Welwyn Hatfield Borough Council

Information Pack for Hackney Carriage and Private Hire Drivers

It is your responsibility to read and ensure that you understand the contents of this pack. Failure to do so may result in a delayed application or renewal and/or prosecution.
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Part 1 Background

Welwyn Hatfield Borough Council (“the Council”), has the responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the Borough of Welwyn and Hatfield. In carrying out this work the main aims of the Council are to protect the public, encourage and support legal compliance with taxi and private hire legislation and support and develop economic growth within the Borough.

Hackney Carriages and Private Hire vehicles have a specific role to play in an integrated transport system. They are a flexible form of public transport that can play an increasingly important role in improving accessibility and sustainable travel. They are used by all groups and are able to provide safe, secure and comfortable transport, providing an on-request ‘door to door’ service in various circumstances, including where public transport may not be available, eg outside ‘normal’ hours of operation such as in the evenings or on Sundays, in rural locations or for those with mobility difficulties.

Enquiries/Correspondence

All correspondence regarding the work of the Hackney Carriage Office should be addressed to -

Hackney Carriage Office  
The Council Offices  
Campus East  
Welwyn Garden City  
Herts  
AL8 6AE  
Email: taxi@welhat.gov.uk  
Telephone 01707 357984

Appointments at the office

The Hackney Carriage Licensing Office will issue pre-arranged appointments to individuals applying for or renewing licences.

The Hackney Carriage Office is a small, busy team which involves officers working outside of the office, therefore all appointments should be booked in advance. It will generally not be possible to meet with an officer without an appointment. Should you require an appointment for any reason between the hours of 9.30am to 3.30pm Tuesday to Friday you should contact the Hackney Carriage Office on 01707 357984. Appointments will be offered on a strict first come, first served basis.

There is parking for three vehicles undergoing inspection, at the rear of the council offices. These bays are clearly marked. This is the only place that you are authorised to park for a vehicle inspection.

If your appointment is not for a vehicle re-licence/inspection please do not use this bay and find alternative parking arrangements. All the ‘Council’ car parks are operated by a separate contractor and are covered by ANPR cameras.

1 Further details of the council’s key priorities are set out in the Council Business Plan
If you use one of these car parks and receive a fixed penalty notice, it is your responsibility to either pay or appeal it. An appointment at the office is not a valid reason for not following the car park conditions.

**About this document**

This guidance document does not replace the legislation governing Hackney Carriage and Private Hire Operators, nor does it set out what that legislation is. This guidance sets out the approach the Council will undertake in exercising its discretion in carrying out its regulatory functions whilst considering, or making decisions on applications, and is a supplement to the corporate enforcement policy.

Nothing in this guidance undermines the rights of any person(s) to apply for authorisations under the licensing regime and each application/case will be considered on its own individual merits.

Where it is necessary for the Council to deviate from this guidance document, clear reasons for doing so will be provided.

**Links to other documents**

As well as the corporate enforcement policy, this guidance document needs to be used and read in conjunction with other relevant documents, including the following:

- The relevant and current national legislation;
- Welwyn Hatfield Council Constitution;
- The Council’s current set of terms and conditions;
- The current byelaws;
- The Council’s regulatory service standards;
- The Council’s corporate complaints, compliments and comments procedures;
- MoJ guidance on simple cautions.

**Consultation, document development and review**

The development of this guidance is overseen by the Council’s Environment Overview and Scrutiny Committee. The process for developing the initial guidance and updating it in future is set out below:

- Research and evidence gathering
- Initial draft prepared
- Consultation with legal services
- Draft finalised in light of comments from legal services and a covering report prepared
- Draft submitted to Environment Overview and Scrutiny Committee (EOSC) for members to consider and agree that it is released for public, (including trade and partner agencies) consultation
- Public consultation, (including trade and partner agencies)
- Consideration of responses to consultation
- Redrafting of policy in light of consultation
- Finalised document and covering report submitted to EOSC
Consideration by EOSC, and if in agreement, document sent to Cabinet
Consideration by Cabinet, and if in agreement, Cabinet to recommend to Full Council that the guidance is agreed and adopted

This guidance will be kept under review and amended as and when necessary to reflect significant changes in legislation. In any event, the guidance will be reviewed every 5 years.

Part 2 Application Procedure

Licences will be issued for a period of 3 years. The Council will consider each application on its own merit once the required application and accompanying documents are received.

The applicant must then contact the Hackney Carriage Office to arrange a mutually convenient appointment to commence the application process. Applicants will need to provide the following:

- Completed application forms with two colour passport-sized photograph
- Licence fee, (note that payments can only be accepted by cash, cheque or postal order made out to WHBC). The applicant will be given a receipt for the fee paid
- Proof of “Right to Work in the UK”
- It should be noted that only original versions of the documents listed above will be accepted, (no photocopies)
- For those applicants not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the UK, which will include a relevant Visa or letter from the appropriate Embassy/Authority.

All supporting identification documents must be consistent in that all personal details including spelling and order of names should correspond. Any identification documents with names spelt incorrectly and/or with incorrect details will be rejected. **NOTE:** The Council will not be responsible for any documents that may be lost in the post.

On application for a new licence, applicants will be required to have a sufficient understanding and use of English to be able to perform effectively as a taxi driver. If an applicant demonstrates an insufficient understanding and use of English they will be ‘signposted’ to Welwyn Hatfield Council to enable them to undertake an English Language course.

Applications **must** be successfully completed within six months from the date the initial application is made. This is to ensure, as far as possible, the relevance of the information received. Failure to complete the process within this time will render the application void. It will then be necessary for the applicant to recommence the process resulting in additional cost to the applicant.

There are several stages to the application process which are set out below:

1. All applicants will be required to pass a written ‘Knowledge Test’ under the supervision of a Hackney Carriage Officer. The test comprises of questions relating to the conditions of the licence, the law relating to the licence, geographical knowledge of the area,
customer care and disability awareness, highway code, arithmetic and visitor information.
The fee for the knowledge test must be paid by the applicant in advance of the initial and any subsequent test(s).

2 The applicant will be required to take a medical examination to DVLA Group 2 standard at the applicant’s own registered medical practitioner (GP). All associated medical fees charged are payable by the applicant. When issued, the medical certificate should be returned to the Hackney Carriage Office to progress the application.

3 The granting/renewal of a licence is subject to a DBS check. In addition, a check will be made with the DVLA in respect of driving convictions. We may get information about you from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other Local Authorities and Government departments. Licences are issued subject to the Council being satisfied the applicant is a ‘fit and proper’ person to hold a driver’s licence. It is for the applicant to demonstrate this to the satisfaction of the Council as the Council is under a duty to establish that each applicant is ‘fit and proper’.

A check as to the status of an Applicant’s driving licence, will be undertaken prior to the granting or renewal of any licence. This is done by completing and submitting the Mandate supplied by the Hackney Carriage Office. Please note that where it asks for "driver number", this refers to your DVLA number on your driving licence, not your badge number supplied by the Council. Future checks during the licence can be completed by the driver.

On satisfactory receipt of these items, and subject to a satisfactory Driver and Vehicle Standards Agency (DVSA) Taxi Driver (Standard) Certificate check, the applicant will be issued with a licence and identification badge.

A licence will not be issued until the above process is completed. Applicants should note that this process could take a number of weeks. Upon expiry (without immediate renewal), revocation or suspension of this licence, a driver shall forthwith return the driver’s badge issued to them by the Council to a member of the Hackney Carriage Office.

Fees

All fees will be paid in full at the time of Application/Renewal; once paid they will not, on any account, be refunded. Fees may also be amended from time to time to meet the reasonable cost of issue and administration.

Knowledge Tests

Private Hire
There is a verbal geographical knowledge test for Private Hire drivers. This is made up of 10 questions on the journey between any of 40 locations. Applicants must score 80% or more.

Applicants will be required to undergo a simple written test, demonstrate the ability to answer simple maths questions and have a short conversation with the Examining Officer. If the required level of understanding is not achieved, the applicant will be informed at the time.
The Application shall stay open for a period of 6 months from date of refusal. If he Applicant is aggrieved by the Examining Officer’s decision, they may appeal to the Hackney Carriage Committee or Magistrates Court.

**Hackney Carriage**

Hackney Carriage Applicants must complete the same verbal and maths test as the Private Hire Applicant, as well as a two-part examination which lasts for one hour. The first part, referred to as the "Routes" entails the Applicant describing in writing, 20 routes from within the Borough selected at random. These may include pubs, office complexes, roads, tourist attractions or any other places of interest.

The onus is on the driver to display a thorough knowledge of the Borough. The pass mark is 80%.

In the second part, the Applicant must show a good understanding of the byelaws and terms and conditions regarding the licensing of Hackney Carriages and their use. They will be asked 10 questions on these. Again the pass mark is 80%.

Knowledge tests can only be undertaken by making an appointment with the Hackney Carriage Office. This can be achieved by writing into the Hackney Carriage Office requesting a test.

Welwyn Hatfield Borough Council grants “dual licences” to those that have passed the Hackney Carriage knowledge test, enabling drivers to drive both hackney and private hire vehicles, (providing the permission of the registered owner of the vehicle and appropriate insurance has been obtained in advance). This is to provide flexibility for professional drivers to drive any vehicle licensed by Welwyn Hatfield Borough Council. A driver who possesses only a Private Hire driver’s licence shall only be able to drive a Private Hire vehicle.

**Child sexual exploitation awareness training**

All drivers, operators and proprietors shall undertake Child Sexual Exploitation, (CSE), awareness training at the time of application and before the renewal of any licence. This course will be run by the council at no expense to the applicant/driver/attendee. This training is in line with the government’s report regarding CSE. Drivers will be informed of dates for the course, which will take no longer than two hours. The onus will be upon them to ensure their attendance. Any non attendance will be considered in line with the “fit and proper person” criteria when considering the grant or renewal of licences.

**Medical**

The health of a driver is an important aspect of their fitness to hold a licence. All applicants will be required to pass a Group 2 medical examination as specified by the Driver Vehicle Agency (DVLA) before a licence is granted. The Approved Form is to be used for this purpose and is obtainable from the Hackney carriage Office at the time of your DBS check. The fee for this examination is borne by the Applicant. Applicants will be required to undergo a medical examination every 3 years up to the age of 65, and annually thereafter.

**Disclosure and Barring Service checks**

A Disclosure and Barring Check on a driver is an important safety measure for all drivers. At present there are four levels of disclosure
All persons who are, or wish to become licensed drivers, must obtain a disclosure at the level “Child and Adult Workforce” through the Disclosure and Barring Service (DBS), which provides details of live and spent convictions, police cautions, intelligence, and other information.

The Council is an approved DBS body entitled to request and process information disclosed by the DBS in respect of an applicant for a Hackney Carriage/Private Hire vehicle drivers licence and as such all checks will be done through the Council. The applicant will be charged the appropriate fee in connection with the application for Disclosure.

The appropriate level of DBS disclosure will be carried out by the Council every third year upon application for renewal. The Council can also request another disclosure at any time, should a further check be considered necessary, this will be at the applicant’s expense.

Once a DBS check has been processed a copy of the disclosure report will be sent by DBS to the applicant directly to their designated home address. In order for the Council to consider a new or renewal application for a licence the disclosure report must be provided to the Hackney Carriage office at the earliest possible opportunity, (even if the report is clear of any convictions).

The Council will not divulge personal information disclosed as a result of the DBS check to any third party unless allowed by law. However, to promote the licensing objectives the Hackney Carriage Office will share information with other relevant agencies for example; Customs and Excise, the Police and Benefit Agencies. Information will also be shared with internal departments within the Council where considered appropriate.

Any person arriving in the UK after the age of 14 will be required to provide a certificate of good conduct authenticated by the relevant Embassy or delegation. Anyone employing a driver from outside the European Union, (formerly known as the European Economic Community), must check whether that person is permitted to work in this country or is subject to work restrictions, (this is a legal requirement). Additionally, all applicants are required to show that they have a right to work in the UK. Where this is an interim authorisation, ie whilst an application is being considered, you must immediately notify the Hackney Carriage Office on receipt/ notification of that decision.

Information regarding Certificates of Good Conduct or similar documents from a number of countries is available from:

Passport and Documentary Service Group
Consular Directorate
Foreign and Commonwealth Office
Room G38
Old Admiralty Building
London
SW1A 2PA
www.fco.gov.uk

Applicants for licences will be responsible for obtaining and paying for, (where required), all the relevant documents required by the licensing process. The Council will not assist the applicant with this part of the process.
Fit and proper person

To assess a driver’s suitability as ‘fit and proper’, the Council will carry out an enhanced check with the Disclosure Barring Service, (DBS previously known as Criminal Records Bureau (CRB)). No licence will be issued until the results of that check have been received. The Council must have regard to relevant information in determining the fitness and propriety of all applicants.

There is no absolute definition as to what constitutes a ‘fit and proper person’. However, considering the range of passengers that a driver may carry, (eg elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on drivers using a common sense approach. Some areas that give rise for particular concern include:

Abuse – licence holders can be subjected to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the licence holder, towards members of the public, Council Officers or any other person.

Appropriate Behaviour – Licensed drivers must act appropriately at all times whilst undertaking their duties. Appropriateness will extend to courtesy to the passenger(s) and other road users alike. Drivers shall not engage in or otherwise encourage conversations which could cause discomfort to another person or persons, including asking personal questions about or of, passengers or other people. Similarly, opinions on sexuality, race or religion should not be discussed.

Communication skills – the ability to communicate clearly with customers is an obvious requirement. All applicants must be able to converse with a good basic standard of the English language. This will be assessed by Officers during the application process. Should any applicants fall below a standard deemed acceptable by Officers, their application will be rejected.

Honesty and trust – drivers and operators often have knowledge that a customer is leaving a house empty. Opportunities may arise to defraud drunken, vulnerable or foreign visitors or to misappropriate property left in cars. Any passenger would expect any article left in a vehicle by them to be returned, they would also expect to be charged the correct fare for a journey and to be given the correct change.

Health – The health of a driver is an important aspect of their fitness to hold a licence. All applicants will be required to pass a Group 2 medical examination as specified by the Driver Vehicle Agency (DVLA) before a licence is granted. Medical examinations are then undertaken every 3 years. From the age of 65 medical examinations become an annual requirement. Where there are any concerns about a driver’s health, an additional medical may be required. All medicals are at the expense of the applicant/licence holder and are only valid if conducted by the applicant/licence holders own GP or agency nominated by the Local Authority.

Safety – those paying for a transport service rely on their driver to get them to their destination safely.
Right to work in the UK

The Council notes that the Department for Transport considers it best practice for Council’s to check an applicant’s right to work before granting a Hackney Carriage/Private Hire Vehicle Driver’s Licence. Therefore, all currently licensed drivers will be required to produce documentary proof of their right to work in the UK when they next apply to renew their current driver’s licence. Anyone applying for a new licence will be required to produce documentary proof of their right to work in the UK.

If the Council is in any doubt as to a person’s right to work (or to be) in the UK, the Council will notify the Border and Immigration Agency of its concerns, and can obtain case specific immigration status information from the Evidence and Enquiry Unit.

Set out below are the documents which will be accepted as proof of your right to work in the UK:

List 1 – any one of the following:
- A passport showing that you are a British citizen, or have a right of abode in the United Kingdom;
- A document showing that you are a national of a European Economic Area country or Switzerland. This must be a national passport or identity card;
- A resident permit issued by the Home Office to you if you are a national from a European Economic Area country or Switzerland;
- A passport or other travel document endorsed to show that you can stay indefinitely in the United Kingdom, or has no time limit on your stay;
- A passport or other travel document endorsed to show that you can stay in the United Kingdom, and that this endorsement allows you to do this type of work if you do not have a work permit;
- An Application Registration Card issued by the Home Office to an asylum seeker stating that you are permitted to take employment

List 2 - A document giving your permanent National Insurance Number and name. This could be a P45, P60, National Insurance card or a letter from a Government agency, (National Insurance Numbers beginning with TN or any number which ends with the letters E to Z inclusive are not acceptable). And any of the following:
- a full birth certificate issued in the United Kingdom, which includes the names of your parents
- a birth certificate issued in the Channel Islands, the Isle of Man or Ireland; or
- a certificate of registration or naturalisation stating that you are a British citizen; or
- a letter issued by the Home Office to you which indicates that you can stay in definitely in the United Kingdom, or has no time limit on your stay; or
- an Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay indefinitely in the United Kingdom, or has no time limit on your stay; or
- a letter issued by the Home Office to you which indicates that you can stay in the United Kingdom, and allows you to do this type of work; or
- an Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay in the United Kingdom, and this allows you to do this type of work.
List 3 - A work permit or other approval to take employment that has been issued by Work Permits UK and either of the following:

- a passport or other travel document endorsed to show that you are able to stay in the United Kingdom and can take the work permit employment in question;
- a letter issued by the Home Office confirming that you are able to stay in the United Kingdom and can take the work permit employment in question.

Expectations of licence holders and applicants

The Council encourages and expects licence holders to promote high standards within the Hackney Carriage and Private Hire trade by:

- Knowing and complying with the law and all the conditions of their licence and byelaws
- Making appointments in good time when it is necessary to visit the Hackney Carriage Office
- Being prompt and keeping to appointment times with the Hackney Carriage Office
- Parking considerately and carefully when visiting the Hackney Carriage Office;
- Paying attention to personal hygiene and dress, so as to present a professional image to the public, (see “Dress Code”)  
- Respecting authorised Officers during the normal course of their duties.

Renewals

When a licence is due for renewal a reminder letter will be sent to you prior to the expiry of a licence together with the relevant forms required for completion in order to renew the licence. This will normally be approximately two months in advance of the licence expiring. It is important that you contact the Hackney Carriage Office to make an appointment be inconvenient or to advise that you no longer wish to renew your licence. Failure to do so may incur additional costs.

Reminders are sent purely as a matter of courtesy and it remains the responsibility of the licence holder to make a timely application and avoid licences expiring.

All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed.

If a renewal application is not received before the expiry date then there is no licence to renew and any subsequent request will be treated as a new application, with all the necessary checks starting again.

Applicants should attend for appointments at the prescribed time and hand to the Hackney Carriage Officer all relevant documents as requested in the letter.

Should it transpire that a DBS or DVLA re-check is due or a medical, (which becomes age related from 65 years), then appropriate letters will be issued.
Issuing/Suspending/Revoking or Refusing to Renew a Licence

It must be clearly understood that Hackney Carriage/Private Hire driver’s licences are issued in good faith, and should any information supplied by the applicant prove to be false, misleading or omitted, the licence may be withdrawn.

The Licence will also be withdrawn if the driver’s DVLA driving licence is suspended or revoked by a Court of Summary Jurisdiction. Any conviction, caution or other reprimand, or pending prosecution of any nature, must be reported to the Hackney Carriage Officer regardless of nature, penalty or outcome immediately, and in writing within seven days.

The attention of drivers and applicants for Driving Licences is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a Borough Council may suspend, revoke or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause.

Suspension

Suspension may be the appropriate action to deal with a breach of the regulations or a statutory requirement, where defects are found on a vehicle, where the driver has committed a breach of the law or as a way of determining the outcome of a complaint or hearing.

Revocation

Revocation may be the appropriate action to deal with a serious breach of the regulations or a statutory requirement, where offences have been committed under criminal or road traffic legislation or as a way of determining the outcome of a complaint or hearing.
Part 3 Enforcement

The council has adopted a corporate enforcement policy. Although the term Hackney Carriage team is used, the team deals with licensing of both Hackney Carriage and Private Hire matters which covers many of the enforcement activities of the council, including the enforcement of hackney carriage and private hire legislation. The corporate enforcement policy is a general document which sets out, amongst other things:

- A commitment from the Council to abide by the statutory principles of good regulation;
- Enforcement precepts;
- Levels of enforcement action;
- Investigation of offences;
- Formal enforcement options;
- Liaison with victims;
- Training of staff;
- Complaints, reviews and appeals;
- Data sharing.

A copy of the corporate enforcement policy is available on the council website\(^2\). Whilst the corporate enforcement policy applies to general enforcement activities, each service area or team is able to produce operational procedures and guidance specific to their work. Accordingly, this document sets out the operational procedures and guidance relevant to the work of the Hackney Carriage Office. It is intended to support authorised officers in their work and to assist Authorised Officers and Elected Members in making enforcement decisions.

When carrying out enforcement activities, the Council will keep in mind the promotion of the following broad good practice objectives:

- Maintaining high standards of health and safety;
- Ensuring that Hackney Carriage and Private Hire vehicles are mechanically safe, clean and reliable;
- Support of a professional and responsible hackney carriage and private hire trade;
- Protection of the environment;
- Encouragement of high standards of customer service and competence in the local hackney carriage and private hire trade;
- Ensuring that drivers, proprietors and private hire operators are and remain ‘fit and proper’ persons;
- Providing clarity with respect to the Councils expectations of license holders and applicants and the decision making process.

\(^2\) http://www.welhat.gov.uk/article/1281/Governance
Administration delegation of functions

This licensing regime is a “non executive function” and is ultimately the responsibility of Full Council. The council constitution sets out the scheme of delegation of functions to officers and the Hackney Carriage Committee. The council supports the concept of subsidiary, meaning that decisions should be taken at the lowest practical level. This minimises costs and maximises efficiency. As such, authorised officers are empowered to deal with applications and take enforcement decisions under delegated authority, without reference to the committee.

As a safeguard, the Constitution allows for the Head of Public Health and Protection, or the Director (Governance), to determine that a particular decision should not be taken under delegated authority by Authorised Officers, but should instead be referred to the Hackney Carriage Committee for consideration.

This means that the majority of the decisions relating to applications or the enforcement of Hackney Carriage law will be undertaken by Authorised Officers, unless it is deemed by a senior officer to be more appropriate to refer the matter to committee.

In the exercise of delegated authority, the authorised Hackney Carriage Officers and Committee will consider the circumstances of the individual case, having regard to the Enforcement Policy Legislation this guidance.

Decisions by officers under delegated authority

Authorised Officers are generally empowered to take the following actions under delegated authority:

- To grant, renew or refuse applications for licences;
- To carry out investigations into alleged contraventions;
- To take appropriate actions including prosecution, suspension or revocation of licences and actions to ensure public safety.

As an alternative to a prosecution, the corporate enforcement policy allows for certain offences to be dealt with by way of a “simple caution”. If the Authorised Officer is of the opinion that a simple caution may be an appropriate method for disposal of an offence, this will again be done in consultation with a Senior Officer, legal adviser and having full regard for the MoJ guidance.

Decisions by committee under delegated authority

Where it is decided that a matter is to be referred to the Committee, the applicant/licence holder will be notified in writing of the date and time of the hearing, with an invitation for them to attend. A copy of the committee report, detailing the reason for referral, will be forwarded to the applicant. The committee meeting will proceed according to the standard protocol. Committee meetings may be held during the day or evening, in the interests of justice meetings will not run beyond 10pm.

The committee will be supported by a Committee Manager and Legal Advisor who will take no part in the decision making process.
However, should the committee require assistance from their legal advisor or committee manager during the time they are in deliberation, then that officer will explain to any applicant/licence holder why and what advice they have provided to the Committee. Authorised officers will take no part in the decision making deliberations by committee.

A number of applications and/or disciplinary matters may be heard at the same meeting. Each matter will be considered in private, the public and other applicants will not have access to the meeting. Whilst the members of the Committee will attempt to be as punctual as possible, there may be situations that arise where a particular hearing takes longer than the indicative times, resulting in delays in the timing of subsequent hearings.

When it is time for a case to be heard, the driver/applicant will be called before the Committee, along with any representatives whom they wish to speak on their behalf, in order that they may present their case.

Hackney Carriage Committee meetings will ordinarily be “Part 2 items” and exempt from the press and Public. However, the Director (Governance) and Head of Public Health and Protection may attend committee meetings in an observer capacity. If this happens, any applicant/licence holder will be told at the start of the meeting.

Subject to the individual circumstances of the case, the committee is empowered to take the following actions:

- Do nothing;
- Suspension or Revocation of a licence;
- Refusal to grant or renew a licence;
- Recommend a prosecution. In some cases a simple caution may be an appropriate disposal of a more minor offence where guilt has been admitted. However, it is not something for the committee to decide as it will generally require an offender to take time to consider if they wish to consider accepting a simple caution.

Should the committee recommend a prosecution, or the opportunity to issue a simple caution, this will only take place if the council’s legal advisor is satisfied that the requirements of the corporate enforcement policy are met, including the CPS code and the MoJ guidance on simple cautions.

**Appeals**

Any right of appeal lies to the relevant Court, in accordance with the relevant statutory provisions. The committee does not consider appeals of Authorised Officer decisions, and officers do not consider appeals of committee decisions. An applicant/licence holder will be given notice of any appeal rights at the time of enforcement action taking place, and it is for them to find appropriate legal advice regarding their rights.
Reports

From time to time police officers and/or Authorised Officers of the Council, will carry out inspections of premises/vehicles/drivers to ensure compliance with the relevant conditions issued with the vehicles. Any reports submitted in relation to premises/vehicles/drivers will be retained by the Hackney Carriage Office and taken into consideration as appropriate. In certain cases licences may be suspended, in which case licence holders must follow the instructions given at the time of the suspension.

Disciplinary and Enforcement Guidance Protocol

NOTE: In the Council’s view, the guidance guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights. These sections provide operational guidance to Authorised Officers and members of the Hackney Carriage Committee to assist with consideration of particular circumstances.

The Council will maintain a consistent and firm disciplinary and enforcement regime in the best interests of all concerned, and in line with the Council’s Enforcement Policy. Each case will be considered on its merits.

Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility impairments in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that:

- “Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, health care, as well as social and family life is significantly improved when journeys become accessible”.

For this reason, the Council considers it important that people with impairments have access to all forms of public transportation and will keep this section under review. If complaints are received positive action will be initiated.

It is arguable that different accessibility considerations should apply between hackney carriage/private hire vehicles, in that hackney carriages can be hired in the street or at a rank by the customer dealing directly with the driver. Private hire vehicles however, can only be booked through an operator. It is considered important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience. Having a reasonable number of accessible hackney carriages licensed within the Borough significantly assists those who are impaired. The Council will therefore actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant Equalities and Disability legislation.
The private hire trade should however, be aware of a Good Practice Guide produced by the Equality and Human Rights Commission. Private hire operators also have a duty under the Equality Act 2010, (EA10 – which replaces the Disability Discrimination Act 1995), and other legislation to ensure disabled people are not discriminated against or treated less favourably.

Section 168 of the EA10 imposes a duty on drivers to carry ‘Guide and Hearing’ (Assistance) Dogs free of charge. An exemption to this requirement is provided where a driver has a certified note showing a ‘Proven Medical Condition’ which precludes such action.

Driver’s who, for medical reasons, are unable to accept wheelchair passengers or guide/hearing dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be considered on production of medical evidence, at the driver’s expense, from the driver’s own GP, stating the details of their medical condition. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times when the driver is working.

Persons who breach Equality Act duties may be guilty of a criminal offence.

Equality and Diversity

In carrying out its work, the council is obliged to follow the Equality Act 2010 which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality, transgender, religion or belief.

Complaints

The council recognises that individuals have certain rights of redress open to them and operates a procedure for dealing with official complaints. Further details are in the corporate enforcement policy and the council’s official complaint policy.

A complaint should relate to either something which the council, (or one of its officers) should have done, but have failed to do, or something which the council (or its officers), should not have done, but has done.

The Council recognises that some complaints can be frivolous or vexatious and complaints deemed to be of this nature may not be investigated further.

Requests for service and appeals will not be treated as complaints.

Data Sharing

The Council will gather and share data for prevention and detection of crime.

Dress code

The Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress in order to maintain the profile of the licensed trade in Welwyn Hatfield.
Drivers are expected to dress in a neat and tidy manner that will not cause offence and act courteously both to passengers and other road users. The following are acceptable standards of dress:

- Upper clothing should cover the shoulders (not sleeveless)
- Shorts may be worn in exceptionally hot weather BUT must be tailored
- Smart jean type trousers are permitted
- Footwear should fit around the heel of the foot
- Other forms of dress may be acceptable – please ask for appropriate advice from the Hackney Carriage Office.

Unacceptable standards of dress:

- Bare chests;
- Unclean, damaged or inappropriate clothing/footwear;
- Clothing with offensive words, logos or graphics;
- Beach type footwear (eg flip flops and mules), or any other form of footwear not secured around the heel;
- Headwear that conceals (or partially conceals) the face of the driver; and
- Baseball caps.

If drivers are in any doubt about the appropriateness of their proposed attire they should seek guidance from the Hackney Carriage Team.

Customer care

Licence holders should be aware that “Mystery Shoppers” and “Test Purchases” are used by the Council to check the standards which are being provided to the travelling public, (for example a test purchase of a taxi/private hire ride). Also, the standards of customer service provided by the council, (for example through a “mystery shopper” phoning into the council). This guidance gives notice to the taxi trade that test purchasing will be operating at such times within the Borough. To satisfy RIPA requests, will not be justified as “covert”.

Communications skills

The ability to communicate clearly with customers is an obvious requirement. All applicants must be able to converse with a good basic standard of the English language. This will be assessed by Officers during the application process. Should any applicants fall below a standard deemed acceptable by officers, they will be advised that their application will be rejected.

Motoring offences

1. Major Traffic Offences

An application will normally be refused where an applicant has a conviction for a major traffic offence where the conviction is less than three years prior to the date of the application.

An application from an applicant with more than one Major Traffic Offence, within the last five years will normally be refused.

If any conviction for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.


For the purposes of these guidelines the following motoring offences are classed as ‘Major Traffic Offences’:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC10</td>
<td>Failing to stop after an accident</td>
</tr>
<tr>
<td>AC20</td>
<td>Failing to give particulars or to report within 24 hours</td>
</tr>
<tr>
<td>AC30</td>
<td>Undefined accident offences</td>
</tr>
<tr>
<td>BA10</td>
<td>Driving while disqualified by order of Court</td>
</tr>
<tr>
<td>BA30</td>
<td>Attempting to drive while disqualified by order of Court</td>
</tr>
<tr>
<td>CD40</td>
<td>Causing death through careless driving when unfit through drink</td>
</tr>
<tr>
<td>CD50</td>
<td>Causing death through careless driving when unfit through drugs</td>
</tr>
<tr>
<td>CD60</td>
<td>Causing death through careless driving with alcohol level above limit</td>
</tr>
<tr>
<td>CD70</td>
<td>Causing death through careless driving then failing to supply a specimen for alcohol analysis</td>
</tr>
<tr>
<td>CD71</td>
<td>Causing death through careless driving then failing to supply a specimen for drug analysis</td>
</tr>
<tr>
<td>DD40</td>
<td>Dangerous driving</td>
</tr>
<tr>
<td>DD60</td>
<td>Manslaughter or culpable homicide while driving a vehicle</td>
</tr>
<tr>
<td>DD80</td>
<td>Causing death by dangerous driving</td>
</tr>
<tr>
<td>DR10</td>
<td>Driving or attempting to drive with alcohol level above limit</td>
</tr>
<tr>
<td>DR20</td>
<td>Driving or attempting to drive while unfit through drink</td>
</tr>
<tr>
<td>DR30</td>
<td>Driving or attempting to drive then failing to supply a specimen for analysis</td>
</tr>
<tr>
<td>DR31</td>
<td>Driving or attempting to drive when unfit through drugs</td>
</tr>
<tr>
<td>DR40</td>
<td>In charge of a vehicle while alcohol level above limit</td>
</tr>
<tr>
<td>DR50</td>
<td>In charge of a vehicle while unfit through drink</td>
</tr>
<tr>
<td>DR60</td>
<td>Failure to provide specimen for analysis in circumstances other than driving/attempting to drive</td>
</tr>
<tr>
<td>DR61</td>
<td>Failure to provide specimen for drug analysis in circumstances other than driving/attempting to drive</td>
</tr>
<tr>
<td>DR70</td>
<td>Failing to provide specimen for breath test</td>
</tr>
<tr>
<td>DR80</td>
<td>Driving or attempting to drive when unfit through drugs</td>
</tr>
<tr>
<td>DR90</td>
<td>In charge of a vehicle when unfit through drugs</td>
</tr>
<tr>
<td>IN10</td>
<td>Using a vehicle uninsured against third party risks</td>
</tr>
<tr>
<td>LC20</td>
<td>Driving otherwise than in accordance with a licence</td>
</tr>
<tr>
<td>LC30</td>
<td>Driving after making a false declaration about fitness when applying for a licence</td>
</tr>
<tr>
<td>LC40</td>
<td>Driving a vehicle having failed to notify a disability</td>
</tr>
<tr>
<td>LC50</td>
<td>Driving after a licence has been revoked or refused on medical grounds</td>
</tr>
<tr>
<td>MS50</td>
<td>Motor racing on the highway</td>
</tr>
<tr>
<td>MS60</td>
<td>Offences not covered by other codes</td>
</tr>
<tr>
<td>MS90</td>
<td>Failure to give information as to identity of driver etc</td>
</tr>
<tr>
<td>UT50</td>
<td>Aggravated taking of a vehicle</td>
</tr>
</tbody>
</table>

**Aiding, Abetting, Counselling or Procuring**
Offences as coded above, but with 0 changed to 2 (eg. IN10 becomes IN12).

**Causing or Permitting**
Offences as coded above, but with 0 changed to 4 (eg. IN10 becomes IN14).
Inciting

Offences as coded above, but with 0 changed to 6, (eg. IN10 becomes IN16) or similar offences or offences which replace the above offences.

INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted four or more penalty points, will be treated as though it were a Major Traffic Offence.

One Conviction

Where an applicant has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least six months free from conviction before an application is considered.

For existing licence-holders where they hold no other driving convictions within a two year period prior to receiving an intermediate traffic offence and do not have a history of frequent motoring convictions, then a written warning may be issued.

Two or more Convictions

Where an applicant has two or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application, the applicant will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.

For the purposes of these guidelines the following motoring offences are classed as ‘Intermediate Traffic Offences’:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CU10</td>
<td>Using vehicle with defective brakes</td>
</tr>
<tr>
<td>CU20</td>
<td>Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts of accessories (excluding brakes, steering or tyres) in a dangerous condition</td>
</tr>
<tr>
<td>CU30</td>
<td>Using a vehicle with defective tyres</td>
</tr>
<tr>
<td>CU40</td>
<td>Using a vehicle with defective steering</td>
</tr>
<tr>
<td>CU50</td>
<td>Causing or likely to cause danger by reason or load passengers</td>
</tr>
<tr>
<td>CU80</td>
<td>Breach of requirements as to control of the vehicle mobile phones etc</td>
</tr>
<tr>
<td>CD10</td>
<td>Driving without due care and attention</td>
</tr>
<tr>
<td>CD20</td>
<td>Driving without reasonable consideration for other road users</td>
</tr>
<tr>
<td>CD30</td>
<td>Driving without due care and attention or without reasonable consideration of other road users</td>
</tr>
<tr>
<td>SP10</td>
<td>Exceeding goods vehicle speed limit</td>
</tr>
<tr>
<td>SP20</td>
<td>Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)</td>
</tr>
<tr>
<td>SP30</td>
<td>Exceeding statutory speed limit on a public road</td>
</tr>
<tr>
<td>SP40</td>
<td>Exceeding passenger vehicle speed limit</td>
</tr>
<tr>
<td>SP50</td>
<td>Exceeding speed limit on a motorway</td>
</tr>
<tr>
<td>SP60</td>
<td>Exceeding speed limit offence</td>
</tr>
</tbody>
</table>
Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2, (eg. CU10 becomes CU12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4, (eg. CU10 becomes CU14).

Inciting

Offences as coded above, but with 0 changed to 6, (eg. CU10 becomes CU16), or similar offences or offences which replace the above offences.

2. MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted four or more penalty points will be treated as though it were an Intermediate Traffic Offence.

Single conviction

Where an applicant has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

For existing licence-holders where they hold no other driving convictions within a 2 year period prior to receiving an intermediate traffic offence and do not have a history of frequent motoring convictions, then a written warning may be issued.

Two or more Convictions

Where an applicant has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application, an applicant will normally be expected to show a period of at least six months free from conviction before an application is considered.

For the purposes of these guidelines the following motoring offences are classed as ‘Minor Traffic Offences’:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MS10</td>
<td>Leaving a vehicle in a dangerous position</td>
</tr>
<tr>
<td>MS20</td>
<td>Unlawful pillion riding</td>
</tr>
<tr>
<td>MS30</td>
<td>Play street offences</td>
</tr>
<tr>
<td>MS70</td>
<td>Driving with uncorrected defective eyesight</td>
</tr>
<tr>
<td>MS80</td>
<td>Refusing to submit to an eyesight test</td>
</tr>
<tr>
<td>MW10</td>
<td>Contravention of Special Road Regulations (excluding speed limits)</td>
</tr>
<tr>
<td>PC10</td>
<td>Undefined contravention of Pedestrian Crossing Regulations</td>
</tr>
<tr>
<td>PC20</td>
<td>Contravention of Pedestrian Crossing Regulations with moving vehicle</td>
</tr>
<tr>
<td>PC30</td>
<td>Contravention of Pedestrian Crossing Regulations with stationary vehicles</td>
</tr>
<tr>
<td>TS10</td>
<td>Failing to comply with traffic light signals</td>
</tr>
<tr>
<td>TS20</td>
<td>Failing to comply with double white lines</td>
</tr>
<tr>
<td>TS30</td>
<td>Failing to comply with a “Stop” sign</td>
</tr>
<tr>
<td>TS40</td>
<td>Failing to comply with direction of a constable or traffic warden</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>TS50</td>
<td>Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)</td>
</tr>
<tr>
<td>TS60</td>
<td>Failing to comply with school crossing patrol sign</td>
</tr>
<tr>
<td>TS70</td>
<td>Undefined failure to comply with a traffic direction sign</td>
</tr>
</tbody>
</table>

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2, (eg PC10 becomes PC12).

**Causing or permitting**

Offences as coded above, but with 0 changed to 4, (eg PC10 becomes PC14).

**Inciting**

Offences as coded above, but with 0 changed to 6, (eg PC10 becomes PC16), or similar offences or offences which replace the above offences.

**Plying for Hire**

In the case of a Private Hire Driver found guilty of an offence of plying for hire, the Committee would normally order the licence to be revoked or suspended. This may also include the recommendation for a prosecution for/of driving without insurance.

**Multiple convictions**

Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances, the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

**Spent convictions**


The Council will only consider spent convictions if it appears to be irrelevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

**Relevance of Convictions and Cautions**

As part of the application process all applicants for a driver’s licence are required to disclose on their application form, all convictions and cautions, (motoring or otherwise), regardless of whether or not they would be deemed as spent under the Rehabilitation or Offenders Act 1974.

Applicants should be aware that the Rehabilitation of Offenders Act 1974 as amended identifies the occupations of hackney carriage/private hire drivers as “exempt” occupations. The effect of which is that no convictions are ever deemed “spent”, irrespective of the date of the conviction/caution or the nature of the offence. Therefore, they will always be disclosed and considered as part of the application process.
NOTE: It is an offence under both the Local Government, (Miscellaneous Provisions) Act 1976, and the Frauds Act 2001 to make a false statement and/or provide false information during the application process. This includes not disclosing details of any convictions or cautions.

If an applicant is in any doubt as to whether or not a licence will be granted, contact should be made with the Hackney Carriage Office BEFORE incurring any expense. Advice will be given in confidence in light of information provided.

If an applicant declares in his application a conviction involving for example, dishonesty, indecency, violence or a disqualification from driving or numerous offences of a similar nature, then a licence may not be issued immediately and could be subject to further checks.

In cases where a DBS check reveals that an applicant has convictions, the application will be dealt with in accordance with the Council’s guidance on convictions.

In assessing whether an applicant is a ‘fit and proper person’ to hold a licence, the Council will consider each case on its own merits. In doing this, the Council will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether any cautions or convictions are capable of having relevance to the issue of whether or not an applicant is a ‘fit and proper person’ to hold a licence.

Drunkenness

With a motor vehicle (No Disqualification)

A serious view will be taken regarding convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within two years of the date of the application.

More than one conviction for this type of offence, within the last five years of the date of conviction is likely to merit refusal.

(i) With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least five years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least five years has elapsed after completion of detoxification treatment if they were an alcoholic.

(ii) Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will generally be required to show a period of at least five years has elapsed after completion of detoxification treatment if they were an alcoholic.
The risks associated with poor standards

The main purpose of the licensing regime is to prevent licences being given to, or used by, unsuitable people taking into account their driving record, mental and physical fitness to drive, their honesty and to ensure that they would not take advantage of their position as drivers, to abuse or assault the public who use their vehicles.

The key risks arising may be perceived as:

- Dangerous vehicles – either to passengers, drivers or other road users;
- Dangerous drivers – both from their actual driving, but also from verbal and physical abuse to the passengers, other road users and the public;
- Opportunity for petty crime and criminality such as overcharging, thefts;
- More serious and organised crime such as Child Sexual Exploitation, drug trafficking and even terrorism;
- Negative impact on the borough, often a taxi driver is the first and last person a visitor will meet when entering or leaving the borough;
- Pollution from poorly maintained or defective vehicles and older vehicles still on the road with less efficient engines

Drugs

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

After five years consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than five years prior to the date of the application.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last four years will require careful consideration of the facts.

If any applicant was an addict then they will normally be required to show evidence of five years free from drug taking after detoxification treatment.

Sexual and indecency

Any applicant currently on the Sex Offenders Register would not normally be granted a licence.

1 Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Where the commission of a sexual offence involves a child or young person an application for a licence will normally to be refused.
2 Offences against persons other than children/young persons

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period, (usually between 5 and 10 years) free from any such conviction.

After five years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Violence

Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years).

Drivers of Hackney Carriage and Private Hire vehicles are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons, and for that reason a more serious view will be taken where offences of violence involve children or young persons.

Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases a period of 5 to 10 years free of conviction for offences involving violence, (depending on the nature and seriousness of the offence), will generally be required before an application is likely to be considered favourably.

Offences against other persons

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life, a licence will normally be refused. In other cases a period of 3 to 10 years free of conviction for offences involving violence, (depending on the nature and seriousness of the offence), will generally be required before an application is likely to be considered favourably.

In particular:

(i) An application will normally be refused where the applicant has a conviction for an offence or similar offence(s), which replace the below offences:

Murder;
Manslaughter;
Manslaughter or culpable homicide while driving.
(ii) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm, (s.20 Offences Against the Person Act 1861) which is racially aggravated, (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm, (s.47 Offences Against the Person Act 1861), which is racially aggravated, (s.29(1)(b) Crime and Disorder Act 1998);
- Grievous bodily harm with intent, (s.18 Offences Against the Person Act)
- Grievous bodily harm without intent, (s.20 Offences Against the Person Act)
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated, (s.29(1)(c), Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest.

(iii) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than five years prior to the date of application:

- Racially-aggravated criminal damage, (s.30 Crime and Disorder Act 1998);
- Racially-aggravated s.4 Public Order Act 1986 offence, (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998);
- Racially-aggravated s.4A Public Order Act 1986 offence, (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998);
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998);
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998);
- Racially-aggravated s.5 Public Order Act 1986 offence, (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998).

(iii) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than three years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Criminal damage.
APPENDIX A Hackney Carriage Byelaws

SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847
SECTION 171 OF THE PUBLIC HEALTH ACT 1875

WELWYN HATFIELD BOROUGH COUNCIL
HACKNEY CARRIAGE BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Borough Council of Welwyn Hatfield with respect to Hackney Carriages in such part of the Borough of Welwyn Hatfield.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Welwyn Hatfield Borough Council and "the Borough" means the Borough of Welwyn Hatfield.

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

2. a) The proprietor of a Hackney Carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly displayed on the outside of the carriage on a plate provided by the Council and in the position indicated by the Council.

    b. A proprietor or driver of a Hackney Carriage shall:

        (i) 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;

        (ii) not cause or permit the carriage to stand or ply for hire with any plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The 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 watertight;

    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 with a nominal dry powder capacity of 2.2lbs or 1 kg 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; and

j) provide adequate internal lighting within the carriage.

4. 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, that is to say:

   a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

   b) such key, flag, or other devices 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;

   c) 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 time as well as for distance in pursuance of the tariff fixed by the Council;

   d) 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;

   e) 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; and

   f) 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.

5. The proprietor of a Hackney Carriage shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:

   a) the sign shall bear the words "FOR HIRE" in plain letters at least 1 3/8th inches or 3.5cm in height; and

   b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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

6. The driver of a Hackney Carriage provided with a taximeter shall:

   a) 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 and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
b) as soon as the carriage is hired whether by distance or by time operate the said sign so that the words 'FOR HIRE' are not conveniently legible by persons outside the carriage;

c) 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 and keep the machinery of the taximeter in action until the termination of the hiring; and

d) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

7. 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.

8. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
   a) proceed with reasonable speed to one of the stands appointed by the Council;
   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; and
   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.

9. Where a Hackney Carriage is:
   a) the only carriage; or
   b) one of the first two carriages at a stand appointed by the Council. The driver thereof shall be with his carriage and ready to be hired at once by any person.

10. The proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importing any person to hire such carriage.

11. 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.

12. The driver of a Hackney Carriage shall not at any time when conveying a person hiring that carriage, smoke or burn tobacco without the express permission of that person.

13. The proprietor or 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.
14. A proprietor or 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 12 years shall be regarded as one person and children under the age of three years shall not be reckoned.

15. 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.

16. 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,

   a) convey a reasonable quantity of luggage;
   b) afford reasonable assistance in loading and unloading; and
   c) 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.

PROVISIONS AFFIXING THE RATES OF FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE BOROUGH, AND SECURING THE DUE PUBLICATION OF SUCH FARES

17. 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 Council, the rate or fare being calculated by distance and time 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 and time 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 Council which it may not be possible to record on the face of the taximeter.

18. 

   a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
   b) The proprietor or driver of 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

19. The proprietor or 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.
20. The 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:

   a) 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 County Police Office, The Campus, Welwyn Garden City, Herts or to the County Police Station, Tamblin Way, Hatfield, Herts, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

   b) be entitled to receive from any person to WHOM the property shall be redelivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the County Police Office, The Campus, Welwyn Garden City, Herts or Tamblin Way, Hatfield, Herts as the case may be, whichever is the greater), but not more than £5.00.

PENALTIES

21. Every person who shall offend against any of these byelaws shall be liable on a summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding £2.00 for each day during which the offence continues after conviction therefore.

REPEAL OF BYELAWS

22. The byelaws relating to Hackney Carriages which were made by the Council on the 8th day of April 1994 and which were confirmed by one of her Majesty’s Principal Secretaries of State on the 31st day of August 1994 are hereby repealed.

The Common Seal of the Welwyn Hatfield Borough Council was hereunto affixed the 12th day of September 2002 in the presence of:

Margaret Scarff
LS Chairman

MJ Davies
Solicitor to the Council

The aforementioned byelaws confirmed by the Secretary of State and shall come into force on the 28th day of November 2002.
## Licence Fees (to be paid at the time of application/licensing)

<table>
<thead>
<tr>
<th>Licence/activity</th>
<th>Duration</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Hackney carriage driver licence</td>
<td>3 year</td>
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<tr>
<td>Hackney carriage vehicle licence</td>
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<tr>
<td>Private hire driver licence</td>
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<td>450.00</td>
</tr>
<tr>
<td>Private hire operator licence</td>
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<td>330.00</td>
</tr>
<tr>
<td>Private hire operator licence</td>
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<td>762.00</td>
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<td>Knowledge test (per attempt)</td>
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<tr>
<td>Replacement plate</td>
<td></td>
<td>20.00</td>
</tr>
<tr>
<td>Replacement bracket</td>
<td></td>
<td>15.00</td>
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<tr>
<td>Replacement driver's badge</td>
<td></td>
<td>15.00</td>
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<tr>
<td>Extra copy/duplicate of licence</td>
<td></td>
<td>5.00</td>
</tr>
<tr>
<td>DVLA</td>
<td></td>
<td>10.00</td>
</tr>
<tr>
<td>Vehicle transfers</td>
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<td>100.00</td>
</tr>
</tbody>
</table>
Appendix B Private Hire conditions

CONDITIONS RELATING TO THE LICENSING OF PRIVATE HIRE DRIVERS BY VIRTUE OF SECTION 51(2) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

1 Introduction

Drivers of a Private Hire vehicle must at all times ensure that they comply with all the relevant legislation and the subordinate terms and conditions regarding the use of Private Hire vehicles.

They have been placed in a position of trust and are expected to behave appropriately. You must remember that all your journeys that you undertake must be pre-booked. Under no circumstances must you take anyone who has not booked you and your vehicle. Not only is this an offence under the licensing law it may also invalidate your vehicles insurance. At the time of an application or renewal of your licence you must state which operator you are or intend to work for.

2 General

A Private Hire driver must at all times be clean, tidy and dressed in a respectable and suitable manner. The wearing of vests, singlets and ‘short’ shorts are not considered suitable. Appropriate footwear is to be worn so as to ensure the safe operation of the vehicle.

All reasonable assistance must be given to passengers at all times. The loading and unloading of luggage from the luggage compartment is the responsibility of the driver.

All drivers at the time of application must demonstrate the ability to communicate clearly with members of the public.

3 Fees

All fees are to be paid in advance or at the time of licensing and are not refundable.

4 The Use of Vehicle Audible Warning Device (Horn)

4.1 The use of the vehicle horn is not to be used to notify passengers of your presence.

4.2 The horn is only to be used within the guidelines as set out in the appropriate legislation and the Highway Code.

5 Convictions

5.1 Any driver who is convicted, cautioned or reprimanded for any offence, including motoring offences, must inform the Hackney Carriage Office immediately and in writing within seven days. This information must contain the date, nature of the conviction and its penalty.

5.2 Any driver who is disqualified from driving, for any reason, must inform the Hackney Carriage Office and return their driver identity badge immediately.
5.3 Any driver who is disqualified from driving for a drink drive or similar offence, cannot become eligible for a Private Hire Driver’s licence for a minimum of 12 months from the period of restoration of the licence. In certain cases this period may be extended in line with the Council’s policy, for a period of three to five years.

5.4 If a driver is convicted of a drink drive or similar serious driving offence more than once, there should be grave doubts as to the fitness for them to hold a Licence.

5.5 Any driver who does not report a conviction of any kind, may be liable for prosecution and/or licence revocation by the Council.

6 Driving Standards
6.1 All drivers are to drive with due consideration to other road users.

7 Assistance Dogs
7.1 A driver may not refuse under any circumstances, to take an assistance dog.

7.2 The dog is to stay with, and under the control, of the owner at all times.

7.3 Any driver who wishes to apply for a medical exemption from carrying assistance dogs may do so in writing to the Hackney Carriage Office. They will be informed of the requisite process by the Office.

8 The Operation of Private Hire Vehicles
8.1 A driver must take all reasonable precautions when picking up a passenger that they are the person who booked the vehicle.

8.2 On the completion of a hiring, drivers are to search their vehicles for any property that has been left. If any property is discovered it is to be conveyed to the nearest County Police station and its discovery passed onto the operator who received the booking.

8.3 A driver shall behave in a civil and polite manner at all times. They shall take all reasonable precautions to ensure the safety of persons conveyed in, entering into or alighting from the vehicle.

8.4 A driver shall at no time smoke in a licensed vehicle.

8.5 A driver shall only carry the permitted number of passengers that the Council has agreed to be conveyed in the vehicle.

8.6 The Council’s drivers badge must be worn or displayed clearly at all times whilst the vehicle is in operation.

9 Use of Taximeters and Fare Cards
9.1 If a taximeter is fitted to the vehicle its use shall be at the discretion of the ‘hirer’ not the driver.
9.2 If a hirer requests the use of the taximeter, its use is to be in accordance with the regulated tariff set by the Council.

9.3 If a taximeter is fitted, the driver must display for the inspection by a passenger or passengers, an authorised fare card.

10 Persons With Mobility Problems and Wheelchair Users

10.1 All wheelchairs are to be stored appropriately in the luggage compartment of the vehicle.

10.2 The driver is to offer reasonable assistance in the disassembly and reassembly of any collapsible wheelchair.

10.3 All drivers are to ensure the safety of their passengers at all times. This includes the entry and exit from the vehicle. They must ensure the person is in a ‘safe’ location before they depart.

Any problems or issues relating to the carriage of disabled passengers must be reported to the Hackney Carriage Office immediately.
Appendix C Guidance on completing the disclosure application form

Disclosure and Barring Service check

An Applicant’s Guide to Completing the Disclosure Application Form. These notes explain how to fill in the Disclosure Application Form. If you have any questions about completing it, please call:

Disclosure and Barring Service telephone number: 0870 9090844. Reference number: 20183900002

Please note the Disclosure and Barring Service contact centre uses a language interpreting facility.

Confirming your Identity

Your identity needs to be confirmed. You need to provide original documentation (no photocopies), to the Hackney Carriage Officer at Welwyn Hatfield Council. The list below gives the documents that can be accepted. Please use the table below to determine which of these documents you need to provide.

Which documents do you need to provide?

Have you signed your consent at Section H?

<table>
<thead>
<tr>
<th></th>
<th>3 documents:</th>
<th>5 - group B documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>1 - group A</td>
<td>or</td>
</tr>
<tr>
<td></td>
<td>2 - group B</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>5 document</td>
<td>or</td>
</tr>
<tr>
<td></td>
<td>1 – group A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 – group B</td>
<td></td>
</tr>
</tbody>
</table>

Please note: all documents must be in your current name. At least one document must show your current address and at least one document must show your date of birth.
## Acceptable Identity Documents

<table>
<thead>
<tr>
<th>Group A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Valid passport (any nationality)</td>
<td></td>
</tr>
<tr>
<td>• UK Driving Licence (either photo card or paper)</td>
<td></td>
</tr>
<tr>
<td>• Original UK Birth Certificate (issued within 12 months of the date</td>
<td>(full or short form acceptable)</td>
</tr>
<tr>
<td>of birth)</td>
<td></td>
</tr>
<tr>
<td>• Valid photo identity card (EU countries only)</td>
<td></td>
</tr>
<tr>
<td>• UK Firearms Licence</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group B</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• P45/60 statement*</td>
<td></td>
</tr>
<tr>
<td>• Bank or Building Society statement**</td>
<td></td>
</tr>
<tr>
<td>• Utility bill*</td>
<td></td>
</tr>
<tr>
<td>• Credit Card statement*</td>
<td></td>
</tr>
<tr>
<td>• Mortgage statement**</td>
<td></td>
</tr>
<tr>
<td>• British work permit/visa**</td>
<td></td>
</tr>
<tr>
<td>• Child benefit book**</td>
<td></td>
</tr>
<tr>
<td>• Correspondence or a document from the Benefits Agency, the Employment Service, the Inland Revenue or a Local Authority*</td>
<td></td>
</tr>
<tr>
<td>• Financial statement**</td>
<td></td>
</tr>
</tbody>
</table>

* less than 3 months old  
** issued within past 12 months

Please note that these documents must be from different sources, eg. one bank statement and one Council Tax Bill, not one bank statement and one credit card bill from the same bank
Continuation Sheet

Use a white A4 sheet of paper;
Use **BLACK INK** and write clearly in **BLOCK CAPITALS** only;
Write your Form reference number (located on the front of the Form), current name and address clearly at the top of the sheet;
To supply additional information for Section C or D, please provide the information in the following format:

```
CONTINUATION SHEET
FORM REF: F12345678910
NAME: SUSAN BLOGGS
ADDRESS: 3 FLOWER ROAD
          HAMPFORD
          COUNTYSHIRE C23 8TY

ITEM NO.
22 SURNAME USED: SMITH
23 USED FROM: 1998
24 USED TO: 2000
36-37 ADDRESS: 1 HIGH STREET
38 TOWN/CITY: TOWNSVILLE
39 COUNTY: COUNTYSHIRE
40 POSTCODE: CD11YZ
41 COUNTRY: UK
42 FROM: 031995
43 TO: 041999
```

Checklist

Before you attend the appointment with the Hackney Carriage Officer at Welwyn Hatfield Council, complete this last-minute check.

Have you provided all addresses for the last five years, (there should be no gaps in your dates)?

If you have used a continuation sheet, have you included your Form reference number, (located on the front of the Form), and crossed the box on the Form?
Appendix D Private Hire Points

1. Bridge Gate Business Centre, Martinfield, WGC
2. Quality Hotel, Roehyde Way, Hatfield
3. Woolmer Green Village Hall
4. YMCA, Pear Tree Lane WGC
5. Mill Green Museum, Hatfield
6. Barn Theatre, Barn Close, WGC
7. Campus West, WGC
8. Hatfield London Country Club, High Road, Essendon
9. Northaw Village Hall,
10. Brookmans Park Hotel
11. QEII Hospital
12. Stansted Airport
13. Heathrow Airport
14. Luton Airport
15. Welham Green Railway Station
16. Roman Baths, Welwyn
17. Shaw’s Corner, Ayot St Lawrence
18. The Waggoner’s Public House, Ayot Green
19. Police Headquarters, Stanborough Road WGC
20. The Oshwal Centre, Coopers Lane Road, Northaw
21. Cuffley Train Station
22. Hatfield War Cemetery
23. The Coach and Horses Public House, Newgate Street
24. Brocket Hall, Marford Road, Lemsford
25. John Lewis Store, WGC
26. Panshanger Golf Course, WGC
27. Northaw Great Woods
28. Little Heath Village Hall
29. Royal Veterinary College, Hawkshead Lane, Brookmans Park
30. The Fielder Centre, Hatfield Business Park
31. Gosling Sports Park, WGC
32. Douglas Tilbe House, Hall Grove, WGC
33. Council Offices, Campus East
34. De Havilland Sports and Social Club, Hatfield
35. The Galleria
36. Hatfield Railway Station
37. Herts University
38. Asda, Hatfield
39. Brocket Arms Public House, Marford Road
40. The Bake House, WGC