewal/Grant of his/her licence each year.

15) The Licensee when driving a Private Hire Vehicle so constructed as to carry luggage shall carry a reasonable quantity of luggage in the vehicle if requested to do so by any person who has hired the vehicle and shall assist in stowage or removal of that luggage from the vehicle as the case may be.

16) The Licensee shall conduct himself or herself towards any person who has hired the Private Hire Vehicle he or she is driving and any other person conveyed in such vehicle in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons conveyed in such vehicle.

17) If the Licensee has knowingly conveyed in a Private Hire Vehicle a dead body of any person he/she shall immediately thereafter notify the facts to the Council's Licensing Manager.

18) The Licensee shall ensure that he/she is employed or otherwise engaged as a Private Hire Driver by an Operator who holds a current valid Operator's Licence.

19) The Licensee must not attend at or near any premises in order to wait for passengers. This does not affect pre-booked passengers where there is an entry in a booking record, with a Private Hire Operator licensed by the Council, prior to the journey taking place.

20) The Licensee must not sound their horns outside any premises where they have been sent for a fare, irrespective of the hours of the day.

21) The Licensee must not use a mobile phone whilst the vehicle is in motion.

22) The Licensee whilst working for a Private Hire Operator must carry proof of a Private Hire insurance for that vehicle and must produce on demand to an Authorised Officer of the Council or a Police Constable an appropriate insurance certificate or cover note.

23) The Licensee must on request provide copies of his/ her badge and licence for the Licensed Private Hire Operator, by whom they are employed and to provide further copies on renewal of their Badge and Licence.

24) The Licensee must carry on request any assistance animal such as a guide dog. No additional charge should be made for the assistance dog.

25) The Council reserves the right to vary, delete or waive any of the foregoing conditions.
1. Introduction

1.1 The purpose of this Policy is to provide guidance on the criteria used by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage, private hire driver or operator licence (“a licence”) and whether to exercise powers to refuse, revoke or suspend such a licence.

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

a. That a person is a fit and proper person,
b. That the person does not pose a threat to the public,
c. That the public are safeguarded from dishonest persons, and
d. The safeguarding of vulnerable persons, children and young persons.

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

a. Applicants for drivers’ and private hire operator licences,
b. Existing licensed drivers or private hire operators whose licences are reviewed,
c. Licensing Officers,
d. Officer’s with delegated powers,
e. Members of the Licensing Committee and the Taxi and Private Hire Licensing Panel, and
f. Courts hearing appeals against local authority decisions.

Where Licensing Officers, or others, have delegated powers they will utilise these guidelines when making a decision in relation to a licence decision.

1.4 Whilst Licensing Officers and Taxi and Private Hire Licensing Panel (“the Panel”) will have regard to the guidelines in this Policy, each case will be considered on its individual merits and, where the circumstances demand, the Licensing Officer / Panel may depart from the same.
2.1 There may be occasions where it is appropriate to depart from the guidelines.

2.2 A person who has been convicted of a serious offence need not automatically be barred from obtaining a licence, but would normally be expected to:

a. Remain free of conviction for the appropriate period indicated in this Policy and
b. Show adequate evidence that he / she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 Where this Policy requires an applicant to be free from conviction for any specified period, that period shall commence from either the date of sentence or the date of completion of a sentence, wherever date is the later. The same specified periods will apply to a suspended sentence of imprisonment, as apply to an immediate custodial sentence and community penalty orders.

2.4 Any reference in this Policy to conviction for an offence also includes convictions for aiding and abetting, counselling or procuring that offence or an attempt or conspiracy to commit that offence and / or any offence which replaces that offence due to a change in law.

3. Appeals

3.1 Any applicant refused a licence on the grounds that the Council is not satisfied that he or she is a fit and proper person to hold such a licence, or an existing licence holder, has had a licence suspended or revoked or had conditions attached to their licence, has a right to appeal to the Magistrates’ Court within 21 days of the notice of refusal or the decision attaching conditions.

4. Powers

4.1 Sections 61 and 62, Local Government (Miscellaneous Provisions) Act 1976 (‘the 1976 Act) allow the Council to suspend, revoke or refuse to renew a licence if the applicant / licence holder has been convicted of a offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Causes Act 1847 (‘the 1847 Act’); failure to comply with the provisions of Part II of the 1976 act; or where there is any other reasonable cause.

4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), allows the Council to take into account all convictions recorded against an applicant for, or the holder of, a private hire or hackney carriage driver’s licence, whether they would otherwise be spent or not.

5. Consideration of disclosed criminal history

5.1 Under Sections 51, 55, and 59 of the 1976 Act, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage and / or a private hire driver licence and / or private hire operator’s licence is a ‘fit and proper’ person to hold such a licence.

5.2 If an applicant has been convicted of any offence, received warnings, cautions, reprimands, or has matters recorded against them where restorative justice has been used, has charges against them awaiting trial, is on bail before being charged or has been the subject of an anti-social behaviour order, the Council will consider:

a. How relevant the offence(s) are to the licence being applied for,
b. How serious the offence(s) were,

c. When the offence(s) were committed,

d. The date of conviction,

e. The sentence imposed by the Court,

f. The applicant’s age at the time of conviction(s),

g. Whether the conviction(s) form part of a pattern of offending,

h. Any other character check considered reasonable (e.g. personal references), and

i. Any other factors that might be relevant.

5.3 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

5.4 The Council may also consider evidence of an applicant’s conduct even though the applicant has not been convicted of any offences, received a caution or a warning or been dealt with under restorative justice procedures, etc in relation to that conduct. Any decision regarding the conduct concerned will be based on the civil standard i.e on the balance of probabilities.

6. Serious offences involving violence

6.1 A licence will not normally be granted where an individual has been convicted of an offence involving violence, unless free of conviction for 5 years, as determined in Section 2.3 above. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

6.2 Unless there are exceptional circumstances a licence will not normally be granted where an individual has been convicted of an offence of:

   a. Murder,
   b. Manslaughter,
   c. Manslaughter of Culpable Homicide while driving, or
   d. Terrorism offences

6.3 A licence will not normally be granted where an individual has been convicted of an offence, unless free of conviction for 10 years, as determined in Section 2.3 above:

   a. Arson,
   b. Wounding or grievous bodily harm, S17 or S20 Offences Against the Person Act 1861,
   c. Actual Bodily Harm which is racially aggravated,
Agreed at Regulation Committee 17 December 2012.
Effective for decisions on or after 01 April 2013

d. Robbery,

e. Possession of a fire arm,

f. Riot,

6.4 A licence will not normally be granted where an individual has been convicted of any other racially aggravated offence (see Section 6.3 above) unless free from conviction for 7 years, as determined in Section 2.3 above.

6.5 A licence will not normally be granted where the applicant has been convicted of an offence unless free from conviction for 5 years, as determined in Section 2.3 above:

a. Common assault,

b. Assault occasioning actual bodily harm,

c. Affray,

d. Section 5 Public Order Act 1986 offence (harassment, alarm or distress,)

e. Section 4 Public Order Act 1986 offence (fear or provocation of violence),

f. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress),

g. Assaulting a Police Officer,

h. Resisting arrest, or

i. Obstruction.

6.6 Under Section 6.5 above a licence will not normally be granted if an individual has been convicted of more than one offence of a violent nature in the last 7 years, as determined in Section 2.3 above.

7. Possession of a weapon

7.1 A licence will not normally be granted where an individual has been convicted of an offence, unless free of conviction for 5 years, as determined in Section 23 above.

8. Sexual and indecency offences

8.1 Licensed drivers often carry unaccompanied and vulnerable passengers. An individual convicted of the more serious sexual offences will normally be refused.

8.2 Any individual on the Sex Offenders Register will normally be refused a licence.

8.3 A licence will not normally be granted where an individual has been convicted of more than one sexual or indecency offence.

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8.4 Unless there are exceptional circumstances, an application will normally be refused where the applicant has been convicted of an offence such as:

a. Rape,

b. Assault by penetration,

c. Offences involving children or vulnerable adults,

d. Sexual assault,

e. Possession of indecent photographs, child pornography etc,

f. Exploitation of prostitution, or

g. Trafficking for sexual exploitation.

8.5 A licence will not normally be granted where an individual has been convicted of an offence below, unless free of conviction for 5 years, as determined in Section 2.3 above:

a. Indecent exposure,

b. Soliciting (e.g. kerb crawling), or

c. Any similar offences (including attempt or conspiracy to commit) or offences which replace the above.

9. Dishonesty

9.1 A licence will not normally be granted where an individual has been convicted of an offence listed below, unless free of conviction for 5 years, as determined in 2.3 above. Offences involving dishonesty include but are not limited to:

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,
10. Offences against property

10.1 A licence will not normally be granted where an individual has been convicted for offences against property unless free of conviction for 3 years, as determined in Section 2.3 above.

11. Drugs

11.1 A licence will not normally be granted where an individual has been convicted of an offence related to the supply of possession of drugs unless free of conviction for 5 years, as determined in Section 2.3 above.

11.2 A licence will not normally be granted where an individual has been convicted of more than one offence related to the supply or possession of drugs and has not been free of conviction for 7 years, as determined in Section 2.3 above.

11.3 If there is evidence of persistent drug use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) will be required before the licence is granted.

12. Driving offences involving the loss of life

12.1 A licence will not normally be granted where an individual has been convicted of an offence listed below unless free of conviction for 10 years, as determined in Section 2.3 above.

13. Drink driving / Driving under the influence of drugs

13.1 A licence will not normally be granted where an individual has been convicted of an offence related to drink driving or driving under the influence of drugs unless free of conviction for 5 years, as determined in Section 2.3 above.

13.2 More than one conviction for these offences raises significant doubts as to the applicant’s fitness to drive the public. Where an applicant has been convicted of more than one such offence a licence will not normally be granted unless free of conviction for 7 years, as determined in Section 2.3 above.

13.3 Medical evidence will also be required in accordance with paragraph 10.3 above where there is evidence of misuse or dependency.

14. Disqualification of DVLA License / Totting up of points

14.1 A licence will not normally be granted where an individual has been disqualified from driving unless free of conviction for 3 years, as determined in Section 2.3 above.

14.2 If an existing licence holder accrues penalty points that result in a period of disqualification of the DVLA licence then the driver’s Luton licence will be suspended and the matter referred to the Licensing Manager.
Agreed at Regulation Committee 17 December 2012.
Effective for decisions on or after 01 April 2013

14.3 If an existing driver accrues 12 or more penalty points on their DVLA licence then the Council will review the driver’s suitability to remain a Council licensed driver.

15. **Motor Vehicle Insurance offences**

15.1 A licence will not normally be granted where an individual has been convicted for offences of insurance unless free of conviction for 5 years, as determined in Section 2.3 above.

16. **Other Motoring Offences**

16.1 The Council considers all convictions for motoring offences as a serious matter in deciding whether a person is fit and proper to hold a licence or to continue to hold a licence. All drivers are expected to have no points on their DVLA licence.

16.2 An isolated conviction for a motoring offence may not normally mean a refusal of a licence, subject to the offences already mentioned in the Policy; however, each case will be considered on its own merit.

16.3 Discretion may be exercised by the Director of Environment and Regeneration to grant a licence where there are no more than 9 penalty points.

16.4 A new applicant with points on their licence will normally be treated as follows:

    a. Up to and including 6 points over a period of 3 years, applicant should be free of conviction for 12 months and the licence will normally be granted, with an advice letter,
    
    b. 7 to 9 points, over a period of 3 years, applicant should be free of conviction for 24 months and the licence will normally be granted, with a warning letter, or
    
    c. 10 points and above over a period of 3 years, application will normally be refused.

16.5 An existing Luton licensed driver who accrues DVLA points during the term of their licence will normally be treated as follows:

    a. A total of 6 points of DVLA, advice letter or be issued,
    
    b. Between 7 and 9 points on DVLA licence, warning letter to be issued, or
    
    c. 10 points and above, interview with Licensing Service and the licence reviewed.

16.6 In considering motoring convictions the type of offence for which the points were imposed will be considered in each case.

17. **Outstanding charges or summonses**

17.1 If the individual is subject of an outstanding charge or summons their application an continue to be processed, but the application will need to be reviewed either at the conclusion of any legal proceedings or at the end of the licensing process, whichever is earlier.

17.2 If the outstanding charge or summons involves a serious offence / or the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of
Agreed at Regulation Committee 17 December 2012.
Effective for decisions on or after 01 April 2013
public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

17.3 Where information is received through the Notifiable Occupations Scheme on existing licence holders, then the Council will take appropriate action depending upon the nature of the incident, the drivers past history and with consideration to Section 1.2 above.

18. Non-conviction information

18.1 If an individual has been arrested or charged, but not convicted, for a serious offence which suggests an individual could be a danger to the public, consideration should be given to refusing the application. The Council will consider all available evidence and determined whether a licence should be granted.

18.2 Where information is received on existing licence holders, then the Council will take appropriate action depending upon the nature of the incident, the driver’s past history and with consideration to Section 1.2 above. The Council may consider all available evidence and determined whether a licence should be granted.

19. Cautions

19.1 If an individual has received a caution a licence will not normally be granted until the applicant is free of conviction or caution, based on the time period for the category of offence referred to in this Policy and as determined by Section 2.3 above.

19.2 An existing driver who receives a caution may have their licence reviewed and appropriate action taken by the Council.

20. Licensing offences, Breaches of Legislation, Conditions, Bye Law and Complaints

20.1 The primary legislation for licensed drivers, vehicle owners and private hire operators is contained in the 1847 Act and the 1976 Act. Examples of these offences are contained in Appendix A.

20.2 A licence will not normally be granted where an individual has been convicted for offences under hackney carriage and private hire legislation unless free of conviction for 2 years, as determined in Section 2.3 above.

20.3 Licence holders are expected to comply with all relevant statutes, the Council’s bye-laws, appropriate licence conditions and the Highway Code at all times. Individuals who persistently breach these will be liable to have their licence reviewed to consider whether they are still a fit and proper person to hold a licence.

20.4 Individuals who are the subject of persistent complaints will be liable to have their licence reviewed to consider whether they are still a fit and proper person to hold a licence.

21. Other Offences

21.1 The Council reserve the right to consider any other offences not specifically mentioned in this Policy in deciding whether an applicant or existing licence holder is a fit and proper person.
22. Taxi and Private Hire Licensing Panel

22.1 Cases may be referred to the Panel for the Delegated Officer to decide, where the Delegated Officer:

a. Has prior to the completion of the Convictions and Fitness Report, been involved in the case and this involvement could create a conflict of interest, or

b. Wishes to depart from the Convictions and Fitness Policy.

23. Summary

23.1 While it is possible that an applicant may have been convicted of a number of offences that individually meet the Policy, the overall offending history must be considered when assessing an applicant’s suitability to be licensed.

23.2 Some discretion can be afforded in a conviction for an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
Agreed at Regulation Committee 17 December 2012. 
Effective for decisions on or after 01 April 2013

APPENDIX A

Town Police Clauses Act 1847

and

Local Government (Miscellaneous Provisions) Act 1976

Hackney Carriage and Private Hire Offences & Penalties

Offences under the above legislation are set out below. Offences may also be committed under other legislation not listed below. Drivers and operators must comply with the legislation or they risk prosecution.

The maximum penalties and fine levels are as follows:

Level 1 - £200, Level 2 - £500, Level 3 - £1,000, Level 4 - £2,500

Town Police Clauses Act 1847

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<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
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<td>Giving false information on application for hackney carriage licence.</td>
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<td>44</td>
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<td>Lending or parting with hackney carriage driver’s licence.</td>
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<td>47</td>
<td>Hackney carriage proprietor employing unlicensed driver.</td>
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<td>Failure by hackney carriage proprietor to produce hackney carriage driver’s licence.</td>
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<td>Failing to wait after a deposit to wait has been paid.</td>
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<td>Driving hackney carriage without proprietor’s consent.</td>
<td>Level 1</td>
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<tr>
<td>60</td>
<td>Allowing another to drive hackney carriage without proprietor’s consent.</td>
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<td>61</td>
<td>Drunken driving of hackney carriage.</td>
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<td>61</td>
<td>Wanton or furious driving leading to injury or danger.</td>
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<td>62</td>
<td>Driver leaving hackney carriage unattended.</td>
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<tr>
<td>64</td>
<td>Hackney carriage driver obstructing other hackney carriages.</td>
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Continued overleaf……
**APPENDIX A (continued)**

Local Government (Miscellaneous Provision) Act 1976

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<td>46(1)(c)</td>
<td>Proprietor of a private hire vehicle using an unlicensed driver.</td>
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<td>46(1)(d)</td>
<td>Operating a private hire vehicle without a private hire operator’s licence.</td>
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<tr>
<td>46(1)(e)</td>
<td>Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.</td>
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</tr>
<tr>
<td>46(1)(e)</td>
<td>Operating a private hire vehicle when the driver is not licensed as a private hire driver.</td>
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<tr>
<td>48(6)</td>
<td>Failure to display a private hire vehicle plate.</td>
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<td>49</td>
<td>Failure to notify transfer of a hackney carriage proprietors, or private hire vehicle, licence.</td>
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<tr>
<td>50(1)</td>
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<td>50(2)</td>
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<td>50(3)</td>
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<td>50(4)</td>
<td>Failure to produce the hackney carriage proprietor’s, or private hire vehicle, licence and insurance certificate.</td>
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<tr>
<td>53(3)</td>
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<tr>
<td>54(2)</td>
<td>Failure to wear a private hire driver’s badge.</td>
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<tr>
<td>56(2)</td>
<td>Failure by a private hire operator to keep records of bookings.</td>
<td>Level 3</td>
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<tr>
<td>56(3)</td>
<td>Failure by a private hire operator to keep records of private hire vehicles operated by him.</td>
<td>Level 3</td>
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<td>56(4)</td>
<td>Failure to produce a private hire operator’s licence on request.</td>
<td>Level 3</td>
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<tr>
<td>57</td>
<td>Making a false statement or withholding information to obtain a hackney carriage, private hire driver or private hire operator licence.</td>
<td>Level 3</td>
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<tr>
<td>58(2)</td>
<td>Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage proprietor’s, or private hire vehicle, licence.</td>
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<tr>
<td>61(2)</td>
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<td>64</td>
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<td>66</td>
<td>Charging more than the meter fare for a journey ending outside the district, without prior agreement.</td>
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<td>69</td>
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<td>71</td>
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<tr>
<td>73(1)(a)</td>
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<td>Level 3</td>
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<tr>
<td>73(1)(c)</td>
<td>Failure to give information or assistance to an authorised Officer or Constable.</td>
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BOROUGH OF LUTON

BYELAWS

made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Mayor, Aldermen and Burgesses of the County Borough of Luton, acting by the Council with respect to Hackney Carriages in the County Borough of Luton.

INTERPRETATION

1. Throughout these Byelaws "the Council" means the Mayor, Aldermen and Burgesses of the County Borough of Luton, acting by the Council and "the district" means the County Borough of Luton.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

2. Every proprietor of a Hackney Carriage shall

(a) cause the number of the Licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto,

(b) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire,

(c) not cause or permit the vehicle to ply for hire with any such plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.

3. Every proprietor of a Hackney Carriage shall

(a) provide sufficient means by which any person in the carriage may communicate with the driver,

(b) cause the roof or covering to be kept water-tight,

(c) provide any necessary windows and a means of opening and closing not less than one window on each side,

(d) cause the seats to be properly cushioned or covered,

(e) cause the floor to be provided with a proper carpet, mat, or other suitable covering.
(f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service,

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage,

(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use,

(i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver,

4. Every proprietor of a Hackney Carriage shall cause the carriage to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

(i) 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,

(ii) 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,

(iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity 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 byelaw in that behalf,

(iv) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon,

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

(vi) 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.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

5. Every driver of a Hackney Carriage provided with a taximeter shall:
(a) when standing or plying for hire, keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;

(b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key, flag or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter;

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined in Section 17 of the Road Transport Lighting Act, 1957, and also at any other time at the request of the hirer.

6. A proprietor or 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.

7. Every driver of a Hackney Carriage for which stands are fixed by any byelaw in that behalf shall, when plying for hire in any street and not actually hired:-

(a) proceed with reasonable speed to and station the carriage on one of such stands,

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand,

(c) 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,

(d) 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.

8. Every proprietor or driver of a Hackney Carriage who shall have an agreed or shall have 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.

9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying, or driving for hire, wear that badge in such a position and manner as to be plainly and distinctly visible.

10. Every driver of a Hackney Carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:-

(a) convey a reasonable quantity of luggage,
(b) afford reasonable assistance in loading and unloading,

(c) afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.

11. Every driver of a Hackney Carriage

(a) shall conduct himself towards any person hiring or seeking to hire the carriage and any persons conveyed in such carriage in an orderly, seemly and courteous manner,

(b) shall take all reasonable precautions for the safety of persons conveyed in such carriage.

12. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Chief Public Health Inspector of the Council.

PROVISIONS FIXING THE STANDS OF HACKNEY CARRIAGES.

13. Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:-

(Note: A schedule of the current Stands is enclosed as a separate document).

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or 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 following table which it may not be possible to record on the face of the taximeter.

**FARES FOR DISTANCE**

(Note: The current Table of Fares is enclosed as a separate document.)

15. (1) Every proprietor of a Hackney Carriage plying for hire for which any fares are fixed by any byelaws in that behalf shall

(a) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures,
(b) renew such letters and figures as often as is necessary to keep them clearly visible.

(2) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw 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.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

16. Every proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.

17. Every proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,

(1) carry it within twenty four hours, if not sooner claimed by or on behalf of its owner, to the Bedfordshire and Luton Police Office, Dunstable Place, Luton and leave it in the custody of the officer in charge of the office on his giving a receipt for it,

(2) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to one shilling in the pound of its estimated value (or the fare for the distance from the place of finding to the Bedfordshire and Luton Police Office, Dunstable Place, Luton whichever the be the greater) but not more than five pounds.

(Note: The current address of the Police is: Police Office, Bedfordshire Police, Buxton Road, Luton).

PENALTIES

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding forty shillings for each day during which the offence continues after conviction therefor.

(Note: The maximum penalty for offences under these Byelaws is currently £400).

REPEAL OF BYELAWS

19. The byelaws relating to Hackney Carriages which were made by the Mayor, Alderman and Burgesses of the Borough of Luton on the 28th day of November, 1944, and which were confirmed by the Minister of Health on the 22nd day of January 1945, are hereby repealed.
The COMMON SEAL of the MAYOR )
ALDERMAN AND BURGESS of the )
BOROUGH OF LUTON was hereunto )
affixed on the Twenty-Eighth day of )
June, 1949, in the presence of:- )

CLAUDE A. SINFIELD
Mayor

W.H. ROBINSON
Town Clerk

I hereby confirm the foregoing byelaws and
fix the date on which they shall come into
effect as the 1st October 1949

J. CHUTER EDE,
One of Her Majesty's
Principal Secretaries
of State