



# **Hackney Carriage and Private Hire Licensing Policy**

**2022 – 2025**  
**2024 - 2029**

## **LICENSING AND ENFORCEMENT OFFICE CONTACT INFORMATION**

### **Address for post and pre-booked appointments:**

Enforcement Services  
Licensing Team  
East Staffordshire Borough Council  
Millers Lane  
Burton upon Trent  
Staffordshire  
DE14 2ND

### **Contact telephone numbers:**

Appointment & Administration 01283 508310  
Enforcement 01283 508506

### **E-mail:**

[licensing@eaststaffsbc.gov.uk](mailto:licensing@eaststaffsbc.gov.uk)

[enforcement@eaststaffsbc.gov.uk](mailto:enforcement@eaststaffsbc.gov.uk)

### **Office Hours:**

Telephone: Mon- Fri from 9:00am – 4:00pm

Pre-booked appointments: Mon- Fri from 10.00am – 4:00pm

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## **Foreword**

The aim of this policy is to secure the safety and amenity of the travelling public and to ensure that the drivers, operators and vehicle proprietors provide hackney carriage (taxi) and private hire services while facilitating a sustainable taxi and private hire industry.

The Council, in adopting this licensing policy, recognises both the needs of residents for safe, healthy, convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the Borough.

Taxi drivers, private hire drivers, vehicle owners/proprietors and private hire operators are ambassadors for the Borough through their interaction with businesses, visitors and tourists, and high standards are expected of their vehicles, their local knowledge, and their customer service skills.

In carrying out its regulatory functions, the Council will have regard to this policy when making licensing decisions regarding taxis and private hire vehicles, drivers and operators. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

This policy will be subject to a five yearly formal review. It will also be subject to ongoing informal review, particularly when legislation and guidance from Government changes. In formally reviewing this policy, the Council will seek views from representatives of the taxi and private hire trade, other organisations involved in transport and licensing, crime reduction professionals, and groups and individuals with involvement or interest in access and equality matters. This includes those professionals dealing with child sexual exploitation and vulnerable persons and groups. The Council will publish any changes made to this policy.

## DEFINITIONS AND KEY PRINCIPLES

**Hackney Carriages** are commonly referred to as 'cabs' 'black cabs' 'taxi'. The term 'taxi' will be used in this document as a referring to all such vehicles. Taxis can be hired immediately from a rank or hailed on the street.

**Private Hire Vehicles** include minicabs, executive cars, chauffeur services, limousines and can include school contracts or hospital contract work. All journeys must be pre-booked via a licensed operator.

**Triple licensing lock** means the operator taking the booking, the vehicle and the driver must all be licensed by the same licensing authority.

**Fit and Proper Person** means someone who is safe and suitable to hold a licence issued by the Council. With regards to drivers licences, the following question can be asked - without prejudice, and based on the information before you, would you allow a person you care for, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

**DBS (Disclosure and Barring Service)** all drivers and operators must have a DBS check. New driver applicants must complete an Enhanced DBS check which will reveal details of spent and unspent convictions recorded on the Police National Computer including barred list and those matters the Chief Officer of Police considers relevant and ought to be disclosed information. New operator applicants who are not licensed drivers will require a Basic DBS check annually. All booking staff must have a Basic DBS check if not a licensed driver

**DBS Update Service** all drivers must subscribe to the update service which allows the Council to carry out 6 monthly checks. Those who do not subscribe will still be required to carry out 6 monthly checks by completing the full application during the life of their driver licence. Those with only an operator's licence will require a basic disclosure annually.

**Referrals to DBS and Police** may be appropriate under the Safeguarding Vulnerable Groups Act 2006 where it is thought a driver poses a risk of harm to a child or vulnerable adult, received a caution or conviction for a relevant offence. The power to make a referral arises from the Council's undertaking of a safeguarding role

**Common Law Disclosure** means that where there is a public protection risk, the police will pass information to the Council to allow for swift action to mitigate any danger

**School Contracts** drivers who work under a transport arrangement for children may be working in a 'regulated activity' as defined in the Safeguarding Vulnerable Groups Act 2006. It is an offence to knowingly allow a barred individual to work in regulated activities

**Regulated Activity** being a licensed taxi or private hire driver is not in itself a regulated activity for the purposes of the barred list (but see **School Contracts**). However, for reasons of public safety, licensing authorities as policy shall not licence any person who appears on either barred list (children and vulnerable adults)

**Criminal Convictions and Rehabilitation** each case shall be considered on 'its own merits' and passenger safety will be the priority. Where applicants can provide sufficient evidence of successful rehabilitation, the Council may licence them. All applications are entitled to fair and impartial consideration

**Relevant Offences** legislation particularly identifies offences involving dishonesty indecency and violence. **Appendix 1 Conviction Guidelines**

**'Must have regard to' Statutory Taxi and Private Hire Vehicle Standards** means the standards published by the Secretary of State for Transport under s177(1) of the Policing and Crime Act 2017. Licensing authorities are expected to rigorously consider the standards. The standards do not purport to give a definitive statement of the law and decisions remain a matter for the Council (**Appendix 2 Statutory Taxi and Private Hire Vehicle Standards**)

**Overseas Convictions** those applicants who have spent an extended period abroad of 3 or more months must provide an original '**Certificate of Good Character**' (the Home Office provides guidance for those who require this certificate). Applicants who know they have overseas offences are advised to seek independent legal advice to ensure the information they provide is truthful and accurate

**NR3 National Register (National Register of taxi and private hire vehicle driver licences for refusals and revocations)** this register is updated by the Council and other licensing authorities with information regarding drivers who have been refused a licence or had their licence revoked. The Council will check the register for each application/renewal and where a driver is thought to be working in a different licensing authority area to mitigate the risk of non-disclosure of an offence, the withholding or non-declaration of relevant information, in any form, will be considered a dishonest act

**Tax Check** HMRC have introduced a tax check that will need to be carried out by the Council before granting or renewing a taxi or private hire driver's licence. This is not an invasive check of a driver's tax affairs, it's simply to inform the Council that the applicant is registered to pay tax

**Medicals** New and existing drivers must produce to the Council a medical certificate from a General Medical Council Practitioner that satisfies the requirements of DVLA Group 2 medical standards of fitness. All costs associated with obtaining the medical certificate are to be met by the applicant.

The Council will not accept medical certificates that are over 1 month old.

Medicals are required every 3 years or sooner if directed by a medical practitioner, for example, yearly medicals

In all cases, it is for the applicant to obtain the required medical certificate as evidence of their fitness to drive and that they are safe to be granted a licence

If the Council has any doubt as to a driver's medical fitness at any time during the life of their licence the driver will be required to provide a group 2 medical certificate and the cost associated with this will be met by the driver

Any applicant for grant or renewal of a driver's licence that is unable to satisfy the Council they meet the group 2 standard shall not have a licence granted to them or the licence shall not be renewed or shall be revoked

**Drugs** taxi/ private hire licensed drivers may be subject to random drug testing, which may be carried out as part of a compliance exercise or on suspicion/reported drug use

**Safeguarding Awareness** those in the taxi and private hire industry have a role in recognising and reporting abuse, exploitation or neglect of children and vulnerable adults. It also includes the person's role of safeguarding passengers. In order to equip the taxi and private hire trade, drivers are required to undertake at their own cost a Safeguarding course nominated by the council. The course will include the signs of potential abuse and how and who a driver should report a suspicion of a child or vulnerable adult being at risk of harm or in immediate danger

**Safeguarding Training** must include: how to recognise a vulnerable person, understanding how to respond, and how and where to report concerns

**'County lines'** this term describes criminal gangs, who exploit children and vulnerable adults for the purpose of transporting drugs and money between locations and to facilitate **Child Sex Exploitation**, using taxi and private hire as a method to carry out such activity. Training in this respect will alert drivers to the signs of exploitation and will be included in the Safeguarding Training such as children and young people travelling alone, traveling at unusual hours, traveling long distances, those unfamiliar with the area or who don't have a local accent, those who don't appear to know the person they are travelling with

**Equality** drivers and operators have a specific duty not to discriminate against passengers in wheelchairs or who are accompanied by assistance dogs. There is also a duty not to discriminate against anyone on account of their protected characteristics and to provide proactive reasonable adjustments that permit those passengers access to the service of a taxi or private hire vehicle

**Language Proficiency** drivers need to understand written documents, such as licensing conditions, policy and guidance, and particularly anything relating to the protection of children and vulnerable adults. They must also be able to communicate verbally with passengers and understand when a passenger is conveying the driver's assistance through a cryptic alert.

In order to be assured of language proficiency, the Council will accept a pass following a test by the Council's nominated provider or an NVQ or BTEC relevant to the role of a taxi and private hire driver. The test fee of the Council's nominated provider must be met by the applicant/driver. There is no limit imposed on the number of test attempts.

The Council may also consider a UK examining board AQA, OCR, Pearson (Edexcel), WJEC Eduqas or any qualification regulated by Ofqual at GCSE, AS and A Level, where the application has a 'standard pass' in English (grade 4 or grade C)

The Council may consider a Secure English Language Test as set by the Home Office from one of the following providers ILETS SELT Consortium, Language Cert, Pearson, PSI Services (UK) Ltd.



## Knowledge Test

Level 2 Certificate (BTEC or NVQ) in the Introduction to Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are to an equivalent standard and have a comparable syllabus.

Any certificate must have been awarded within the last three years.

The Council reserves the right to refuse to accept a qualification certificate as evidence of the qualification if it is not satisfied as to the authenticity of the certificate or the quality and/or reliability of any part of the process that led to the certificate.

Those without the above qualification can sit the Council's Knowledge Test comprising of written assessment of English, basic Maths, Highway Code, Licensing Conditions, recognising and reporting safeguarding concerns and basic vehicle maintenance. Some of the test is by multiple choice.

Applicants have as many attempts as required to pass the Knowledge Test (only re-take failed sections). The relevant fee is to be paid on each attempt.

**Whistleblowing** where there are concerns that policy is not being applied correctly, it is important there is a method by which such a matter can be raised. There is an internal procedure for staff to raise concerns.

**Conditions** licensing relates to the control of taxi and private hire drivers, vehicles and operators. The Council has adopted conditions and byelaws. These conditions and byelaws relate to the licensable activities and the impact of those activities. The Council has standard conditions but has the discretion to, where appropriate, apply additional conditions where they are practical and achievable.

**Lost, stolen or damaged licences** if a paper licence, badge or the vehicle plate, has been lost, stolen or damaged, the Council must be notified within 48 hours of discovery and a replacement requested. There is a fee which must be paid before a replacement is issued. Paper licences will be stamped as 'duplicate'.

## 1. LICENSING POLICY PURPOSE

- 1.1. The purpose of this policy document is to provide clarity for licensed vehicle owners, drivers, operators and the public as to the way that the Council will undertake its licensing functions.
- 1.2. The primary and overriding objectives of this licensing policy are to protect the public and to ensure accessibility for all members of the public. Persons travelling in East Staffordshire should have an equal opportunity to travel by a taxi or private hire vehicle, for leisure, for work or medical need, which is particularly important for the those with restricted mobility, wheelchair users, the blind and those with hidden disabilities such as mental health and autism, all of whom should have access to suitable, safe, affordable taxi or private hire vehicles.
- 1.3. The Council takes environmental considerations seriously and acknowledges the UK commitment to a 2050 net zero target. It follows that those aspects of this

policy which apply to vehicle licensing should support any environmental policies adopted by the Council. It is recognised that taxi and private hire vehicles operate predominately in urban areas and can be a significant contributor to poor air quality. Whilst this policy does not set out a specific long term plan, the long term view is one of easing the licensed trade towards transition to zero emission vehicles. In the short term this policy will achieve some mitigation of harm from combustion engines by only accepting Euro 6 emission standard vehicles.

1.4. This policy seeks to set out, in a transparent and consistent way, the framework for how the Council will consider and make decisions on taxi and private hire licensing.

## **2. CONSULTATION**

2.1 Before adopting this policy the Council has consulted with and taken in to account the views of the following:

- Staffordshire Police
- Staffordshire Fire and Rescue Service
- Staffordshire Safeguarding Board
- Licence holders
- Local Businesses
- Representatives of the transport industry serving East Staffordshire
- Environmental Health
- Office of Fair Trading
- Department of Transport
- Public Health/Staffordshire County Council/Staffordshire NHS
- Local Authority Testing Stations
- Immigration

2.2 The Council may, from time to time, consult with other organisations or groups.

## **3. CHANGING LICENSING POLICY AND PROCEDURE**

3.1 Any changes in licensing requirements will be followed by a review of licences already issued and a pragmatic approach should be taken. The implementation

of such changes must be transparent and clearly communicated in a timely manner.

3.2 Where there are exceptional, clear and compelling reason to deviate from policy where each case is consider on its own merit and the reason for deviation recorded.

## 4. LEGISLATION

4.1 In undertaking it licensing functions, the Council will have regard to relevant legislation, including:

- Town and Police Clauses Acts 1874 & 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Acts 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Acts 1995 & 2005
- Equality Act 2010
- Road Traffic Act 1988
- Health Act 2006 and Smoke Free (Premises & Enforcement) Regulations 2006
- Deregulation Act 2015
- Human Rights Act 1998
- Immigration Act 2017
- Data Protection Act 2018

4.2 The Statutory Taxi and Private Hire Standards issued by the Department for Transport in July 2020 (**Appendix 2**) state the taxi and private hire trade is a high risk environment and that minimum standards are required to regulate it. Therefore the Council will have regard to these national standards and will also consider Best Practice Guidance consultation issued by the Department for Transport (**Appendix 3**).

4.3 The Council recognises that its licensing powers are only one means of securing the delivery of public safety in the taxi and private hire sector and will work in partnership with the taxi and private hire trade, neighbouring authorities, the police and such other organisations as it considers appropriate.

## 5. DECISION MAKING

5.1 The determination of licence applications, reviews, renewals, revocation and suspensions along with, when appropriate, the attachment of additional conditions, may be delegated to a committee, sub-committee or an officer.

5.2 Public safety is paramount and licensing functions will be undertaken in accordance with the following principles:

- Policy is used as internal guidance

- The rules of natural justice are applied
- Being reasonable and proportionate
- Hearings are fairly conducted where all relevant factors are considered
- Avoidance of bias and the appearance of bias and predetermination
- Compliance with Data Protection legislation

Where a decision maker has a prejudicial, financial or personal interest, in the matter to be decided, they must declare this at the earliest opportunity and prior to any discussions or votes on the matter and, once declared, they shall remove themselves from any further involvement in that matter.

A regulatory committee or sub-committee will be comprised of elected and trained councillors. To facilitate effective discharge of functions, most day to day decisions, particularly on less contentious matters, will be delegated to appropriately experienced officers.

Each case will be considered on its own merits.

There will be a clear separation between the investigator and the decision maker.

Immediate suspensions or revocations will be delegated to an appropriately experienced senior officer.

### Delegation of functions:

Matter to be dealt with	General Licensing Sub-Committee	Officers	Head of Service
Application for Driver Licence with unspent convictions	√	√	
Application for Driver Licence with spent convictions or no convictions	√	√	
Application for Private Hire Operators Licence	√	√ Refuse to process an incomplete application	

Application for a Driver Renewal	√	√ Refuse to process an in complete application	
Application for a Vehicle Licence (new & renew)	√	√	
Suspension of a Vehicle Licence	√	√ Due to RTC damage/safety	
Suspension of a Drivers Licence	√	√ Lapsed - medical DBS or Safeguarding for a period of no more than 10 working days	√
Revocation of a Driver or Vehicle Licence	√		√

## 6. FIT AND PROPER PERSON

- 6.1** There is a duty to ensure that any person granted a licence is considered a 'fit and proper' person. The burden of proof is 'on the balance of probabilities' and not 'beyond all reasonable doubt'. This means that if there is any doubt regarding the applicant they will not be given the 'benefit of doubt' as to their suitability and will not be granted a licence.
- 6.2** Criminal convictions will be considered on their own merit and in the context of the Taxi and Private Hire Statutory Standards (**Appendix 2**). Past offenders who can sufficiently evidence they have been successfully rehabilitated may be granted a licence; however, public safety is always the priority and there are certain offences which would more than likely prevent an ex-offender from being granted a licence.
- 6.3** All applicants will be entitled to fair and impartial consideration and decisions on their applications will have regard to openness, transparency, consistency, fairness and proportionality.
- 6.4** The Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people.

## 7. SUBMISSION AND PROCESSING OF APPLICATIONS

- 7.1 The Council aims to process driver licence applications within 20 working days and all other applications within 10 working days, following the submission of a complete application.
- 7.2 New drivers should allow 20 working days.
- 7.3 No licences will be issued without a complete application. Partial applications will not be accepted and will be returned as incomplete.
- 7.4 The Council will not be held responsible for any delays or periods of expiration associated with incomplete or late submissions.
- 7.5 All relevant application forms are available on the Council website or can be obtained from the licensing team.
- 7.6 All links to providers of training authorised by the Council are available on the Council website and from the licensing team.
- 7.7 All applicants are directed to the frequently asked questions available on the Council website and from the licensing team.
- 7.8 Applicants with complete applications will be offered an appointment with the licensing team; the type of appointment will be dictated by the application made (appointments are included in the 20/10 working days above).

## 8. FEES

- 8.1 The current fees are set out in **Appendix 4**. Fees are periodically reviewed by the Council.

## 9. APPLYING FOR A DRIVER'S LICENCE

### TAXI DRIVER - PRIVATE HIRE DRIVER - COMBINED DRIVER LICENCES

- 9.1 An application will need to be accompanied by the following documents before it can be accepted:
  - Completed application form
  - Payment of the relevant fee (by debit or credit card only)
  - Full DVLA driver's licence and DVLA mandate
  - Evidence of right to live and work in the United Kingdom
  - Evidence of current address and history of residence for the last five years including the month and year that the applicant started living at each address

- Medical form, completed by a GMC registered practitioner less than 3 months before application to DVLA Group 2 standard
- Certificate showing completion of the relevant approved driving assessment(s) within the last 12 months
- Certificate showing completion of each of the required qualifications within the timescales identified for each
- A letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the United Kingdom for a continuous period of three months or more since the age of 16) The date of the documents must be within three months of the date of application, and any documents not in English need to be accompanied by a translation that has been certified as a true translation of the original document
- An enhanced level DBS certificate with adult and child barred list checks, completed for the required role of working with vulnerable adults and children in the capacity as a taxi driver, issued within the past 3 months
- Completed DBS update service mandate allowing the Council to access this record during the course of the licence
- Digital photograph will be taken by a licensing officer

**9.2** The Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people.

## **10. RENEWING A DRIVER'S LICENCE**

**10.1** Information on how to apply to renew a licence is available on the Council's website.

**10.2** It is the driver's responsibility to apply in good time so the application can be determined before the existing licence expires. A completed, valid renewal application should be submitted no less than 10 working days, but no sooner than 8 weeks before the expiry date of the existing licence.

**10.3** An applicant making an application to renew a taxi, private hire or combined driver's licence must:

- Still have the right to live and work in the United Kingdom

- Still meet the current medical standards for DVLA Group 2 licence holders
- Have not been convicted of a relevant criminal offence, relevant driving offence or cautioned for a relevant offence during the term of their licence
- Have complied with licensing conditions and licensing policy, including meeting the expectations of licence holders in terms of conduct
- Provide a letter of good conduct from the Embassy or Consulate (if the licence holder has spent more than 3 months outside the UK during the period of their licence)
- Have not received any motoring endorsements on their DVLA driving licence during the term of the licence
- Have a current enhanced level DBS certificate which the Council is able to access via maintained subscription to the DBS update service
- Hold in date required qualifications.

**10.4** Applicants are advised to check the Council's website or contact the licensing team if they are in any doubt about whether they satisfy the requirements in 10.3 above.

**10.5** The Council aims to inform an applicant of its decision within 10 working days of the date of receipt of all required information. In certain circumstances an application may be referred to the Licensing Regulatory Sub-Committee for determination. It will be for officers to use their discretion as to whether to refer an applicant to Committee.

**10.6** If an applicant (or licence holder) has any convictions, cautions, endorsements or additional other relevant information, the Council will consider those in accordance with the guidance in this Policy and this may delay the decision.

**10.7** Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination or have their medical records reviewed by a doctor appointed by the Council. The doctor's recommendation will be final.

**10.8** The Council will issue a licence for three years from the date of its decision. If a licence holder is subject to immigration controls as detailed below, the Council will issue a licence for a shorter period.

**10.9** If an applicant's current right to live or work in the UK expires during the three-year period beginning on the date their application was determined, the Council will issue a licence until the date their current right to live or work in the UK expires. If the Home Office is currently determining a licence holder's right to live or work in the UK, and they are entitled to live and work in the UK pending



final determination of that application, the Council will issue a licence for a maximum of 6 months from the date of our decision.

**10.10** Under section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to private hire driver's licences. This includes combined licensed taxi and private hire drivers, as well as holders of private hire driver (only) licences

**10.11** Applications are normally granted subject to the Council's Standard Licence Conditions contained within this Policy, however, additional conditions may be attached on a case by case basis.

**10.12** The decision to attach conditions to a private hire driver or taxi and private hire vehicle licences may be appealed to the Magistrates Court.

## **11. REFUSING A DRIVER'S LICENCE APPLICATION**

**11.1** If an application does not satisfy all the requirements or is incomplete, it will be refused.

**11.2** General Licensing Sub-Committee or an officer with the appropriate delegation will make the decision. The Council will make a record of the reasons for its decision and will provide the applicant with a copy of that document.

**11.3** Any decision to refuse an application may be appealed to the Magistrates' Court within 21 days of the decision. If an applicant intends to appeal the Council's decision, it is advised that they seek legal advice. The Council will normally defend any appeal and look to recover the full costs of doing so from the appellant.

**11.4** The Council will check all applications against The National Register of Revocations and Refusals (NR3). If an applicant has had another licence refused/revoked which is not declared to the Council, this will raise concerns about the honesty and integrity of the applicant and is likely to lead to refusal.

**11.5** The Council will record all decisions to refuse (and revoke) a driver's licence on the National Register, and will provide details of the reasons for each decision to another licensing authority following receipt of the necessary data sharing request.

## **12. CONDITIONS AND BYELAWS**

**12.1** The Council may attach such conditions to a driver's licence as are considered reasonably necessary. The Council's standard conditions are set out in

Standard Conditions at **Appendix 10**. These conditions will be reviewed from time to time.

- 12.2** The Council has also made byelaws that are specifically applicable to taxi drivers / proprietors. The existing taxi byelaws are set out at **Appendix 6**. These byelaws will be reviewed from time to time.
- 12.3** Drivers are expected to familiarise themselves with licence conditions / byelaws and comply with the requirements associated with being a professional licence holder. Drivers who do not comply with conditions / byelaws can expect to have their licences suspended or revoked.
- 12.4 Dress code** drivers are to be clean and tidy in appearance and maintain a good standard of personal hygiene.
- 12.5 Working hours** drivers must be aware of the impact working long hours has on their ability to drive safely.
- 12.6 Customer and other personal information** must not be used for any other purpose than that for which it was collected, it should be stored safely and only kept for as long as absolutely necessary. SMS text messages for bookings must not be retained.
- 12.7 Change of contact details** the licensing team must be notified within 7 days of any permanent or temporary changes to: name, address, mobile number, email, home telephone.
- 12.8 Change of operator** the licensing team must be notified within 7 days of any change.
- 12.9 Time overseas** the licensing team must be notified within 7 days of any 3 months or more spent out of the UK. A Certificate of Good Conduct will be required in all cases.
- 12.10 Adherence to bookings** a driver who has agreed, or whose vehicle has been hired, to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place, ensuring the place is in accordance with the operator, as to where pick-ups can occur.
- 12.11 Medical conditions** a driver must notify the Council in writing within 48 hours of any change in medical condition. A registered medical practitioner will need to declare the driver as fit for them to continue to be a driver of a private hire/hackney carriage vehicle.
- 12.12 Convictions, cautions, arrest etc.** a driver must notify the Council in writing within 48 hours of any:
- arrest for any offence (whether or not charged)

- conviction, binding over, caution, warning, reprimand or arrest for any matter whether charged or not for criminal or driving offences
- Magistrate's Court summons
- issue of any fixed penalty notice for any matter
- harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar
- Acquittal following a criminal case heard by a court.

**12.13 Duty to cooperate on regulatory matters** drivers must co-operate with authorised officers of the Council and any other licensing authority or police force in all matters relating to the regulation of the licensed vehicle trade

**12.14 Driver code of conduct** all customers are to be safeguarded and protected whilst being transported in a licensed vehicle. It is also important that other road users and other individuals who interact with the licensed trade are dealt with in a professional manner and with courtesy.

**12.15 Display of driver's identification** as a legal requirement drivers must wear their drivers badge in a conspicuous position where it can be seen by passengers. The Council has provided lanyards for this purpose. Drivers will be issued with an identification 'badge' and paper counterpart. Drivers will also be issued with a second 'driver identification notice' which must be displayed in a clearly visible, safe position in the vehicle for customers to see.

## 13. HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

### Vehicle requirements

**13.1** All applications for vehicle licences will be considered based on vehicles meeting the specifications in this Policy:

**13.2** The vehicle meets the Council's Age/Emissions:

**13.2.1** Vehicle age and exhaust emissions. Environmental protection legislation (Part IV Environment Act 1995) requires authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

**13.2.2** In the interests of passenger safety and comfort and in support of these vehicle policies, the Council has introduced both vehicle emission standards and age

requirements for licensed Hackney Carriage and Private Hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement.

- 13.3** Any new vehicles from the date of adoption of this policy, being presented to East Staffordshire for licensing, will not be granted a licence if the registration plate is more than 3 years from 1<sup>st</sup> registration. *There is no upper age limit.* The council reserves the right to refuse any vehicle they deem as unfit to be licenced by way of appearance or mechanically.
- 13.4** The vehicle complies with the Council's livery policy for taxi, and signage policy for private hire vehicles.
- 13.5** The vehicle is capable of safely carrying a minimum of 4 passengers, but no more than 8.
- 13.6** The vehicle is right-hand drive.
- 13.7** The vehicle has a minimum 1400cc engine. Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine: or a purpose built full hybrid, or plug in hybrid must have a minimum range of 16km (10 miles) using battery power only. A full electric vehicle must have a minimum range of 112km (70 miles). The Council welcomes the use of fully electric vehicles as Hackney Carriage and Private Hire Vehicles.
- 13.8** If the vehicle is a saloon/estate type it has four side opening doors.
- 13.9** If the vehicle is a minibus, transit or people carrier type it has at least three doors, not including any tailgate or rear door
- 13.10** The vehicle has a useable seatbelt for each passenger. Each seat belt must be fully compliant with Euro NCAP standards.
- 13.11** The vehicle's seating and interior dimensions offer suitable accommodation for passengers and their luggage to ride in comfort and safety.
- 13.12** The vehicle's windscreen and front side windows comply with national legal tint specifications. All other windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight and have no additional 'tint' applied. (N.B Vehicles with privacy glazing installed at the time of manufacture are excluded)
- 13.13** The vehicle has sufficient means by which any person in the vehicle may communicate with the driver

- 13.14** The vehicle has not been written off
- 13.15** TYRES it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:
- 13.16** All tyres fitted to the vehicle must have at least 1.6 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre, as per MOT requirements.
- 13.17** Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
- 13.18** Be compatible with the types of tyres fitted to the other wheels,
- 13.19** Not have any lump, bulge or tear caused by separation or partial failure of the structure,
- 13.20** Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
- 13.21** Not have any part of the ply or cord exposed
- 13.22** Be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- 13.23** All replacement tyres fitted to licensed vehicles must be new (will not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor.
- 13.24** Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- 13.25** THE FITTING OF PART WORN TYRES TO LICENSED VEHICLES IS NOT PERMITTED
- 13.26** **First aid kit** if a driver choses to carry a first aid kit, the driver will be liable for the contents of the first aid kit. The council will not be held responsible for the content or maintenance of the kit. Guidance on first aid and carrying a first kit should be sought from the kit provider.
- 13.27** **Fire extinguisher** if a driver choses to carry a fire extinguisher, the driver is liable for the extinguisher being maintained in good order. The council will not be held liable for the fire extinguisher, its content, position or expiry. Drivers should seek guidance from the extinguisher provided or local fire service

**13.28 Replacement auto lamps** should be carried within the vehicle at all times

**13.29 No smoking' signs** the Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed taxi or private hire vehicle.

- The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire
- Every licensed vehicle is required to carry appropriate signage under the Smoke Free (signs) Regulations 2012
- The use of electronic or vaporising devices is not permitted in licensed vehicles at anytime

**13.30 Vehicles suitable for wheel chair access** In addition to all other licensing conditions, any applicants seeking the grant of a vehicle (either taxi or Private Hire) licence, in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA) Suitable fittings for the securing of the wheelchair and any passengers seated in them
- Access and egress via suitable side or rear doors.
- The Council encourages the provision of wheelchair accessible vehicles.

**13.31 Taxi cameras** East Staffordshire is not including the use of CCTV within a taxi or private hire vehicle within this policy, however should a CCTV system be used compliance with the legislation in regard to data control must be sought from the Information Commissioner. It is the proprietor and driver's responsibility to ensure they understand and comply with the legislation. East Staffordshire will not be held liable for data.

**13.32**

**13.33 The council is not responsible for applicants purchasing vehicles which are unsuitable.**

- Legislation local government (miscellaneous provisions) act 1976
- S47 Licensing of hackney carriages.
- A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

- Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- Any person aggrieved by any conditions attached to such a licence may appeal to a Magistrates Court.

## 14. VEHICLE TESTING

**14.0** All vehicles must pass the vehicle test as detailed, at one of the council's approved testing stations, in no more than eight weeks before the grant or renewal of the licence.

- A Certificate of Compliance will be issued for each vehicle reaching the standard required to pass an MOT and additional requirements for safety, comfort and visual condition of the vehicle
- Certificates of Compliance is only valid for 12 months provided the vehicle is licensed as a taxi or private hire vehicle during this period
- The council may request a compliance test be completed at any time at the proprietor's expense.

**14.1 A vehicle without a certificate of compliance cannot be used as a licensed vehicle even during the duration of an existing licence where there is a break of certificate. Any existing licence will be suspended.**

**14.2** If the vehicle is changed during the course of the licence an additional vehicle test may be required if the duration of the licence is more than six months

**14.3 Failure of vehicle tests** vehicle tests are necessary to ensure that licensed vehicles remain safe, roadworthy and compliant with policy and licence conditions.

- Vehicle tests should not be used as a mechanism for identifying faults to be rectified. As such, the Council takes a serious view of proprietors who fail to present their vehicle for inspection in a satisfactory condition.
- If the vehicle fails an inspection, this will demonstrate to licensing that the proprietor is not complying with vehicle maintenance and licence conditions.
- The proprietor will initially be given a formal warning about the vehicle standards. If there are further failures then this will demonstrate to the Council that the proprietor has a history of failing to maintain the vehicle and complying with conditions

14.4 The Council will then take further action, which will normally be to revoke an existing licence or refusal to renew a licence.

### **Testing stations**

14.5 The Council may appoint currently registered MOT stations as an 'Appointed Testing Station' and the Council will from time to time determine the maximum fee appointed stations may charge. The fee will be based on the maximum amount recoverable for the performance of a Department of Transport Vehicle Class IV MOT inspection, plus an additional fee to cover the other additional testing and assessments as required.

## **15. IDENTIFICATION OF VEHICLES AS PRIVATE HIRE VEHICLES OR TAXIS**

15.0 Licensed taxis and Private Hire vehicles must indicate to the public that they are licensed vehicles, they must be clearly distinguishable from other vehicles and each other.

15.1 Plates on licensed vehicles must remain on the vehicle at all times and must not be removed. In law, once a vehicle is licenced, it remains a licensed vehicle unless the licence expires, is surrendered or revoked and as such must comply with the Council's Policy and licence conditions at all times. Simply removing the licence plate or other identification does not remove the licence

15.2 Vehicles no longer licensed must remove identifying signage. Proprietors are required to sign a declaration that they will do so. Failure to do so will mean that the Council may consider the proprietor unsuitable to hold other licences with the Council, including a driver's licence

### **15.3 Display of vehicle licence plates**

15.4 The Council issues an external vehicle licence plate which must be securely fitted to the rear of the vehicle by means of a screw, bolt or bracket secured by the same means.

- This will be required by condition of the licence and means that the plate must be fixed to the vehicle at all times.
- White plates are issued for hackney carriage vehicles.
- Green plates are issued for private hire vehicles.
- The vehicle plate shall be fixed to the rear of the vehicle without obscuring the vehicle rear number plate.
- The licence plate shall not be displayed in the rear window of the vehicle.

15.5 The plate always remains the property of the Council and must be returned upon expiry, surrender, suspension or revocation of the licence

15.6 Should the vehicle be changed or the plate lost, a fee will be charged for a replacement.



**15.7** The Council also issues internal vehicle licence plates which must be displayed inside the windscreen on the top of the near side (passenger side).

**15.8** The plate will display the make, model, colour of the vehicle, the number of passengers the vehicle is licensed for and the licence number of the vehicle.

**15.9** Failure to abide by the requirement to display a plate correctly, or failure to return a plate upon request may lead to sanction, including a consideration as to the licence holder's suitability to hold a vehicle or drivers licence.

## **16. PRIVATE HIRE VEHICLES**

**16.0** We do not prescribe the colour of private hire vehicles, however to protect public safety we want them to be clearly distinguishable from taxis, therefore the vehicle:

- Must not be similar in appearance to a London style taxi or purpose built taxi.
- The words 'pre-book only private hire' and the vehicle number should be directly applied to the front passenger and driver doors in accordance with the criteria laid out below.
- The signage is to be approved by East Staffordshire Borough Council.
- The overall dimension of the sign is 35cm in width by 25cm in height.
- Private Hire vehicles are not permitted to attach roof signs

**16.1** Private Hire vehicles must not have a taxi meter fitted. A digital mobile device which calculates fares using GPS is not considered a taxi meter and for clarity these are permitted in private hire vehicles. Should the operator charge a tariff, then this must be displayed clearly in the vehicle

## **16. HACKNEY CARRIAGES VEHICLES (TAXIS)**

### **16.1 Disability access**

**16.2** All taxis must on first being licensed with East Staffordshire Borough Council be wheelchair accessible and capable of carrying wheelchair passengers safely.

**16.3** All wheelchair accessible vehicle or converted vehicles to be licensed for service in East Staffordshire must meet with the vehicle specification.

**16.4** Approved taxi vehicles and specific specifications are contained in **Appendix 5 and Appendix 8**.

### **Roof signs**

**16.5** Taxis must be fitted with an illuminated roof sign. It must carry the word 'TAXI' in black on the front of the sign and 'TAXI' on the back. The base of the roof sign must measure not less than 40 cm long x 15 cm wide x 11 cm high. Purpose built taxis may be excluded from this specification if a sign is part of the taxi's

structure. The roof sign must be connected to the taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is not illuminated.

**16.6 Card payment** All taxis should be equipped with the provision to take a card payment which can be by credit/debit card, including contactless and must provide a receipt.

**16.7 All taxis must be fitted with a taxi meter** Meters used to calculate fares must be accurate, display the correct time and be capable of displaying the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares).

- The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force and sealed by the meter agent. Meters will be checked for accuracy by a measured mile distance or by waiting time during the vehicle test, or upon request by an authorised officer.
- Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey and positioned in a manner so as not to obstruct the view of the driver.
- Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension of the vehicle immediately. For the suspension to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

**16.8** The Council's fare chart must be displayed clearly in the vehicle at all times.

**16.9 Fare reviews** will be reviewed at the request of the taxi trade. On receipt of such a request there will be consultation with all stakeholders and the proposed tariff by law is advertised in a local publication to allow for objections which are to be received within 14 days of publication. At the end of 14 days and subject to objections either withdrawn or overruled the proposed tariff is put as an agenda item for consideration by the General Licensing Sub-Committee. If agreed by the members the tariff is implemented as of the 1st April.

**16.10** Once the new tariff is agreed, there will be necessary to have the fare tables printed for the licence holders and all meters will need to be recalibrated.

**16.11** Tariffs once set are enforceable as a byelaw, it is an offence for any person to charge more than the metered fare. The tariff must be easily seen by passengers.

**16.12 Appointed stands** are kept under review and individual stands may be discontinued if they are not being used, consideration will be given to suggested stands and proposals must be made in writing to the licensing team

Rank No.	Location	Operational hours	Permitted No.
1	Guild Street (bus stop)	11pm to 3am	
2	Worthington Way(bus stop)	11pm to 3am	
3	Library Access Road	10pm to 3am	
4	High Street (nr Meadowside Drive)	24 Hour	
5	High Street (in front of the old Bargates Site)	7pm to 2am	6
6	High Street (in front of 78a High Street)	7pm to 8am	2
7	Lichfield Street	24 Hours	6
8	Station Street (opposite Argos)	10pm to 3am	2
9	Station Street (Isobels)	24 Hours	3
10	New Street (South Side)	10pm to 3am	4
11	New Street (o/s 127/128)	10pm to 3am	3
12	Central Area Carpark	24 Hour	5

## 17. DOOR PANELS AND ADVERTISING

**17.0** All vehicles will display panels identifying the vehicle as being licensed by East Staffordshire Borough Council.

**17.1** Taxis will only display panels with the East Staffordshire Borough Council logo and the words HACKNEY CARRIAGE. The design of the door panel will be provided by the Council.

**17.2** Private Hire vehicle Panels must not contain the words TAXI/CAB/HIRE on any panel applied to vehicle.

**17.3** Panels must be displayed at all times on vehicles licensed by East Staffordshire, unless an exemption is in force. (Unless parked outside the drivers/proprietor registered address).

**17.4** Private Hire proprietors must use the design of door panels provided by the Council. The acceptable size for the door panels are 35cm by 25cm. A template will be provided to all proprietors on submission of an application for a vehicle licence. The company name on the door panels must be exactly the same as the name on the operator licence.

**17.5** Door panels are to be displayed on the front passenger and driver door.

**17.6** Door panels are subject to the approval being received from the licensing officers.

17.7 The Council do not permit advertising on Hackney Carriage and Private Hire Vehicles.

## 18. MAKING YOUR APPLICATION – VEHICLE LICENCE

18.0 Information on how to make an application is available on the Council's website or from the Licensing Office. .

18.1 The application must be fully made out on the correct application form and all supported by all required documents before it is accepted by the Council for processing. The application will comprise:

- A fully completed application form
- Payment of the relevant fee (by debit or credit card)
- A written HPI check for the proposed vehicle. This check shows whether a vehicle has been stolen, written-off or has outstanding finance as well as offering a mileage check. All costs must be met by the applicant
- A valid certificate of motor insurance or a cover note for the proposed vehicle covering the appropriate licence type for carrying of passengers for hire and reward. The policy must be valid for the date that the licence is due to commence
- A certificate showing the vehicle has been inspected at a centre nominated by the Council and has passed the vehicle test
- Photographic identification for each proprietor. We will only accept a passport or DVLA driving licence
- A basic DBS certificate for each proprietor dated within the last 12 months, if the proprietor is not a licensed driver with the Council
- The V5C DVLA registration document (logbook) for the proposed vehicle.

18.2 At least one of the proprietors must be the registered keeper of the proposed vehicle. If you have recently bought the vehicle and you do not have a V5C, we will accept the tear off slip.

- A valid MOT (if you are applying for a private hire vehicle licence or taxi and the vehicle is more than three years old) or |
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single

Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the Council.

## 19. GRANT OF VEHICLE LICENCES

**19.1** If vehicles and/or proprietors meet the Council's requirements, vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. If vehicles and/or proprietors do not satisfy the requirements the application will be refused.

**19.2** Vehicle licences for taxis with the standard conditions.

**19.3** Vehicle licences for private hire vehicles with the standard conditions.

**19.4** Proprietors are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder.

**19.5 Insurance** it is required that all insurance documents must be shown before a licence is issued

## 20. RENEWAL OF VEHICLE LICENCES

**20.0** Information on how to apply to renew a licence is available on the Council's website or from the licensing office.

**It is the proprietor's responsibility to apply in good time so their application can be determined before their existing licence expires.**

**20.1** A completed, valid renewal application should be submitted no less than 10 working days, but no sooner than 4 weeks before the expiry date of the current licence.

**20.2** An applicant making an application to renew a taxi or private hire vehicle licence must provide:

- A completed application form
- Payment of the relevant fee by debit or credit card
- A valid certificate of motor insurance or a cover note for the vehicle covering the start date of the new licence
- A certificate of compliance showing the vehicle has passed our vehicle test no more than 4 weeks before the date of expiry of the existing licence
- The V5C DVLA registration document (logbook) for the vehicle. At least one of the proprietors must be the registered keeper of the proposed vehicle

- A valid MOT Certificate (if you are applying for a taxi or private hire vehicle licence and the vehicle is more than three years old)

**20.3 Insurance** It is required that all insurance documents must be shown before a licence is issued

**20.4 Please Note:** Should a vehicle licence not be renewed within 7 calendar days of expiry a new vehicle application will need to be made.

## 21. FUSAL OF APPLICATIONS – VEHICLE LICENCES

**21.0** When the Council refuses an application for a vehicle licence it will record the reasons for the decision and provide the applicant with a copy of that document.

**21.1** An applicant may appeal the Council's decision (within the statutory time period) to:

- The Magistrates' Court (for refusal of private hire applications, or refusal to renew hackney carriage vehicles), or
- Crown Court (for refusal to grant a new hackney carriage).

**21.2** Prospective Appellants should seek legal advice. The Council will normally defend the decision and seek full recovery of its costs from the appellant.

## 22. REPORTING AN ACCIDENT

**22.0** In the event of an accident you must report any damage no matter how small to licensing within 72 hrs

**22.1** Proprietors must send in pictures or present the vehicle for an inspection by a licensing officer.

**22.2** The officer will either:

- Complete a minor damage form and set a date by which you are to return to show damage repaired – no suspension or
- Refer you to attend any one of the designated garages for assessment
- If a vehicle is found by the garage to be un-roadworthy, the driver will be issued with an off road slip.
- The proprietor will take this slip and their vehicle licence plates to be deposited with the licensing office.
- The licensing office will issue the driver with a suspension letter. Any repairs must be completed within 8 weeks.

**22.3** Should the proprietor wish to use the services of an Accident Management Company, the driver/proprietor will only be able to drive an East Staffordshire

licensed vehicle of the same type of licence the proprietor holds supplied by the accident management company.

- 22.4** Proprietors are not to go directly to Accident Management Company or to a garage following any damage to their vehicle
- 22.5** Any vehicle still off the road at 8 weeks can have this period extended if requested. The request is to be made by the proprietors insurance company.
- 22.6** The inspection at the designated garage must be arranged and paid for by the proprietor.
- 22.7** Failure to present the vehicle for inspection following an accident may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- 22.8** If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council via the accident form and provide photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.
- 22.9** The proprietor must advise the council once it is repaired and being used again, supplying proof that the vehicle has been repaired to the required standard by providing the necessary documentation.

## **23. OTHER VEHICLE LICENCE APPLICATIONS (fees apply)**

- 23.0 Dual licensing of vehicles** licensed by East Staffordshire Borough Council as either a hackney carriage or Private Hire is not permitted to be licensed with another local authority
- 23.1 Transfer of interest** If an existing proprietor sells (or transfers) a taxi or private hire vehicle currently licensed by the Council, they must notify the licensing team of the name and address of the new proprietor within 14 days of the date of transfer.
- 23.2 Change of vehicle** If an existing proprietor wishes to change their licensed vehicle, they should check that it complies with the Councils pre-application requirements in this policy before completing a purchase. Drivers will then need to make an application to change the vehicle, following the processes for a new application.
- 23.3 Duplicate plate or licence**
- Lost or stolen plates will require completion of a report form. The information provided in the form will be shared with Staffordshire Police, for the purpose of the plate not being used by those who wish to facilitate criminal activity.
  - Paper Licences will be replaced and stamped as a 'duplicate' (fees apply).

#### **23.4 Exemption from displaying a private hire licence plate/signage**

- Licensing recognises operators may wish to cater for an 'exclusive' or important corporate client base and provide a vehicle of a prestige model and specification without the display of a licence plate or vehicle signage.

**23.5** An operator may apply for an exemption to the requirement to display a licence plate for the following approved work only:

- Exclusive chauffeured work where the dignity or security of the person would be affected if they were to be seen in a plated licensed vehicle, and
- For clarification the Policy requires that in order to be considered for a 'plate exemption' the vehicle must carry out exclusively chauffeured work and as such there is a distinguishing feature between 'chauffeured' work and for example, taking a business person to the airport.

**23.6 To apply for an exemption you must supply the following documents:**

- Completed private hire vehicle plate exemption application form, detailing the reasons for exemption
- Letters from clients demonstrating the vehicle is required for chauffeured work and why the display of a plate/signage would be detrimental to the client, for example a discreet service required by a well-known person seeking as much anonymity as possible.
- On renewal three months of booking records and invoices demonstrating that the vehicle is primarily used for chauffeured work. This should be accompanied by letters of support for the application from clients.

**23.7** The Council will also consider factors such as the list price of the vehicle.

**23.8** The Council may undertake an audit of booking records at any point during the period of an exemption to ensure that the vehicle is being used for chauffeured work.

**23.9** Exemptions may be withdrawn at any time by the Council if the licence holder cannot prove that the vehicle is being used exclusively or primarily for 'chauffeured' private hire work.

**23.10** Exemptions are subject to annual review and licence holders must reapply each year.



**23.11** If the Council grants an exemption, it will issue a licence which may be subject to the additional conditions.

**23.12** Plate exemption vehicle specification, the approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle and the fact that it will not resemble a non-exempt private hire vehicle licensed to undertake the 'normal' day to day role.

**23.13** Each application will be considered on its individual merits however consideration will only be given to vehicles which meet the following specification:

- Saloon, hatchback and estate vehicles to be licensed for 4 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably. The vehicle will be fitted with 'premium' extras such as leather seating, individual climate control showing the hallmarks of executive/prestige specification.
- Vehicles seating more than 4 passengers will be where all the passengers can travel comfortably. Each seat must be of adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. No vehicle modifications from the manufacturer's specification are accepted
- Engine size 2000cc or greater (or equivalent power output for alternative fuel vehicles).
- The original list price of any vehicle must be a minimum of £40,000. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value must be provided at the time of application. The Council must be satisfied the evidence provided verifies the original list price.

#### **23.14 Limousines and special event vehicles**

**23.15** Any limousines or 'special event' vehicles with 8 seats or less which are used to transport passengers for hire or reward must be licensed as private hire vehicles. Hire and reward has a wide definition in case law which goes further than the simple test of paying a fee for the journey.

**23.16** The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- Decommissioned emergency service vehicles
- Vintage vehicles
- Sporting or performance vehicles

- Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs
- Other non-standard type converted vehicles used for special events.
- The above list is not exhaustive, and other types of vehicle may be considered from time to time.
- When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.
- All vehicles used for special event purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.
- When a vehicle has been imported into the UK, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers
- Drivers of limousines and special event vehicles must complete the licensing application process in the same way as any other licensed driver
- Funeral and voluntary/ambulance vehicles/wedding vehicles when used wholly for the purpose intended do not require a licence.

## 24. PRIVATE HIRE OPERATORS

**24.0** A private hire operator means a business or person whose purpose is the acceptance of bookings for private hire vehicles.

**24.1** A licensed private hire vehicle must only be booked through and despatched to a customer by a private hire operator, who must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same authority that issued the vehicle licence. This Council must be the same authority that issued the operator's licence and this is known as the 'trinity' of licences.

**24.2** Private hire operators hold a considerable amount of information about customers, and as such the operator, and any staff they employ must not use their position to take advantage of this information.

**24.3** Private hire operators must satisfy the Council that they are fit and proper people to be granted a private hire operator's licence and must then remain a fit and proper person for the duration of that licence. The Council will undertake whatever checks and apply whatever processes it considers necessary to

ensure that licences are not issued to, or used by unsuitable people. The fitness and propriety of an operator will be monitored and assessed throughout the period that the licence is held. Applicants are expected to act with honesty and integrity throughout the application process.

**24.4** The Council will take into account the conduct of an individual applying for or holding a private hire operator licence, including but not limited to complaints and other information received during the application process or course of the licence, such as

- General conduct / standards of behaviour including online behaviour
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Whether the applicant has had a licence suspended, refused or revoked by another licensing authority.
- Both new applicants and existing licence holders must fully and accurately disclose any information that is requested by the Council information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

**24.5** The Council expects private hire operators licensed in East Staffordshire to ensure that they act professionally at all times and conform to the standards set by the Council.

**24.6 Disclosure barring service** those applying for a private hire operator licence who are not licensed drivers will require a basic DBS.

**24.7 Right of operator to work in the UK** under the Immigration Act 2016 the Council must require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen,
- Documentation confirming the applicant is an EEA national who has status under the EU Settlement Scheme, or status under the points-based immigration system,
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,

- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

**24.8** The above list is not exhaustive, and other documents may be accepted further information will be provided by the licensing team on request. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

**24.9 Business practices** The applicant will be expected to demonstrate sound business practices for example, in respect of the standard of record keeping, office procedures, training and vetting of staff, compliance with other regulatory requirements, financial practices etc.

**24.10** The applicant must have an awareness of safeguarding, equalities and public safety matters, and have procedures in place to ensure effective implementation of the same in the running of the business

**24.11** Policies and practices to promote the safety and welfare of drivers under their control The Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complain

**24.12 Updating the council** if a licence holder changes their name, address, other contact details (including telephone number, email address, website address or social media account) during the term of their licence, they must inform the Council in writing within seven days.

**24.13 Day to day control** If the licence holder is planning to be absent from the day to day control of the business, for any period they must nominate a person to be responsible for the day to day control of the business and inform the council 7 working days before absence. The person nominated shall have in place all the necessary requirements of a licensed operator such as a basic DBS and be a 'fit and proper person'. A current licensed driver can be nominated without the need for a basic DBS so long as they are on the update service. Nominees subject to a current or previous suspension/revocation by any authority will not be considered suitable.

**24.14 Change of operator premises** A private hire operator's licence is granted to a licence holder to operate from an identified premises. Should the licence holder wish to relocate during the course of their licence, a new application to operate from that premises is required.

**24.15 Subject to arrest, conviction etc.** If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours

**24.16** Licence holders who fail to keep the Council up to date as required may be considered unsuitable to continue to hold a licence.

**24.17 Trading names and advertising** Customers need to know exactly who their booking is with, the names of any private hire operator business must not:

- Be the same (or similar) to a private hire business already licensed by the Council, or
- Include any reference to 'taxis' or words with a similar meaning or be linked to more than one trading name. All trading names must clearly relate to the same business, for example: 'ABC Cars' and 'ABC Executive'. If the operator wishes to benefit from the use of more than one trading name, then a separate private hire application will be required for each name.

**24.18 Record keeping** Private hire operators licensed by the council must maintain records covering the following information, and provide these records to the council upon request:

- Names of proprietors/drivers of each vehicle
- Registration number, make, model, type, colour and engine size
- Plate number and expiry date of current vehicle licence
- Number of passenger seats
- Insurance details
- vehicle call signs
- Expiry date of vehicle road tax
- Expiry date of MOT
- Names of all drivers
- Badge numbers
- Call signs
- Expiry dates of current driver's licences
- Date each driver joined the operator and the date any driver left the operator
- All vehicles driver is linked to
- Right of each driver to work in the UK

**24.19 Record keeping bookings** Prior to each journey, the private hire operator shall record the following information:

- Name of passenger
- Contact details of passenger
- Number of passengers
- Details of any luggage
- Whether the passenger has any disability, especially if they have an assistance dog or wheelchair
- The destination, including any multiple pick-ups, drop offs or requested stops during the journey
- Date and time at which the booking was made
- Date and time at which the booking was allocated to the driver
- Plate number and badge number of the vehicle and driver undertaking the booking
- Date, time and location of the pick up
- Price quoted for the booking
- Date, time and location that the booking was completed
- Date and time of any subsequent cancellation or amendment
- The signature, or in the case of a computer system, the identity) of the person taking and dispatching the bookings.

**24.20 Format and retention of records** A private hire operator must be able to produce any operating records in an electronic format at the request of the Council.

- The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of any records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the Police in the event of theft being suspected.
- Separate records must be kept at each premises from which the private hire operator conducts business. The records must be kept at all times at the business premises and not be removed.
- All records must be in English, permanent, legible and preserved for a period of not less than 24 months following the date of the last entry.

- Records must be kept in one of the following forms:-
- A bound book with consecutively numbered pages (lose leaf registers are not acceptable) or
- On continuous stationery which has been generated in the form of an instantaneous print out by a computerised system.

The private hire operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or a computerised recording system which automatically generates a permanent entry onto a computer hard drive, a recordable CD or DVD or other approved server at the same time the booking is entered onto the system.

**24.21** Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamperproof; and once, inputted cannot be altered, amended, deleted or added to in any way.

**24.22** Any change to the recording system must only be by way of prior written agreement from the Council. Any removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.

**24.23** No alterations to records may be made – any amendment must be made to the original record by way of an addition.

**24.24** Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

**24.25** The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises if so required.

**24.26** The private hire operator must have capacity to send records electronically (by email) to an Authorised officer or the Police upon request.

**24.27** The private hire operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

**24.28 Private hire operator policies and procedures** Private hire operators licensed by the Council are expected to provide the following policies and procedures upon application/renewal. Compliance with these will be a condition of the private hire operator's licence. Any changes must be agreed in writing by

the Council and must be reviewed at the request of the Council. Any information arising from the application of these procedures (such as staff training records, or complaint records) must be provided to the Council upon request.

**24.29 Procedures for accepting bookings** Booking's for a private hire vehicle can be made by a number of different methods, many of which are far removed from those envisaged by the original legislation. Consequently, the invitation of bookings by an operator which are then 'accepted' by a driver via a PDA or smartphone app, under strict interpretation of the legislation, means that the driver accepting the booking also needs an operator's licence. Clearly this is not what the legislation was intended for and as such operators will need to detail their procedures for accepting bookings demonstrating compliance with the legislation.

**24.30 Procedures for vetting staff** Private hire operator's staff may also take bookings (be it by phone or in person). A vehicle despatcher decides which driver to send to a user, a position that could be exploited by criminals. It is therefore appropriate that all staff that have contact with the public users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults. This means that:

- Private hire operators/applicants for a licence are required to provide a written policy regarding their employment of ex-offenders in roles that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles.
- As with the threshold for obtaining a private hire operators' licence, those staff with a conviction for offences detailed in the Councils conviction policy, may not be suitable to handle the sensitive information the public may provide (e.g. that their home is likely to be empty between certain dates) or to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.
- Private hire operators must hold and maintain a register of all staff that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all such staff s listed, and that this register is compatible with their policy on employing ex-offenders.
- The register referred to must also include those staff have the right to live and work in the UK.

**24.31 Staff training** Private hire operators must also ensure that all staff employed in a role which has contact with the public, access to booking records and/or customer information and all private hire vehicle drivers have undergone training, and a record of this is maintained for each member of staff/driver .



Training records of all staff/drivers must be maintained, and refresher training provided at appropriate intervals covering the following areas:

- Data Protection
- Emergency Procedures
- Break down Procedures
- Operator's Tariff Pick up and drop off procedures
- Customer Complaints
- Lost Property
- Young and Vulnerable Customers
- Equalities

**24.32 Sub-contracting** If a private hire operator sub-contracts a booking, whether to another licensed private hire operator or a taxi driver, they should inform the customer and fix the price, and if using a taxi must not charge more than the metered rate if the journey starts and ends in the relevant district.

- The private hire operator will keep a clear record of the sub-contracting and when the customer was informed. The Council would expect the private hire operator not licensed by East Staffordshire who undertakes the sub-contracted booking to be subject of the same standards as private hire operator licensed by the Council , and the Council licensed operator receiving the original booking will have taken steps to ensure the sub-contracting operator upholds these standards.

**24.33 Use of public service vehicles** The use of public service vehicles (PSV) licensed drivers to fulfil bookings accepted under a private hire operator licence is strictly forbidden. This is because members of the public are entitled to expect, when making a booking with a private hire operator, that they will receive a private hire licensed vehicle and driver.

- Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check

**24.34 Licensing compliance procedures** The private hire operator shall have procedures in place to ensure all drivers and vehicles have the required licences and are complying with the relevant conditions of those licences. This should include a record of the initial verification and of the regular checks done by the operator showing compliance with each licence.

**24.35** The private hire operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without:

- A valid licence,

- MOT, road tax,
- Certificate of Compliance test
- Insurance

**24.36 Pick up and drop off locations** The private hire operator shall have procedures in place to direct drivers to pick up and drop off customers from locations of safety. This is particularly relevant in Burton town centre as officers regularly see drivers waiting for bookings, and picking up/dropping off customers in unsuitable (including occasionally illegal and dangerous) locations. These procedures must be reviewed and amended at the request of the Council.

**24.37 Operator tariff** Whilst the Council regulates the fares for hackney carriages, it does not regulate fares for private hire vehicles or operators.

- When customers ask for a quote for a local journey, the response must not be 'on the meter'. This does not provide any clarity for customers about how much a journey may cost them. It is also a temptation for a private hire driver to take a journey without a booking as it would be 'on the meter', rather than the customer booking and being quoted for a journey in advance.
- Private hire vehicles are not permitted to be fitted with taximeters or display the taxi fare chart. The emphasis is on private hire operators to ensure customers are provided with a reliable quote for services in line with current licence conditions. Operators may choose to provide a mobile/PDA device which records the journey and generates a fare based upon time and distance, and operators may choose to use the taxi fare tariff rates as their own tariff.
- Private hire operators must provide the Council with a copy of their procedures for calculating fares, and a copy of any tariff. Where the operator uses a tariff to calculate fares by time and distance using a PDA device, the operator must ensure that this is on display in the vehicle for customers to see.

**24.38 Complaints and lost property** Private hire operators must keep a record of complaints and any lost property and have procedures to resolve these. Records of complaints received, investigations undertaken and any disciplinary action must be made available to the licensing authority or Police officer upon request.

**24.39 Terminating the use of a driver** If a Private hire operator terminates the use of a driver, then this information including full reasons must be provided to the Council in writing within 48 hours.

**24.40 Data protection** Private hire operators have a duty under data protection legislation to protect the information they obtain, hold and process and must have written procedures in place to cover this. The Information Commissioner's

Office provides comprehensive guidance on registering as a data controller and how to meet legal obligations.

**24.41 Driver risk assessment** Private hire operators have a duty to ensure the safety of their customer by ensuring that licensed drivers under their control do not pose risk to the public. Whilst the Council will only grant a driver's licence to a fit and proper person, the Council has limited control over a driver's working hours, or other employment held:

- Private hire operators must complete a risk assessment, commensurate to the size of their operation, identifying drivers who may be 'at risk' from working long hours (for example being logged on for long periods of time) or from other activities (for example holding a 'day job' and working nights as a licensed driver).
- Private hire operators must provide the results of any risk assessment, together with actions taken to reduce risk, to the Council upon request.

**24.42 Driver welfare policies** Regardless of any terms of contract or employment between drivers and private hire operators, private hire operators have a duty towards the welfare of their drivers. Drivers must be awake, alert, efficient, well and not in a rush. As such operators have an obligation through their business practices to ensure public safety through drivers not having to work long hours, or evade their own obligations (for example including but not limited to driving dangerously, picking up/dropping off inappropriately or attempting to negotiate a different fare with passengers), which carries public safety risks to both themselves and the public. Operators must have a policy covering driver welfare, driver remuneration, and driver working conditions, driver working hours, and drivers being adequately incentivised to provide a service when needed throughout the day.

**24.43 Reporting of key events which may affect the safety of the public** Must be reported to the Council within 48 hours. Such events may include, but are not limited to, booking/recording system changes, system faults in relation to compliance such as failing to notify the operator of a driver with an expired licence or, insurance, mot, certificate of compliance, serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal investigations and the suspension/revocation of any private hire operator's licence held with another licensing authority)

**24.44 Operator's responsibility in relation to vehicles / drivers that are operated** The private hire operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only licensed drivers and vehicles are used (and continue to be used) in the course of their business and that the driver and vehicle licence conditions are being adhered to

- The failure of a private hire operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions or operator processes may also be detrimental to the continued fitness and propriety of the operator.

**24.45** The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator, including conduct around waiting areas and pick up and drop off locations
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding)

## **25. MAKING AN APPLICATION – PRIVATE HIRE OPERATORS**

**25.0** Information on how to make an application is available on the Council's website or from the licensing office.

**25.1** An application will need to be accompanied by all the documents required before it can be accepted.

**25.2** Where there is more than one applicant for the licence, or the application is made by a partnership, or in the case of a limited company, each director and the company secretary) must provide:

- A completed private hire operator (new) application form (signed by each applicant)
- Payment of the relevant fee (by debit or credit card only)
- Evidence of right to live and work in the United Kingdom
- Photographic proof of identification
- Evidence of current address and history of residence for the last five years including the month and year that the applicant started living at each address
- A certificate showing completion of the Council's approved safeguarding awareness course
- If applicable, a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the United Kingdom).

The date of the letter must be within three months of the date of application.

- A DBS Certificate (basic) with proof of subscription to the DBS update service allowing the Council to access this record during the course of the licence
- If the intended operating base is open to the public, a valid certificate of public liability insurance in place for the premises.
- The name of the business, and any advertising must be approved by the Council
- Policies and procedures for operating the business.

**25.3 Employers liability insurance** Operators must hold public liability insurance

**25.4 Planning permission** it is expected that the applicant will have obtained the appropriate planning permission or a certificate of lawful use for the intended operating base and such evidence maybe requested by the Council.

**25.5 Use of operators name following revocation of licence** Where a private hire operator's licence has been revoked the name or similar name of the operator associated with that licence cannot be used by another operator until 6 months has elapsed from the date of revocation or the date on which all appeals have been concluded.

## **26. RENEWING A PRIVATE HIRE OPERATORS LICENCE**

**26.0** Information on how to apply to renew a licence is available on the Council's website or from the licensing team.

**26.1** It is the private hire operator's responsibility to apply in good time so their application can be determined before their existing licence expires.

**26.2** A completed, renewal application should be submitted no less than 10 working days, but no sooner than 8 weeks before the expiry date.

**26.3** An applicant making an application to renew a private hire operator's licence must be able to demonstrate that they still meet the application requirements.

**26.4** Licence holders are advised to check the Council's website or contact the licensing team if they are in any doubt about whether they satisfy the above requirements.

**26.5 Council decision** Once the Council has received a complete and valid application and the results of the various checks/tests, it will aim to inform the applicant of its decision within 10 working days.

- In certain circumstances an application may be referred to the Licensing Regulatory Sub-Committee for determination. It will be for

officers to use their discretion as to whether to refer an applicant to Committee.

- If an applicant (or licence holder) has any convictions, cautions, endorsements or additional other relevant information, we will consider these in line with the guidance in this Policy and this may delay the decision.

**26.6 Granting an application** When the Council grants an application, it will usually issue a licence for five years from the date of its decision.

**26.7** If an applicant is subject to immigration controls, the Council will issue a licence for a shorter period:

- If an applicant's current right to live or work in the UK expires during the five-year period beginning on the date their application was determined, the Council will issue a licence until the date their current right to live or work in the UK expires.
- If the Home Office is currently determining an applicant's right to live or work in the UK, and they are entitled to live and work in the UK pending final determination of that application, the Council will issue a licence for a maximum of 6 months from the date of its decision.

**26.8 Conditions** Applications are normally granted subject to the Council's Licence Conditions contained within this Policy.

**26.9** The Council may attach conditions that he considers reasonably necessary to a private hire operator's licence. Conditions may be attached on a case by case basis.

**26.10** The decision to attach conditions to a licence may be appealed to the Magistrates Court.

**26.11 Refusing an application** if an applicant does not satisfy all the requirements of this policy the Council will generally refuse the application.

**26.12A** Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision. The Council will make a record of the reasons for our decision and will provide the applicant with a copy of that document. Any decision to refuse an application may be appealed to the Magistrates' Court within 21 days of the decision. If an applicant's intends to appeal the Council's decision it is strongly recommended that they take legal advice.

**26.13** The Council will normally defend the decision and seek recovery of its full costs from the appellant.

## **27. COMPLIANCE AND ENFORCEMENT**

**27.0** The principal purpose of taxi and private hire licensing is to protect the public and promote public safety. In doing this the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive

approach to those regulated and promoting confidence in the service in the eyes of those that use it.

**27.1** In undertaking enforcement the Council will have regard to The Regulators Code and the Council's Enforcement Policy and will take into account the seriousness of the breach and the possible consequences arising from it.

**27.2** A range of tools and powers including mystery shopping to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

**27.3** The Council has a procedure whereby the general public can submit service requests / complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website. In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition if anyone wishes to complain about the service provided by the Council there is a Complaints procedure available on the website.

**27.4** As well as responding to complaints from the public the Council will respond to referrals from other agencies and bodies.

**27.5 Referrals will be made to other agencies** such as the Police, Disclosure and Barring Service, HM Customs & Excise and Adult and / or Child safeguarding teams as the Council may determine in each case.

**27.6 Council Officers will undertake proactive inspections and testing** as either day to day activity or as part of programmed operations.

**27.7** Section 68 Local Government (Miscellaneous Provisions) Act 1976 contains the following provisions regarding fitness of hackney carriages and private hire vehicles:

- *Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or*
- *Any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:*
  - *Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and*

*subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.*

### **27.8 Licensing decisions are taken on the ‘civil’ standard of proof**

‘Balance of Probabilities’ and in line with the statutory guidance, the benefit of the doubt will not be given to the licence holder when making any decision

The Council aims to achieve and maintain a consistent approach when it makes decisions. In reaching any decision will give particular consideration to the following criteria:

- Seriousness of any offences or breach of conditions
- Licence holder’s past history, including previous advice and warnings issued
- Consequence(s) of non-compliance
- Likely effectiveness of the various enforcement options
- Danger to the public

**27.9** Having considered all relevant information and evidence, the normal options for the Council are one or more of:

- Take no action
- Take informal action
- Issue statutory notices
- Suspend a licence
- Revoke a licence
- Prosecution

**27.10** As well as complying with legislation and licence conditions, it is essential that licence holders comply with reasonable requests for information or assistance from the Council the Police or other regulatory bodies. Failure to do so may lead to enforcement action being taken.

### **27.11 Informal Action**

The Council may take informal action to secure compliance with legislation or other requirements. This includes offering advice, and verbal or written warnings. Such informal enforcement action may be appropriate in any of the following circumstances:

- The act or omission is not considered serious enough to warrant more formal action



- From the individual driver, vehicle owner or operator's past history it can be reasonably expected that informal action will achieve compliance
- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public.
- Note: Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

#### **27.12 Statutory Notices – Vehicles**

- If a defect in a licensed vehicle is found, including a breach of licensing conditions or vehicle specification, the Council may serve notice in writing requiring the vehicle (or the taximeter in the vehicle) to be examined at an authorised vehicle testing station or by a taximeter examiner nominated by the Council.
- If a defect in a licensed vehicle is found upon inspection which causes the vehicle to fail the vehicle test then a statutory notice may be served preventing the vehicle from being used until the defect is remedied and the vehicle passes the test.

#### **27.13 Suspending or Revoking a Licence – Vehicles**

The Council may suspend a vehicle licence where:

- The Council has reasonable grounds to suspect that the condition of the vehicle is dangerous or poses a risk to passengers or other road users. For example, there is damage to the vehicle, the tyre tread is insufficient, or the vehicle has been involved in a collision
- The insurance is no longer valid.
- The vehicle has not completed the vehicle test at the required interval, or failed the test
- The vehicle is non-compliant with its licence conditions, this policy or other Council licensing requirement

The relevant legislation is contained in s60 local government (miscellaneous provisions) act 1976.

*Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:*

- *that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;*

- *any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or*
- *Any other reasonable cause.*
- *Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.*
- *Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court*
- *The suspension will be lifted once we are satisfied that the reason for the suspension has been addressed and the vehicle complies with the Council's policy requirements.*

The following are examples of where a Council may revoke a vehicle licence:

- The proprietor regularly presents a vehicle for inspection which is in unsatisfactory condition
- The proprietor is no longer considered suitable to hold a licence
- The vehicle is dangerous and poses a risk to passengers or other road users and suspension of the licence is not appropriate. For example, if there is no reasonable prospect of repairing the damage, such as an accident write-off.

**The Council may suspend or revoke a driver's licence if the licence holder:**

- Is convicted of any offence involving dishonesty, indecency or violence
- Is convicted of an offence under or has failed to comply with the relevant taxi and private hire legislation or
- For any other reasonable cause including a breach of this policy or licensing conditions.
- Before making the decision, the Council will consider the seriousness of the conviction, caution, endorsement or other information which has been provided to it.
- The Council will apply the guidelines set out in **Appendices ###** when a licence holder is convicted, cautioned for or charged with any of the offences or information (including complaints from the public) is received

to indicate that that the licence holder has conducted themselves in a way outlined by the offence.

- The relevant legislation is contained in s60 Local Government (Miscellaneous Provisions) Act 1976.
- Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:

*That he has since the grant of the licence:*

- *Been convicted of an offence involving dishonesty, indecency or violence; or*
- *Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or (b) any other reasonable cause.*
- *Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.*
- *If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.*

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

Any driver aggrieved by a decision of a district council under subsection (1) of this section may appeal to a magistrates' court.

**27.14** If a complaint has been received about a licence holder which has not resulted in a conviction, in the interest of public safety i.e. the Council may suspend the licence for any other reasonable. cause can include, but is not restricted to:

- A suspension of DVLA licence (either due to ‘totting up’ or disqualification imposed for specific offences)
- A medical issue
- Other offences not included in **Appendix 1**, but still indicating that the licence holder is of unsuitable character
- A culmination of minor transgressions or continual non-compliance with licensing requirements
- Any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- Obstruction of or being abusive towards an authorised officer of the Council, the Police or other regulatory body or disregarding the advice, warnings or sanctions of an authorised officer.
- If a driver’s licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons

**27.15** The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked.

#### **27.16 Suspending, revoking –**

The Council may suspend or revoke a private hire operator’s licence:

- If the licence holder commits any offence under or fails to comply with relevant hackney carriage and private hire legislation
- There is any conduct on the part of the operator, including convictions, which contravenes this policy (and conditions) or falls below the standards expected by the Council of professional, licensed private hire operators
- There is any material change of the circumstances of the operator from the basis on which the licence was granted,
- The operator seeks to negate local control by not using vehicles and drivers licensed by the Council within its jurisdiction, or
- For any other reasonable cause.

The relevant legislation is contained in s62 Local Government (Miscellaneous Provisions) act 1976

*Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator’s licence on any of the following grounds:*

- *any offence under, or non-compliance with, the provisions of this Part of this Act;*
- *any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator’s licence;*

- *any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or*
- *any other reasonable cause.*
- *Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.*
- *Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.*

**27.17** The Council reserves the right to utilise suspensions as a punitive measure so that operators can have a defined period to reflect on their conduct.

**27.18** If the Council considers it is in the interest of public safety to suspend or revoke a licence with immediate effect, it will do so and will inform the licence holder of the reasons.

### **27.19 Obstruction of Authorised Officers**

Section 73 of the Local Government (Miscellaneous Provisions) act 1976 states as follows:

Any person who:

- *wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or*
- *without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or*
- *without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847; shall be guilty of an offence.*
- *If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.*

There are two statutes that create offences relating to hackney carriage drivers and proprietors and private hire drivers, proprietors and operators:

- Town Police Clauses Act 1847 (TPC Act)

- Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) 1976)

The offences set out in the following table are contrary to the 1847 and 1976 Acts.

### Town Police Clauses Act 1847

Section	Offence	Penalty	Responsibility
40	Giving false information on application for a Hackney Carriage proprietors licence	Level 1	Proprietor
44	Failing to notify change of address of Hackney Carriage proprietor to the Licensing Authority	Level 1	HC Driver or HC Proprietor
45	Plying for hire without a Hackney Carriage proprietors licence	Level 4	Anyone
47	Driving a Hackney Carriage without a Hackney Carriage driver's licence	Level 3	Anyone
47	Lending or parting with a Hackney Carriage driver's licence	Level 3	HC Driver
47	Hackney Carriage proprietor employing unlicensed driver	Level 3	HC Proprietor
48	Failure by Hackney Carriage proprietor to hold licences for Hackney Carriage driver's driving his vehicle	Level 1	HC Proprietor
48	Failure by Hackney Carriage proprietor to produce licences for Hackney Carriage driver's driving his vehicle	Level 1	HC Proprietor
52	Failure to display Hackney Carriage licence plate	Level 1	HC Proprietor
53	Refusing to take a fare	Level 2	HC Driver
54	Charging the hirer more than the agreed fare	Level 1	HC Driver
55	Taking more than the fare shown on the meter	Level 3 Plus 1 month in prison until excess is refunded	HC Driver

56	Agreeing a fare with a passenger then not taking them as far as the fare would entitle the person to be carried	Level 1	HC Driver
57	Failing to wait for a hirer after a deposit to wait has been paid	Level 1	HC Driver
58	Charging more than the legal fare	Level 1 136.	HC Driver
59	Carrying someone else in the vehicle without the consent of the original hirer	Level 1	HC Driver
60	Driving a Hackney Carriage vehicle without the proprietors consent	Level 1	HC Driver
60	Person allowing another to drive a Hackney Carriage vehicle without the proprietors consent	Level 1	HC Driver
61	Drunken driving of Hackney Carriage	Level 1	HC Driver
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1	HC Driver
62	Leaving a Hackney Carriage unattended on a rank	Level 1	HC Driver
64	Hackney Carriage driver obstructing other Hackney Carriage	Level 1	HC Driver

**Hackney Carriage Provisions Local Government (Miscellaneous Provisions) Act 1976**

49	Failure to notify the Licensing Authority of the transfer of Hackney Carriage vehicle licence	Level 3	Proprietor
50 (1)	Failing to present a Hackney Carriage vehicle for inspection when requested	Level 3	Proprietor
50 (2)	Failing to inform the Licensing Authority where a Hackney Carriage vehicle is stored when not in use	Level 3	Proprietor

50 (3)	Failing to report an accident involving a Hackney Carriage to the Licensing Authority within 72 hrs of the accident occurring	Level 3	Proprietor
50 (4)	Failing to produce a Hackney Carriage vehicle licence and insurance certificate to an Authorised Officer upon request	Level 3	Proprietor
53 (3)	Failing to produce Hackney Carriage driver's licence to an Authorised Officer or Police Officer upon request	Level 3 137.	Proprietor
57	Making a false statement or withholding information to obtain a driver licence	Level 3	HC Driver
58 (2)	Failure to return a Hackney Carriage vehicle licence plate following expiry, revocation or suspension within 7 days of being requested to do so by the Licensing Authority	Level 3 Plus daily fine of £10	Proprietor
61 (2)	Failure to return a Hackney Carriage driver's licence to the Licensing Authority after suspension, revocation or refusal to renew	Level 3	HC Driver
64	Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank	Level 3	PH Driver
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3	HC Driver
67	Charging more than the meter fare when Hackney Carriage is used a Private Hire vehicle	Level 3	HC Driver
69	Unnecessarily prolonging a journey	Level 3	HC Driver
71	Interfering with a taximeter	Level 3	HC Prop or HC Driver
73(1)(a)	Obstruction of an Authorised Officer or Constable	Level 3	HC Proprietor or HC Driver
73(1)(b)	Failure to comply with a	Level 3	HC Proprietor or HC



	requirement of an Authorised Officer or Constable		Driver
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3	HC Proprietor or HC Driver

### Private Hire Provisions Local Government (Miscellaneous Provisions) Act 1976

46(1)(b)	Driving a Private Hire vehicle without a Private Hire driver's licence	Level 3	Anyone
46(1)(c)	Proprietor of a Private Hire vehicle using an unlicensed driver	Level 3	PH Proprietor
		138.	
46(1)(d)	Operating a Private Hire vehicle without a Private Hire operator's licence	Level 3	PH Operator
46(1)(e)	Operating a vehicle as a Private Hire vehicle when the vehicle is not licensed as a Private Hire vehicle	Level 3	PH Operator
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a PH driver	Level 3	PH Operator
48 (6)	Permitting a Private Hire vehicle to be used without displaying licence plate	Level 3	PH Proprietor
49	Failure to notify the Licensing Authority of the transfer of Private Hire vehicle licence	Level 3	PH proprietor
50 (1)	Failing to present a Private Hire vehicle for inspection when requested	Level 3	PH Proprietor
50 (2)	Failing to inform the Licensing Authority where a PH vehicle is stored if requested	Level 3	PH Proprietor
50 (3)	Failing to report an accident involving a Private Hire to the Licensing Authority within 72 hrs of the accident occurring	Level 3	PH Proprietor

50 (4)	Failing to produce a Private Hire vehicle licence and insurance certificate to an Authorised Officer upon request	Level 3	PH Proprietor
53 (3)	Failing to produce Private Hire driver's licence to an Authorised Officer or Police Officer upon request	Level 3	PH Proprietor
54 (2)	Failure to wear Private Hire drivers badge while driving a licensed vehicle	Level 3	PH Drivers
56 (2)	Failure by Private Hire operator to keep records of bookings	Level 3	PH Operator
56 (3)	Failure by Private Hire operator to keep records of Private Hire vehicles operated by him	Level 3	PH Operator
56 (4)	Failure to produce operator's licence to an Authorised Officer or Police Officer upon request	Level 3	PH Operator
57	Making a false statement or withholding information to obtain a driver's or operator's licence	139. Level 3	PH Operator or PH Driver
58 (2)	Failure to return a Private Hire vehicle licence plate following expiry, revocation or suspension within 7 days of being requested to do so by the Licensing Authority	Level 3 Plus daily fine of £10	PH Proprietor
61 (2)	Failure to return Private Hire driver's licence to the Licensing Authority after suspension, revocation or refusal to renew	Level 3	PH Driver
69	Charging more than the meter fare when Hackney Carriage used as Private Hire vehicle	Level 3	
69 (1)	Unnecessarily prolonging a journey	Level 3	HC or PH Driver
73(1)(a)	Obstruction of an Authorised Officer or Constable	Level 3	PH Operator, PH Proprietor or PH Driver
73(1)(b)	Failure to comply with a	Level 3	PH Operator, PH

	requirement of an Authorised Officer or Constable		Proprietor or PH Driver
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3	PH Operator, PH Proprietor or PH Driver

### Private Hire Provisions Transport Act 1980

64(2)(a)	Driving a Private Hire vehicle with a roof sign which contravenes section 64(1)	Level 3	PH Operator or Proprietor
64(2)(b)	Causing or permitting a Private Hire vehicle to be driven with a roof sign which contravenes S64 (1)	Level 3 140.	PH Operator or Proprietor

### Road Traffic Act 1988

40A	To use or allow a vehicle to be used while the vehicle is not in a roadworthy condition	Level 3	HC or PH Proprietor or Driver
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The current maximum levels of fine are as follows:

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



## Appendix 1

### **GUIDELINES ON THE RELEVANCE OF CONVICTIONS**

#### **Statement of Policy Regarding the Determination by the Council of Applications for Hackney Carriage and Private Hire Driver, Proprietors and Operators Licences, and also the suspension or revocation of a licence**

The purpose of this document is to outline the guidelines which detail the Council's approach on the relevance of convictions and cautions in respect of applications for the grant of new licences, the renewal of existing hackney carriage and private hire drivers, operators and proprietor's licences, and the suspension or revocation of an existing licence.

In order to achieve consistency, and to mitigate the risk of successful legal challenge, all licensing authorities are required to have a clear policy for the consideration of criminal records when considering whether to grant a licence or, in the case of an existing licence holder, when deciding whether to suspend or revoke that licence.

#### **Whistleblowing Policy**

1. When carrying out its licensing functions the council is required to have in place arrangements that reflect the importance of safeguarding. This includes clear procedures on 'whistleblowing', in addition to safe recruitment practices and policies for dealing with allegations against drivers, vehicle proprietors or operators, particularly those whose work involves those working with children.

When formulating its policy the council's primary and overriding objective is to protect the public, so it is important that the licensing regime protects the vulnerable.

It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that such protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly**

Responsibility to report matters of concern is not solely confined to drivers and other licensees. The Council itself is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.

Employees and others who work with the Council can often be the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Indeed it may also be the case that someone with a concern is not aware how best to raise concerns.

The Council therefore has a 'Whistleblowers' Policy

LINK ... \*

2. This is a vital element of the Council's governance arrangements and is designed to allow those employed by the Council to come forward and raise concerns of wrongdoing involving the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities.

The Council is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest. It is important to stress that any concern raised through this Policy will be treated confidentially and with the utmost seriousness.

Although the Guidelines are primarily aimed at assisting the Council in determining applications for the grant or renewal of licences, it is appropriate that the same standards should also apply to existing licences which may at any time be subject to suspension or revocation.

The Guidelines are also designed specifically to ensure consistency in the decision making process.

When considering an individual's criminal record the Council will determine each case on its merits. They will, however, take a particularly strong view of any offences against individuals with special

needs, children and other vulnerable groups, particularly those involving violence, dishonesty, those of a sexual nature and those linked to organised crime.

3. The Council's overriding objective in the licensing process is to:
  - Ensure that those who are granted a licence by the Council are fit and proper persons.
  - That they do not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - Ensure, particularly, the safeguarding of children and vulnerable persons.
  
4. In that regard, if an applicant or existing licence holder has any convictions, warnings or cautions the licensing authority will, among other things, look into:
  - How relevant the offence(s) are to the licence held/being applied for
  - How serious the offence(s) were
  - How long ago any offence was committed
  - The date of conviction
  - Circumstances in which any offence was committed
  - Sentence imposed by the court
  - The applicant's age at the time of conviction.
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. personal references)

Any other factors that might be relevant

**NB** In accordance with the provisions of the Rehabilitation of Offenders Act 1974 the Council is entitled to also take any 'spent' convictions into account

5. Making the right decision is important in all cases but the safeguarding of the public remains paramount. All decisions on the suitability of an applicant or existing licensee are made on the balance of probabilities. This means that an applicant or licensee will not normally be 'given the benefit of doubt' if the evidence against them is compelling.
  
6. This is because the evidence threshold is lower than that for a criminal conviction, so the committee can often take into consideration conduct that has not resulted in a criminal conviction but which would still render the applicant or existing licence holder unfit or unsuitable to hold a licence.

7. To start with the Council when fulfilling its statutory obligations will require an applicant or existing licence holder to provide a Disclosure and Barring Service certificate. The information divulged from this certificate will be kept confidential and will be used only for the application process. The certificate or other information will not automatically prevent any applicant/existing licence holder from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable.
8. Applicants and existing licence holders will be required to sign up to the DBS update service.

Where an applicant/existing licence holder has, from the age of 10 years, spent more than three continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be supplied.

The Council when considering the relevance of convictions will refer to the **Department for Transport, Statutory Taxi and Private Hire Vehicle Standards**, when determining the suitability of applicants and licensees in the hackney and private hire trades. To access the Dft Standards please visit :

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

9. Hackney Carriage and Private Hire legislation specifically identifies offences involving dishonesty, indecency or violence as a possible concern for licensing authorities when assessing whether an individual is 'fit and proper' to hold a licence.

East Staffordshire Borough Council will consider each case on its own merits, and applicants/existing licensees are entitled to a fair and impartial consideration of their application. Passenger safety is a priority while enabling past offenders to sufficiently evidence that they are successfully rehabilitated so that they may obtain or retain a licence.

The following offences are among those considered to be relevant when considering the suitability of a person to hold or retain a licence:

- Dishonesty
- Violence (including Criminal Damage & Sexual Offences)
- Alcohol Related Offences
- Public Order Offences
- Motoring Offences
- Substance Abuse (which includes the possession or distribution of unlawful substances)
- Obscene Materials (which includes the retention or distribution of

- unlawful obscene images/materials on computer or the internet)
- Discrimination
- Harassment
- Offences involving Indecency or other offences of a Sexual Nature
- Contravention of Licensing Laws or Conditions
- Disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence (the time to run from the expiry of the disqualification)

Note: These are just some examples however, and the above is not an exhaustive list.

## 10. Rehabilitation Periods for certain offences

A person with a conviction for an offence need not be automatically barred from holding a licence. However, they would be expected to remain free of conviction for an appropriate period of time and demonstrate adequate evidence that they are a fit and proper person to hold a licence. The onus is on the person to produce such evidence.

The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/existing licence holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/existing licence holder in order to assist the Council to determine whether that person is a fit and proper person or not. The rehabilitation periods will not be considered in isolation

The rehabilitation periods which follow set out which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances and, in the case of lesser offences set out the number of years that have elapsed since the commission of an offence before an application for a licence will be considered

These are commonly referred to as 'rehabilitation periods' which, in the case of East Staffordshire Borough Council are set out below :

**These periods are consistent with the recommendations contained in the Annex to the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards.**

- They should, however, be seen only a starting point in considering whether a licence should be granted or renewed, or whether a licence should be suspended or



revoked. The Council's overriding aim will always be to put passenger safety as its priority when making decisions.

- The committee will consider each case on its own merits, and applicants or licensees are entitled to a fair and impartial consideration of their application. The periods given below should be taken as a minimum when considering whether a licence should be granted or renewed.

### **11. Crimes resulting in death**

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person **they will not normally be licensed**. In the case of an existing licence holder, the licence would normally be revoked.

### **12. Exploitation**

Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, **they will not be licensed**. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list. In the case of an existing licence holder, the licence will normally be revoked.

### **13. Offences involving violence**

Where an applicant or licensee has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted **until at least 10 years have elapsed** since the completion of any sentence imposed.

### **14. Possession of a weapon**

Where an applicant or licensee has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted **until at least 7 years have elapsed** since the completion of any sentence imposed.

### **15. Sex and indecency offences**

Where an applicant or licensee has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, **a licence will not normally be granted**.

In addition to the above, the licensing authority will **not** grant a licence to any person who is currently on the Sex Offenders Register or on any 'barred' list.

## 16. Dishonesty

Where an applicant or licensee has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted **until at least 7 years have elapsed** since the completion of any sentence imposed.

## 17. Drugs

Where an applicant or licensee has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted **until at least 10 years have elapsed** since the completion of any sentence imposed.

- Where an applicant or licensee has a conviction for **possession** of drugs, or related to the possession of drugs, a licence will not be granted **until at least 5 years have elapsed** since the completion of any sentence imposed.
- In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## 18. Discrimination

Where an applicant or licensee has a conviction involving or connected with discrimination in any form, a licence will not be granted **until at least 7 years have elapsed** since the completion of any sentence imposed.

## 19. Cautions

If an applicant or licensee has a caution for any offence recorded against them, a licence will not normally be granted until at least **2 years have elapsed** since the caution was administered.

- If a caution is more than 2 years old, and no other offences or other matters are recorded against the applicant, officers will have the delegated power to grant a licence without the matter being referred to the Committee.
- In cases where there are other offences or matters recorded the caution may also be taken into account if it shows a pattern of

offending over a number of years. If any of those other offences or matters require a longer period to have elapsed (as above) before a licence can be granted that longer rehabilitation may also apply to the caution.

## **20. Motoring convictions and/or endorsements generally**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of safely carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.

Subsequent convictions however, may reinforce the fact that the licensee does not take their professional responsibilities seriously and therefore may not be a safe and suitable person to be granted or retain a licence.

## **21. Drink driving/driving under the influence of drugs**

Where an applicant or licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted **until at least 7 years have elapsed** since the completion of any sentence or driving ban imposed.

In the case of a drugs-related driving offence, any person will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **22. Using a hand-held telephone or hand-held device whilst driving.**

Where an applicant or licensee has a conviction for using a hand-held mobile telephone or a handheld device whilst driving, a licence will not be granted **until at least 5 years have elapsed** since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **23. Disqualifications from driving for other reasons**

If a person has been disqualified from driving at any time in the **five** years prior to making an application for a licence, then the Committee will determine the application, even if, at the time, there are no points or endorsements on the DVLA licence.

## **Other motoring offences and Penalty Points on a DVLA licence**

As the grant of a private hire or hackney carriage licence permits the transport of members of the public about the Borough, it follows that driving licence endorsements, which include fixed penalties, are highly relevant to assessing a person's suitability to hold a licence. Having an endorsement upon a licence will not automatically preclude a person from obtaining a licence, subject to the following guidance:

- In addition to those applying for a licence, existing licence holders can be subject to suspension or revocation at any time depending on their behaviour. An existing licensee who receives a relevant conviction, caution or warning within their licence period may be referred to the Licensing committee in order that the status of their licence be reviewed, in the same way as an applicant for a licence

### **24. 1847 Act / 1976 Act Offences**

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the local authority to suspend, revoke or refuse to renew a licence for failure by the licence holder to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or for any other reasonable cause.

### **25. Definition of Major and Minor Offences (see Schedule 1 and 2)**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

Where a person has 9 points on their DVLA licence for minor traffic or similar offences, the applicant or existing licence holder will be required to undertake driver assessment training as approved by East Staffordshire Borough Council, each case will be taken on its own merit.

Where a driver has more than 9 points on their DVLA licence for minor traffic offences or similar, the applicant will be required to appear before the licensing committee.

Licence holders, should they reach 6 points on their DVLA licence will be issued with an advisory warning letter as to the possible effect of obtaining further points.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance.

Major traffic offences will require an applicant or existing licence holder to appear before the licensing committee for determination, irrespective of the number of points on the person's DVLA licence

Where an **applicant** has a conviction for a major traffic offence or similar offence, a licence will not be granted **until at least 7 years have elapsed** since the completion of any sentence imposed.

**26. NB For all motoring offences – whether major or minor – if the circumstances occurred with the driver acting as a hackney carriage or private hire driver these could be seen as an ‘aggravating factor when the Council is deciding what action, if any, to take.**

**Irrespective of these guidelines, officers can decide to refer any matter to the committee for determination if it is felt necessary to do so for the purpose of protecting public safety.**

## **27. Schedule One - MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink \*
- CD50 Causing death by careless driving when unfit through drugs \*
- CD60 Causing death by careless driving with alcohol level above the limit \*
- CD70 Causing death by careless driving then failing to supply a specimen for analysis\*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
- CU80 Using a mobile phone or hand held device while driving a vehicle

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*
- The above offences marked \* are dealt with in the section entitled driving
- offences involving the loss life
- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a
- blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving
- or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving
- or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +
- DG10 Driving or attempting to drive with drug level above the specified limit
- DG40 In charge of a vehicle while drug level above the specified limit
- The above offences marked + are dealt with in the section entitled alcohol and
- drugs
- IN10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a
- licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
- UT50 Aggravated taking of a vehicle
- TT99 Signifies a disqualification under the totting up procedure 12 or more points within three years

## **28. Schedule Two - MINOR TRAFFIC OFFENCES**

- CU10 Using vehicle with defective brakes

- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
- MW10 Contravention of Special Road Regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

**NOTE:**

All offences in Schedules 1 and 2 may also include the following codes:

- Aiding, abetting, counselling or procuring

- Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)
- Causing or permitting
- Offences as coded above, but with 0 changed to 4 (e.g. becomes CU14)
- Inciting
- Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

**Note: This policy shall apply to all applicants for a licence and existing licence holders on or after the effective date, and super-cede any previous policy in relation to the relevance of convictions.**

## **29. Enforcement Intervention – Compliance Internal Warning System**

The Council operates an Internal Warning System – enforcement interventions for specified breaches of statutory provisions or conditions of licence all of which are listed at page \*\*\* of the policy.

The scheme is voluntary and is used as a more formalised method of issuing warnings. It is completely transparent in that every licence holder will know what to expect for a particular breach. If a licence holder accumulates two or more warnings within two years from the date they were imposed, they may be required to attend the appropriate General

Licensing Sub Committee for further action to be considered.

Note:

- Referral to the General Licensing Sub Committee remains an option at any Time,
- A driver who is prosecuted for an offence may subsequently be referred to the General Licensing Sub Committee upon conviction of that offence'
- Legislation allows for prosecution of some offences as an option at any time

**NB** Significant matters may result in revocation at any time. In certain circumstances powers to revoke a licence have been delegated to officers where, in the interests of public safety it is considered that revocation of the licence should have immediate effect.

Circumstances where the power to revoke with immediate effect may apply would include:



- An arrest or charge ; or
- the commission of an offence ; or
- the conviction for an offence which involves :
- Murder, manslaughter, serious violent conduct or for any sexual offence
- Any disqualification from driving, or the accumulation of 12 penalty points on the driver's licence whether or not the Courts have seen fit to disqualify the driver from driving

### **30. Aim of Interventions**

The Licensing Authority shall operate a firm but fair disciplinary and enforcement regime for drivers, proprietors and operators.

### **31. Enforcement Policy**

Any enforcement action will be taken in accordance with the Enforcement Policy. A copy of the policy can be obtained from the licensing or enforcement office.

### **32. General Licensing Sub Committee Hearings**

The function of the Committee is to consider the impact of contraventions of the law and/or Conditions imposed by the Authority on the fitness of an individual to hold a licence.

### **33. Formal Warnings**

- Stage 1 - As a method of dealing with less serious matters the Licensing Authority may issue a written notice for offences, which will stay 'live' for a period of 1 year from the date the offence was committed.
- Stage 2 - A Formal Warning letter will be issued should a licensee breach another condition within the same calendar year.
- Stage 3 - Following the Formal Warning letter should another breach be identified an Officer Caution may be issued.
- Stage 4 – Review file and Licensing Committee.

In certain circumstances Warnings may not be issued.

The Licensing Authority may take any of the following actions for first and repeat offences committed:

- Caution;
- Suspension of a Licence;
- Revocation of a Licence
- Refuse to renew a Licence;
- Prosecution.

### **34. DVLA Driving Licences**

A licensed driver accumulating more than 9 or more points on their DVLA driving licence will be required to appear before the General Licensing Sub Committee, when the Members may decide to suspend or revoke a Licence. In cases where a licensed driver is disqualified from driving, their Licence will be suspended with immediate effect.

### **35. Cautions & Prosecution**

#### **Cautions**

For a caution to be administered there must be sufficient evidence to justify a prosecution and the individual must admit the offence.

#### **Prosecution**

The Licensing Authority will usually prosecute licence holders in the following circumstances:

- Where the allegation is of a serious nature or the offence is repeat,
- Where the Licensing Authority proposes to caution the licence holder, but the offence is not admitted, or the caution not accepted. □

### **36. Criminal Convictions**

If a licence holder is charged with a criminal offence, dependent upon the nature and seriousness of the charges, the following course of action may be taken:

- Suspend the Licence
- Refer to General Licensing Sub Committee

If a licence holder is convicted of a criminal offence or is issued with a caution the following courses of action may be taken:

- Suspend the Licence
- Refer to General Licensing Sub Committee

### **37. Appeal Procedure**

An appeal against a written formal warning should be made in writing, within 21 days of the date shown on the warning, to the Head of Service. The appeal should address the reasons as to why there has been a breach of conditions.

An appeal against the decision to suspend a licence must be made within 21 days of the date shown on the suspension letter, to the South Staffordshire Magistrates Court & Administration Centre, Victoria Square, Stafford, ST16 2QQ. It is not possible to appeal against a caution.

### **38. Function of the General Licensing Sub Committee**

The General Licensing Sub Committee may revoke a licence or refuse to renew a licence when making a decision on the fitness of an individual to hold a licence.

### **39. Suspension/Revocation**

If a licence is suspended then warnings will be removed from the licence at the end of the suspension period. Any person, who has a licence revoked and subsequently applies for a new licence, will be deemed to have a 'clean' licence, if a licence is granted. This does not prevent the General Licensing Sub Committee taking into consideration the reasons for revocation when considering a new application.

### **40. Complaints**

Upon receiving a complaint, the licence holder will be notified of the nature of that complaint within 3 working days of the complaint being received. Complaints will be reviewed on an individual basis and where there is sufficient evidence, the appropriate course of action will be taken. This could include a written formal warning, suspension or revocation of a licence, refusal to renew a licence, a caution or prosecution.

Offences under the Health Act 2006 may result in action being taken under the powers of this Act.

Offences under the Equalities Act 2010 may result action being taken under the powers of this Act.

## 41. Conditions

The Licensing Authority may take any of the following actions for a breach of condition:

- Warning;
- Caution;
- Suspension of a licence;
- Revocation of a licence;
- Refuse to renew a licence.

□

## 42. Bylaws<sup>□</sup>

The Licensing Authority may take any of the following actions for an offence committed under the Bylaws:

- Warning;
- Caution;
- Suspension of a licence;
- Revocation of a licence;
- Prosecution.

**43. Taxi and Private Hire Statutory Standards**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf)

44. DFT Best Practice Guidance – Consultation

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf)

**LICENSING FEES**

<b>Type of Licence</b>	<b>Duration</b>	<b>Fee</b>
Private Hire Operator (new and renewal)	5years	£452
Combined Private Hire and Hackney Carriage Driver (new and renewal)	3 years	£330
Private Hire/Hackney Carriage Vehicle	1 year	£164
Hire Company Vehicle	8 weeks	£164
Transfer of Ownership and vehicle detail change		£123
Knowledge test		£37
DBS U Check		£52.20
Oral Test		£31
Driving and wheelchair test		£95
Driving test only		£77
Wheelchair only		£37
Upgrade to Combined Driver		£82 with £37 Wheelchair assessment only and £43 Knowledge
Lanyard for Holder/Badge Plastic Holder for Badge		£1
Replacement Badge/Replacement paper licence		£3.50
Replacement paper Licence		£5
Plate exemption		£5
Brackets for plates		£12
Replacement plate		£10

The table below reflects the current fees as determined by the Council. These are the fees payable directly to the Council. Fees for medicals, DSA tests and vehicle tests are not set by the authority; they are payable by the applicant directly to those performing those tests.



## Appendix 5

### **Specifications for Hackney Carriage Vehicles**

1. East Staffordshire Borough Council have approved the following makes and models of vehicles which can be licensed and used as Hackney Carriage Vehicles within the borough.
2. The vehicle must comply with the Council's current age policy and meet the required current vehicle emissions standard. Hackney Carriage Vehicles must be no more than 3 years old on first licensing with this Council and must be wheelchair accessible. Hackney Carriage Vehicles must also comply with all aspects with the requirements of:
  - The Motor Vehicle (Type Approval) Regulations, 1980
  - The Motor Vehicle (Type Approval) Regulations (G.B), 1984
  - The Road Vehicles (Construction and Use) Regulations, 1986
  - British and European Vehicle Regulations
  - "Type approved" to the requirements of the M and M 1 category of European Whole Type Approval (EWTVA) 70/156/EEC as amended, or G.B/Low volume (small series) Type Approval
  - The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage from a road traffic accident rendering it beyond economical repair (an insurance "write off"). This relates to Category S vehicles. This information can be found in Part 3 – special notes of the V5 registration certificate"
  - Upon renewal Category S Write Off Vehicles will no longer be licensed



The current approved Hackney Carriage Vehicles are listed below:

Purpose Built Hackney Carriage Vehicles

- Citroen Sentinel
- Citroen Le Cab Noir
- Citroen Dispatch
- Citroen Eurocab
- Fiat Ducato
- Fiat Doblo (rear loading)
- Fiat Scudo
- Fiat Eurocab
- Fiat TW200 (Taxi range)
- Ford Tourneo Custom
- Mercedes Eurocab
- Mercedes Vito
- Nissan Voyager NX8
- Nissan Primastar
- Peugeot E7
- Peugeot European
- Peugeot Expert
- Peugeot Expert Combi
- Peugeot Voyager
- Peugeot Premier
- Peugeot Partner (rear loading)
- Renault Traffic
- Vauxhall Vivaro (Combi)
- VW Caddy/ Caddy Max (rear loading)
- VW Eurocab (Transporter)
- VW Caravelle
- VW Shuttle
- VW Sharan

The above list is not exhaustive, and other vehicles / models may be considered from time to time, provided that they have the necessary “type approval “and/ or certification. Applicants are advised to check with the Licensing Team (before any purchase) whether or not a change of name / model will be approved by ESBC.

Vehicles currently licensed that do not fall into the above make and models can continue to be licensed until the age limit is reached, that is ten years for a hackney carriage.

The above list includes hybrid vehicles. A hybrid vehicle is a vehicle using two different forms of power, such as an electronic motor and an internal combustion engine, or an electric motor and an internal combustion engine, or an electric motor with a battery and fuel cells for energy storage.

- 3 All vehicles must have European Whole Vehicle Certification or Low Volume Type Approval, and have category M1 classification. Such vehicles may be licensed to carry up to 8 persons providing the vehicle meets the requirements as laid down in these vehicle specifications. Vehicles generically referred to as either “saloon” or “hatchback” or MPV’s, or derivatives of these vehicle types will only be licensed on the existing Hackney Carriage licence plates numbers 1 – 22D inclusive. Any Hackney Carriage vehicle on being first licensed with East Staffordshire Borough Council must be wheelchair accessible and may be either side or rear loading.
- 4 Evidence must be produced to prove that each vehicle complies with M or M1 categories. Conversions which have NOT been type approved to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M 1 ) categories. The “minimum accepted standard” as a HC vehicle is any M1vehicle ( no N categories) adapted to be a wheelchair accessible vehicle, where the adaptations are approved by the Vehicle Certification Agency (VCA) and have VCA certification to EWVTA or G.B Low Volume Small type approval.
- 5 Taxi vehicles that have been specially constructed or adapted for disability access and any M1 ( not M2 or N1 ) vehicles that have been adapted to be a taxi must have one of the following documents in order to demonstrate that the vehicle has been converted to an acceptable standard:
  - Where the vehicle has come off the production line as a purpose built wheelchair accessible vehicle, there will be a Vehicle Certification Agency (VCA) certificate. This demonstrates that the vehicle has been constructed to an acceptable safety standard, providing there have been no changes to the layout of the vehicle since the VCA was issued.
  - Where the vehicle is modified after production, but before first registration, there may be an Individual Approval Certificate (IAC) available, which will demonstrate that the adaptations have been tested by DVSA (VOSA) and are to an acceptable safety standard, providing there have been no changes to the conversion since the IAC was issued .This may be referred to as a Statutory Individual Vehicle Approval (IVA) certificate.
  - Vehicles that are converted for disability access after first registration must be submitted for a Basic Voluntary IVA. This is the route that vehicles are required to take where there is no VCA certificate or IAC available. Vehicles must be presented to the DVSA for a Basic Voluntary IVA inspection Class P – Personal Import. If the vehicle passes the inspection, it will receive a Certificate of Compliance (IVA 6) .The voluntary IVA checks the whole of the vehicle, not only the parts that have been converted and is similar to a very strict MOT test.
  - Where the licensed wheelchair accessible vehicle has sustained damage to the structure which may affect the safety of passengers being carried in the vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. VCA certificate, IAC or IVA 6) may be invalid. In these circumstances the Council will require the proprietor to submit the vehicle for a new basic voluntary IVA check and

provide a valid IVA 6 certificate to the Licensing Team before the licence can be transferred back to the original vehicle.

- Where the vehicle is fitted with a mechanically operated ramp, a valid certificate/report confirming that the ramp complies with the requirements of the Lifting Operations and Lifting Equipment Regulations, 1998.
  - Where non- mechanical ramps are used, confirmation from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Work Equipment Regulations 1998. (Licensing Officers will check that the provision of non – mechanical ramps are being maintained) and where fittings are used to secure wheelchairs to the floor of a vehicle, a certificate / report confirming that all the fittings are intact and free from damage and wear.
- 6 The minimum engine capacity for the vehicle must be 1400cc, provided that the vehicle engine is at least 95 bhp or 125 ps or greater. Dual fuel, hybrid and electric vehicles with the equivalent power will be considered on an individual basis on application.
  - 7 The minimum engine capacity for each vehicle is 1400cc, provided the engine is at least 95 bhp or 125 ps or greater. Any hybrid/electric must have equal power to 1400 cc. Purpose built hybrid or plug in hybrid must have a minimum range of 16km (10 miles) using battery power openly. A full electric vehicle must have a minimum range of 112km (70 miles).
  - 8 Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will NOT be licensed at the time of renewal of licence.
  - 9 All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any requirements under East Staffordshire Borough Council conditions of licence.
  - 10 The vehicle must be of 'manufacturers' colour coding.
  - 11 The steering wheel and driving controls must be fitted to the offside of the vehicle.
  - 12 All vehicles must have at least four doors and four wheels. Vehicles must also have available a serviceable spare wheel.
  - 13 Windows must be provided at the sides and rear of the vehicle. Sunroofs will be permitted only if fitted by the manufacturer as new.
  - 14 Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism. Central locking systems are permitted and must be in full working order. Double catches of approved types must be fitted to all doors. Sliding doors will be permitted, but such doors must

have displayed a warning notice affixed securely to the inside of the door-advising passengers to exercise caution when alighting from either side of the vehicle.

## 15 Seating Capacities:

For wheelchair accessible vehicles only, photographs of the vehicle, including seating, wheelchair restraints and ramps, may be taken and held on file for future reference. When transporting a wheelchair user, where a seat has been removed in order to accommodate a passenger in a wheelchair, proprietors must store the seat securely away from the passengers and drivers (e.g. in the boot or other suitable storage facility away from the vehicle).

When transporting a wheelchair user, where the wheelchair user chooses to transfer to a passenger seat, proprietors must store the wheelchair securely away from the passengers and driver (e.g. in the boot). Licensed drivers must provide reasonable levels of mobility assistance to the disabled passenger.

- Where separate seats for each person are provided one person shall be counted for each separate seat.
- Where the vehicle is fitted with a continuous seat, one person shall be counted for each seating area provided that seat restraint belts are fitted for each position.
- The vertical distance between the highest point of the un-deflected seat cushion and the top of the floor covering must not be less than 35cm.
- Where the seats are placed facing each other there must be a clear space of 38cm between any part of the front of a seat and any part of any other seat that faces it.
- Where tilting passenger seats are fitted the seat must be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage), designed for adult use, and have a three point seatbelt. Occasional (tip up) seats must be so arranged as to rise automatically when not in use.
- Suitable means must be provided to assist persons to rise from the rear seat.
- The front seat of a vehicle may be utilised for the use of conveying fare paying passengers, providing such seat is fitted by a suitably qualified mechanic, and provided such seat is fitted with a seat restraint belt. If the

front seat is to be utilised in such a manner, the vehicle licence of the vehicle must reflect the additional passenger i.e. If the vehicle is currently licensed to carry 6 persons using the standard passenger compartment, then such a vehicle can be licensed to carry 7 persons if the front passenger seat is used. No person shall be permitted to be carried in the front seat as a passenger, over and above the permitted capacity displayed on the vehicle licence.

- The number of persons the vehicle is licensed to carry shall be permanently affixed and exhibited at all times on the outside of the vehicle in the form of the vehicle licence plate as issued by the Council. The licence plate shall bear the words *“licensed to carry up to ...passengers”*.
  - Hackney carriage saloon vehicles must have a minimum length of rear seat of 122cm in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4.
6. An adequate heating and ventilation system must be fitted for the driver and passengers.
  7. Adequate lighting must be provided for the passenger’s compartment and must be capable of being controlled by the driver. Adequate lighting must also be provided in the driver compartment.
  8. All body parts and trimmings that are manufacturers original equipment such as wheel trims, mirrors, bumpers, valances, fabrics, switches, internal and external door handles and locks must be fitted and in good working order.
  9. All tyres fitted must have a 1.6mm tread depth, they must be compatible with the tyres fitted to the other wheels, with no lumps, bulges or tears. They must be inflated to the correct pressure, replacement tyres must be new, the fitting of part worn tyres is not permitted. They must be kept in good order and at the correct pressures. A wheel brace and car jack to enable the effective change of a tyre and wheel must be carried. If a vehicle is equipped with a space saver spare tyre or similar emergency repair system, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre. It is not permitted to carry passengers using a space saver tyre.
  10. Any proprietor of a hackney carriage vehicle licensed by East Staffordshire Borough Council may not display advertisements.
  11. An illuminated taximeter of an approved type must be fitted in an approved position.

**12.** An illuminated “Taxi” sign of approved design, clearly visible both by day and by night when the cab is not hired, must be fitted and in full working order.

**13.** A current fare table must be displayed in a position, which is clearly visible in the passenger compartment.

**14.** Any vehicle to be licensed must have a maximum step height of 43cm. Vehicles offered for approval must be constructed so as to facilitate the carriage of a disabled person, and capable of accommodating a disabled person in a wheelchair in the passenger compartment. These wheelchair accessible vehicles must have ramps or other approved devices readily available for use, to enable the loading of wheelchair passengers. They should also carry the approved straps and fixings for securing the wheelchair and passenger safely in the vehicle.

**15.** The vehicle including all fittings must:

- The vehicle including all fittings must be well maintained and kept clean inside and out. Also:
- The vehicle will at all times be subject to test and inspection and may if not properly maintained, or any part is found to be defective or missing, be served with a notice prohibiting the use of the vehicle until the defect has been remedied.
- A set of spare lamps to allow replacement of the following on the vehicle, HEADLAMPS, REAR LAMPS, BRAKE LIGHTS, DIRECTIONAL INDICATORS and REVERSING LAMPS must be carried in the vehicle at all times. It shall only be necessary to carry one bulb for each type of external lamp. It shall also be a requirement that a spare fuse for each fuse rating shall be carried in the vehicle at all times.
- Should a fire extinguisher be carried in the vehicle it must be used and maintained in line with manufacturers instruction.
- First Aid Kit - Every licensed private hire vehicle shall carry a suitable first aid kit for use in an emergency.

**16.** No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction and Use) Regulations, 1986.

**17.** Taxi camera monitoring devices, for the purpose of assisting driver, or passenger safety shall be permitted. If such devices are fitted within the vehicle, adequate

signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment. Material captured by the system shall be accessible to the Police, authorised officers of the Council, or the CCTV Operator. The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days if an incident has taken place. The Council is not liable for any data collected.

**18.** Vehicles (commonly referred to as “Eurocabs” or Eurotaxis”) being of such a design as approved by the Council, may be granted a licence providing all such vehicles meet the criteria above and the additional specifications herewith:

- All such vehicles must be wheelchair accessible, and be fitted with a bulkhead partition.
- Such vehicles being fitted with sliding doors must have a motion locking device in operation to prevent the doors from being opened by passengers whilst the vehicle is in motion. The doors must also have a warning notice affixed securely to the inside of the door so as to be easily seen, advising passengers to exercise caution when alighting from the vehicle.
- Vehicles with sliding doors shall also have displayed an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but so as not to obscure the driver’s vision, indicating that the passenger doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated, and a warning device is activated in the driver compartment.

**19.** No vehicles using bio-diesel, bio fuel or LPG conversions will be accepted.

**20.** No Luggage shall be allowed to be carried on the roof of the vehicle. All luggage shall be carried in a separate area away from the passenger area. If it is contained in an area to which passengers have access, then a permanent grille must be fitted to prevent luggage from coming into contact with passengers travelling in the vehicle.

**21.** No tow bars will be allowed to be fixed to the vehicle.

**22.** All newly licensed vehicles must comply with the current Euro emission standards as a minimum requirement for licensing purposes.



## Appendix 6

### Hackney Carriage Byelaws

#### **BYELAWS OPERATIVE FROM 1ST APRIL 1988**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the East Staffordshire District Council with respect to Hackney Carriages in the area of East Staffordshire.

#### **Interpretation**

1. Throughout these Byelaws "the Council" means The East Staffordshire Borough Council.

#### **Provisions relating 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 painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
  
(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 such painting, marking or plate so defaced that any figure or materials particular is illegible.

#### **Provisions regulating how Hackney Carriages a 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 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. (1) 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:

- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
  - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
  - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
  - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;

- (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
  - (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action;
  - (b) and cause the word "HIRED" to appear on the face of the taximeter;
  - (c) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and 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 in pursuance of the Byelaw in that behalf for the hire of the carriage by distance;
- (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 capable of being 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.
- (2) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" 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 one and half inches in height;
  - (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.

5. The driver of a hackney carriage shall:

- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
  - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
  - (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 flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
- (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
  - (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 and operate the sign provided in pursuance of Byelaw 4(2) so that 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) 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 or other device fitted for the purpose 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.
- (iii) 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 for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.

**Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages in their several employment, and determining whether such drivers shall wear any and what badges.**

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter, which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. 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 fixed by the Byelaw in that behalf;
  - (b) if a stand, at the time of his/her 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. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. 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.
10. 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.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. 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 rear of the carriage.
13. 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.
14. 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;
  - (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.
15. The proprietor or driver of a hackney carriage shall make available a suitable and sufficient supply of sick bags or other receptacle approved by the Council for use by the passengers.

**Provisions fixing the rates or fares to be paid for Hackney Carriage within East Staffordshire and securing the due publication of such fares**

16. 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 tariff card, 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 tariff card which it may not be possible to record on the face of the taximeter.
17. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Byelaw in that behalf to be exhibited inside the hackney carriage, in clearly defined letters and figures.
- (b) 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 delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof**

18. 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.
19. 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 a police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
- (b) be entitled to receive from any person to whom the property shall be re- delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from place of finding to the Police Station, whichever be the greater) but not more than five pounds.

### **Penalties**

- 20. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.



## Appendix 7

### Hackney Carriage Vehicle Conditions of Licence

#### LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS) ACT 1976

These conditions are to be read in conjunction with the appropriate sections of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act, 1976, Part II and the East Staffordshire Borough Council Byelaws relating to the hackney carriages.

#### **1. Maintenance of Vehicle**

The vehicle and all its fittings and equipment shall at all times when in use or available for hire be kept in an efficient, safe, tidy and clean condition. If vehicles are not kept in sound condition internally as well as externally the vehicle proprietor may be issued with a warning.

The vehicle must comply with the Council's current age policy and meet the required current vehicle emissions standard. Hackney Carriage Vehicles must be no more than 3 years old on first licensing with this Council and must be wheelchair accessible. Hackney Carriage Vehicles must also comply with all aspects with the requirements of:

- The Motor Vehicle (Type Approval) Regulations, 1980
- The Motor Vehicle (Type Approval) Regulations (G.B) 1984
- The Road Vehicles (Construction and Use) Regulations 1986
- British and European Vehicle Regulations
- "type approved" to the requirements of the M and M 1 category of European Whole Type Approval (EWTVA) 70/156/EEC as amended, or G.B/Low volume (small series) Type Approval.
- The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage from a road traffic accident rendering it beyond economical repair (an insurance "write off"). This relates to Category S vehicles. This information can be found in Part 3 – special notes of the V5 registration certificate".
- Upon renewal Category S Write Off Vehicles will no longer be licensed.

- (1) Hackney Carriage vehicles that have been specially constructed or adapted for disability access and any M1 ( not M2 or N1 ) vehicles that have been adapted to be a taxi must have one of the following documents in order to demonstrate that the vehicle has been converted to an acceptable standard:
- a. Where the vehicle has come off the production line as a purpose built wheelchair accessible vehicle, there will be a Vehicle Certification Agency (VCA) certificate. This demonstrates that the vehicle has been constructed to an acceptable safety standard, providing there have been no changes to the layout of the vehicle since the VCA was issued.
  - b. Where the vehicle is modified after production, but before first registration, there may be an Individual Approval Certificate (IAC) available, which will demonstrate that the adaptations have been tested by DVSA (VOSA) and are to an acceptable safety standard, providing there have been no changes to the conversion since the IAC was issued. This may be referred to as a Statutory Individual Vehicle Approval (IVA) certificate.
  - c. Vehicles that are converted for disability access after first registration must be submitted for a Basic Voluntary IVA. This is the route that vehicles are required to take where there is no VCA certificate or IAC available. Vehicles must be presented to the DVSA for a Basic Voluntary IVA inspection Class P – Personal Import. If the vehicle passes the inspection, it will receive a Certificate of Compliance (IVA 6) .The voluntary IVA checks the whole of the vehicle, not only the parts that have been converted and is similar to a very strict MOT test.
  - d. Where the licensed wheelchair accessible vehicle has sustained damage to the structure which may affect the safety of passengers being carried in the vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. VCA certificate, IAC or IVA 6) may be invalid. In these circumstances the Council will require the proprietor to submit the vehicle for a new basic voluntary IVA check and provide a valid IVA 6 certificate to the Licensing Team before the licence can be transferred back to the original vehicle.
  - e. Where the vehicle is fitted with a mechanically operated ramp, a valid certificate/report confirming that the ramp complies with the requirements of the Lifting Operations and Lifting Equipment Regulations, 1998.



- f. Where non- mechanical ramps are used, confirmation from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Work Equipment Regulations 1998. (Licensing Officers will check that the provision of non – mechanical ramps are being maintained) and where fittings are used to secure wheelchairs to the floor of a vehicle, a certificate / report confirming that all the fittings are intact and free from damage and wear.

## **2. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force. The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. Tinted glass will only be permitted in accordance with manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicle (Construction and Use) Regulations 1986.

## **3. Safety Equipment**

If a driver chooses to carry a fire extinguisher the driver is liable for the extinguisher being maintained in good order. The Council will not be held liable for the fire extinguisher, its content position or expiry. Drivers should seek guidance from the extinguisher provider or local fire service.

No vehicle shall carry more passengers than those permitted on its licence.

No vehicle shall carry any child, unless the child is suitably restrained as required by the Motor Vehicles (Wearing of Seat Belts by Children) (Amendment) Regulations 2006.

## **4. Interior Markings**

The current tariff card must be on display so that it is clearly visible to the hirer.

## **5. Signs, Notices, Plates etc**

The only signs or notices that can be displayed on a vehicle are those required by any statutory provision (including Byelaws) or required or permitted by these conditions.

(1) The Proprietor shall ensure that:

- a. The illuminated roof-top sign is purchased from the Council and displayed appropriately or those with manufacturers roof-top signs are maintained and in good working order. The roof top sign must be clearly visible both day and night when the cab is not hired.
- b. A licence plate issued by the Council must be fixed to the external rear of the hackney carriage. **This licence plate shall remain the property of the Council and shall be returned to the Council on the sale, transfer, disposal of the licensed vehicle, or the expiry of the plate** (or in the event of the revocation, expiry or suspension of the licence). The proprietor of the hackney carriage vehicle shall return the plates within seven days of notice being served.
- c. In the interest of public safety the proprietor will affix and maintain the Council's standard door panels on both front doors. No further advertising will be allowed. The company name on the door panels must be exactly the same as the name on the operator licence. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.

## **6. Change of Address**

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within 7 days of such change-taking place.

## **7. Absence**

The proprietor must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc they provide email/written communication to the licensing office 7 days prior to leaving detailing when they go away and when they return, along with details of who will be responsible for the vehicle etc or whether the vehicle will be off the road. If documents become due whilst the proprietor is away then they must be produced to the licensing office.

Failure to comply with the above will result in the vehicle automatically being suspended and the enforcement team will recover the plates. If drivers are unable to produce documents for any reason they must inform the licensing office immediately.

## **8. Deposit Hackney Carriages Driver's Licence**

Before the proprietor allows any other person to drive the hackney carriage, the proprietor must retain a copy of the driver's hackney carriage drivers licence until such time as the driver ceases to be employed to drive the vehicle.

## **9. Transfer of Interest in Hackney Carriage**

With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred shall supply the Council's licensing office with the information required by the transfer of a hackney carriage vehicle licence application form, within the period of 14 days as specified in the said section. Before a transfer application is accepted by the licensing office the registration document must have been seen in the previous keeper's name. A transfer application will not be accepted unless the logbook has been produced in the previous owner's name.

## **10. Fares and Meters**

A copy of the current tariff shall be displayed inside the vehicle in such a position that it can be clearly seen by hirers.

All hackney carriages must be fitted with a meter calibrated to the latest and appropriate tariff. A new meter certificate will be required on renewal.

All taxis have the provision to take a card payment by debit or credit card including contactless and must provide a receipt.

## **11. Receipts**

Upon request the proprietor shall issue to hirers receipts in respect of fares charged for hiring's.

## **12. Licensing of Hackney Vehicles**

(a) All vehicles licensed, as hackney carriages from plate 23 onwards must be purpose built vehicles, which are accessible to and are safely usable by wheelchairs

(b) No purpose built vehicle over 3 years of age at first licensing with this Council will be licensed for Hackney Carriage purposes.

(c) All non-wheelchair accessible vehicles must be tested on behalf of the council annually. The Council may also at any time request the vehicle to be further tested at one of the Councils nominated testing stations.

(d) All vehicles must have a minimum engine capacity of 1400 cc and be least 95 bhp or 125 ps or greater. Any hybrid, electric must have equal power to 1400 cc. Purpose built hybrid or plug in hybrid must have a minimum range of 16km (10 miles) using battery power openly. A full electric vehicle must have a minimum range of 112km (70 miles).

(e) All saloon vehicles must have a minimum length of rear seat of 122 centimetres in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4. Saloon vehicles will only be licensed to carry a maximum of 4 passengers.

(f) Where tilting passenger seats are fitted the seat must be forward facing. (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage), designed for adult use, and have a three point seatbelt. Occasional (tip up) seats must be so arranged as to rise automatically when not in use.

(g) For wheelchair accessible vehicles only, photographs of the vehicle, including seating, wheelchair restraints and ramps, may be taken and held on file for future reference. When transporting a wheelchair user, where a seat has been removed in order to accommodate a passenger in a wheelchair, proprietors must store the seat securely away from the passengers and drivers (e.g. in the boot or other suitable storage facility away from the vehicle).

When transporting a wheelchair user, where the wheelchair user chooses to transfer to a passenger seat, proprietors must store the wheelchair securely away from the passengers and driver (e.g. in the boot). Licensed drivers must provide reasonable levels of mobility assistance to the disabled passenger.

- (h) For driver and passenger safety no vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle (see paragraph 2 above).
- (i) Any authorised officer may detain for inspection any licensed vehicle at any time to ensure its fitness for use as a hackney carriage vehicle, and / or examine the documentation of the driver of that vehicle, in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, and then the vehicle licence may be immediately suspended.



- (j) Taxi camera monitoring devices, for the purpose of assisting driver, or passenger safety shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment. Material captured by the system shall be accessible to the Police, authorised officers of the Council, or the CCTV Operator. The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days if an incident has taken place. The Council is not liable for any data collected.
- (k) All tyres fitted must have a 1.6mm tread depth, they must be compatible with the tyres fitted to the other wheels, with no lumps, bulges or tears. They must be inflated to the correct pressure, replacement tyres must be new the fitting of part worn tyres is not permitted.
- (l) Replacement auto lamps must be carried in the vehicle at all times.
- (m) No smoking signs must comply with current legislation. The use of vaporising devices is not permitted.

### **13. Proprietor obligations**

The proprietor must ensure that the hackney carriage vehicle is fully insured for use as a hackney carriage at all times and has a valid Certificate of Compliance in force. (A valid copy of the insurance certificate must be deposited with the operator of the business for which the vehicle is working)

The licensing office will call you once on the working day prior to the expiry of a document to remind you that your certificate of compliance or insurance is due no further calls will be made. You will then have 48 hours to produce your new document.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document.

Should there be a break in cover a written explanation will be required and a warning may be issued.

Failure to produce the relevant document within the time limits will result in the vehicle licence being cancelled.

The proprietor must inform the licensing authority within 72 hours if a vehicle has been involved in an accident or sustained damage. Proprietors must present the vehicle for inspection by a licensing officer. The officer will either, complete a minor damage form and set a date by which the vehicle is to be returned to show damage repaired. Or the vehicle will be referred to a Council nominated Testing Station for assessment. If a

vehicle is found to be un-roadworthy an off road slip will be issued. The proprietor will take this slip with the vehicle plates to be deposited with the licensing office. The licensing office will issue a suspension letter. Any repairs to be completed within 8 weeks. Any extension must be at the request of the insurance company.

Failure to either return the plates, produce an accident slip or have the repair work carried out in the required time may result in enforcement action being taken.

The proprietor of the vehicle can only apply to licence a vehicle from a hire company if the vehicle is not in a roadworthy condition and is suspended or the vehicle is going into a garage for repair. In this instance confirmation from the garage as to how long the vehicle will be off the road will be required.

Once the vehicle has been repaired it will then need to be re-inspected by the Council appointed testing station to confirm that the repair work is satisfactory. Another slip will be given to the proprietor, which must be submitted to the licensing office upon production of this document the suspension will be lifted.

#### **14. Advertising on Vehicles**

No advertisement may be displayed on a hackney carriage vehicle.

#### **15. Variation of Conditions**

The Council may vary any or all the conditions herein contained at any time after consultation with the trade.

### **Hackney Carriage Vehicle Licence**

#### **(1) Appeals**

A licensee who is aggrieved by any of these conditions has a right of appeal to a Magistrates' court.

#### **(2) Offences and Penalties**

Contravention of these conditions constitutes an offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 in respect of which specific penalties are provided. In addition, it is also an offence to obstruct an authorised officer or Police Officer in his/her duty.

Special attention is drawn to the following sections of the Local Government (Miscellaneous Provisions) Act 1976, which should not be taken as being exhaustive:

## **Transfer of Hackney Carriage and Private Hire Vehicles**

**SECTION 49 - (1)** If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a District Council transfers his/her interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified on the licence, he/she shall within 14 days after such transfer give notice in writing thereof to the District Council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

**(2)** If a proprietor without reasonable excuse fails to give notice to a District Council as provided by subsection (1) of this section he/she shall be guilty of an offence.

## **Provisions as to Proprietors**

**SECTION 50 - (1)** Without prejudice to the provisions of Section 68 of this Act, the proprietor of any hackney or of any private hire vehicle licensed by a District Council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require. Provided that a District Council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

- (2)** The proprietors of any hackney carriage or private hire vehicle:
- (a) licensed by the District Council under the Town Police Clauses Act 1847; or
  - (b) in respect of which an application for a licence has been made to a District Council under the Town Police Clauses Act 1847; or
  - (c) shall within such period as the District Council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall if the District Council so require afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.



**(3)** Without prejudice to the provisions of Section 25 of the Road Traffic Act of 1972, the proprietor of hackney carriage or of a private hire vehicle licensed by a District Council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

**(4)** The proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance of security required by part VI of the Act of 1972 in respect of such hackney carriage or private hire vehicle.

**(5)** If any person without reasonable excuse contravenes the provisions of this section, he/she shall be guilty of an offence.

### **Suspension and Revocation of Vehicle Licence**

**SECTION 60 - (1)** Notwithstanding anything in the Town Police Clauses Act 1847 or in this Part of this Act, a District Council may suspend or revoke or (on application therefore under Section 40 of the Town Police Clauses Act 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or of this part of the Act by the operator or driver; or

(c) any other reasonable cause.

**(2)** Where a District Council suspend, revoke or refuse to renew any Licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such suspension, revocation or refusal.

**(3)** Any proprietor aggrieved by a decision of the District Council under this section may appeal to a Magistrates Court.

## **HACKNEY CARRIAGE USED FOR PRIVATE HIRE**

**SECTION 67 - (1)** No hackney carriage shall be used in the District and under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the byelaws of table mentioned in Section 66 of this Act, and when any such hackney carriage is so used, the fare or charge shall be calculated from the point in the District at which the hirer commences his journey.

**(2)** Any person who knowingly contravenes this section shall be guilty of an offence.

**(3)** In subsection (1) of this section "Contract means":

(a) a contract made otherwise than while the relevant hackney carriage is plying for hire in the District or waiting at a place in the District which, when the contract is made, is a stand for hackney carriages appointed by the District Council under Section 63 of this Act; and

(b) a contract made, otherwise than with or through the driver of the relevant hackney carriage, while it is so plying or waiting.

**SECTION 68** - Any authorised officer of the Council in question or any Constable shall have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle, and if he/she is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he/she may by notice in writing require of the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

Provided that, if the authorised officer or constable is not so satisfied before, the expiration of a period of two months, the said licence shall, by virtue of this section be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.



## Appendix 8

### Specifications for a Private Hire Vehicle

1. East Staffordshire Borough Council may licence as a private hire vehicle, any vehicle suitable for carriage of up to and including eight passengers provided that it has European Whole Vehicle Certification (EWVTA) and such vehicle complies with the requirements as laid down in these vehicle specifications.

Such vehicles may, if the Council so require, be presented to the Vehicle Inspectorate or Council approved testing station for examination and receive from them a report indicating that the vehicle is fit for use as a private hire vehicle, prior to the issue of a licence plate from the Council. The fee for such a test, which shall be determined by the Council, shall be met by the vehicle owner, or such person presenting the vehicle for test.

2. a All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any conditions of licence issued by the Council.
- b The vehicle must comply with the Council's current age policy and be able to meet the current vehicle emissions specification. The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage from a road traffic accident rendering it beyond economical repair (an insurance "write off"). This relates to Category S vehicles. This information can be found in Part 3 – special notes of the V5 registration certificate".

Upon renewal Category S Write Off Vehicles will no longer be licensed.

- c The vehicle must not be of such design or type as to lead the public to be confused with a hackney carriage. Additionally, all vehicles must have a category M1 classification, evidence must be produced to prove that the vehicle complies with M or M1 categories. No vehicle over 3 years of age at first licensing with this Council will be licensed as a private hire vehicle.
3. The vehicle must be of 'manufacturers' colour coding.
  4. The body must be a fixed head type. A sunroof may be fitted at the time of manufacture.
  5. The steering wheel and driving controls must be fitted to the off side of the vehicle and shall have been at the time of registration.
  6.
    - a. All vehicles must have at least four doors, excluding any tailgate.
    - b. Estate and MPV type vehicles must be fitted with a grille or other manufacturer approved device, which prevents luggage entering the passenger compartment.
    - c. All vehicles should have a wheelbase of at least 96" (2.4384 metres).
    - d. The minimum engine capacity for each vehicle is 1400cc, provided the engine is at least 95 bhp or 125 ps or greater. Any hybrid/electric must have equal power to 1400 cc. Purpose built hybrid or plug in hybrid must have a minimum range of 16km (10 miles) using battery power openly. A full electric vehicle must have a minimum range of 112km (70 miles).
    - e. All licensed Private Hire Vehicles must comply with the current Euro emissions standards. Applicants will be required to prove that the engine of the vehicle is suitable.
  7.
    - a Windows must be provided at the sides and rear of the vehicle.
    - b Rear passenger door windows must be capable of being opened and closed.

c No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. Tinted windows will only be permitted in accordance with the manufacturers or specialist coach builders specification and must comply with the Road Vehicles (Construction and Use) Regulations 1986.

d Vehicles with a third row of seats fitted at the rear of the vehicle must have ventilation windows available in the absence of an approved air conditioning system.

8. a Passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- b. Approved central locking systems are permitted and must be in full working order. Double catches of approved types must be fitted to all doors.
- c. The door to the offside of the vehicle fitted with sliding doors, must be capable of being opened **ONLY** in the case of an emergency, unless that vehicle has an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but not so as to obscure the driver's vision, indicating that the doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated. A warning notice must be affixed securely to the inside of the door so as to be easily seen, advising passengers to exercise caution when alighting from the vehicle.

9. Seating capacities:

- a Where separate seats for each person are provided: one person shall be counted for each separate seat.
- b Where the vehicle is fitted with a continuous seat, one person shall be counted for each completed length of the seating area provided that the seat restraint belts are fitted for each seating position.
- c All seats must be forward facing (with the exception of the fold down seats fitted onto the bulkhead of a purpose built vehicle) and adequate in size, shape and condition for passengers. The seats must be designed for use by an adult and have a three point seatbelt.

- d All vehicles must have a minimum length of rear seat of 122cm in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4.
10. A manufacturer's specified original heating and ventilation system must be fitted and fully operational for the driver and passengers.
  11. All body parts and trimmings that are manufacturers original equipment such as wheel trims, mirrors, bumpers, valances, fabrics, switches, internal and external door handles and locks must be fitted and must be well maintained , in good working order and in good condition.
  12. All tyres fitted must have a 1.6mm tread depth, they must be compatible with the tyres fitted to the other wheels, with no lumps, bulges or tears. They must be inflated to the correct pressure, replacement tyres must be new, the fitting of part worn tyres is not permitted. They must be kept in good order and at the correct pressures. A wheel brace and car jack to enable the effective change of a tyre and wheel must be carried. If a vehicle is equipped with a space saver spare tyre or similar emergency repair system, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre. It is not permitted to carry passengers using a space saver tyre.
  13. No luggage will be carried on the roof of a vehicle. No luggage will be carried within the passenger's compartment unless a grill/guard/cargo security screen is in place to partition the luggage space from the passengers.
  14. Vehicles commonly referred to as Euro taxis or Euro cabs or vehicles which could lead the public to believe that such a vehicle is a hackney carriage, will not be licensed as a private hire vehicle by the Council.
  15.
    - a. Any electronic communication equipment must be of an approved standard and type as required by regulation at the time of installation or test.
    - b. All registration marks must comply with the latest regulations.
    - c. No roof signs are permitted on PH vehicles, in order to distinguish PH vehicles and licensed taxis.
  - d. The licence number of the vehicle together with the number of persons that the vehicle is licensed to carry shall be permanently affixed and exhibited at all times on the outside of the vehicle in the form of the vehicle licence plate as issued by the Council on the rear of the vehicle and internally in the top nearside corner of the window screen.

- e. Council approved door panels must be displayed at all times unless parked outside of the proprietor/driver registered address.
  - f. Any proprietor of a private hire vehicle licensed by East Staffordshire Borough Council may not display advertisements.
- 16.
- a. The vehicle including all fittings must be well maintained and kept clean.
  - b. The vehicle will at all times be subject to test and inspection and may if not properly maintained, or any part is found to be defective or missing, be served with a notice prohibiting the use of the vehicle until the defect has been remedied.
  - c. A set of spare lamps to allow replacement of the following on the vehicle, HEADLAMPS, REAR LAMPS, BRAKE LIGHTS, DIRECTIONAL INDICATORS and REVERSING LAMPS must be carried in the vehicle at all times. It shall only be necessary to carry one bulb for each type of external lamp. It shall also be a requirement that a spare fuse for each fuse rating shall be carried in the vehicle at all times.
  - d. A vehicle shall carry a suitable first aid kit for use in an emergency.
17. Taxi camera monitoring devices, for the purpose of assisting driver, or passenger safety shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment. Material captured by the system shall be accessible to the Police, authorised officers of the Council, or the CCTV Operator. The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days if an incident has taken place. The Council is not liable for any data collected.
18. Bio-diesel, bio fuel or LPG conversions will not be licensed by the Council.



## Appendix 9

### Private Hire Conditions of Vehicle Licence

#### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

These conditions are to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act, 1976, Part II.

A Private Hire Vehicle licence will not be issued to any vehicle, which has the appearance of a Hackney Carriage.

The vehicle shall only be licensed by East Staffordshire Borough Council and shall comply with the requirements contained within the "Private Hire Vehicle Specifications".

#### **1. Maintenance of Vehicle**

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Regulations) shall be fully complied with. If vehicles are not kept in sound condition internally as well as externally the vehicle proprietor may be issued with a warning.

The vehicle must comply with the Council's current age policy and meet the required current vehicle emissions standard.

The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage from a road traffic accident rendering it beyond economical repair (an insurance "write off"). This relates to Category S vehicles. This information can be found in Part 3 – special notes of the V5 registration certificate".

Upon renewal Category S Write Off Vehicles will no longer be licensed.



## 2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force. The vehicle must be fitted with glass which is in accordance with current Road Vehicle (Construction and Use) Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. Tinted glass will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification.

## 3. Safety Equipment

If a fire extinguisher is to be kept in the vehicle it should be used and maintained in accordance with the manufacturer's instructions.

No vehicle shall carry more passengers than those permitted on its licence.

No vehicle shall carry any child, unless the child is suitably restrained as required by the Motor Vehicles (Wearing of Seat Belts by Children) (Amendment) Regulations 2006.

## 4. Interior Markings

If a plate/panel exemption applies to a vehicle the proprietor shall ensure that an internal stickers shall be displayed where it is clearly visible to passengers bearing the licence number of the vehicle and the number of persons that it is permitted to carry. A second sticker shall be displayed in the back window to the bottom near side.

## 5. Signs, Notices, Plates etc

The only signs or notices that can be displayed on a vehicle are those required by any statutory provision (including Byelaws) or required or permitted by these conditions.

(1) The proprietor shall ensure that:

(a) A licence plate issued by the Council must be fixed to the external rear of the private hire vehicle and an internal plate in the front nearside top corner window where it is clearly visible. **These licence plates shall remain the property of the Council and shall be returned to the Council on the sale, transfer, disposal of the licensed vehicle, or the expiry of the plates** (or in the event of the revocation, expiry or suspension of the Licence). The proprietor of the private hire vehicle shall

return the plates within seven days of notice being served. The plate must not obscure the vehicle number plate or be placed in the rear window.

(2) In the interest of public safety the proprietor will affix and maintain the Council's standard door panel on both front doors. No further advertising is allowed. The word TAXI **or CAB** shall not appear anywhere on or above a private hire vehicle. The company name on the door panels must be exactly the same as the name on the operator licence. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.

(3) Should a proprietor wish to have a licence plate and/or a door panel exemption the vehicle cannot be used for general private hire work.

## **6. Absence**

The proprietor must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc. they provide email/written communication to the licensing office 7 days prior to leaving detailing when they go away and when they return, along with details of who will be responsible for the vehicle etc., or whether the vehicle will be off the road. If documents become due whilst the proprietor is away then they must be produced to the licensing office. Plates should be returned to the licensing team during the period of absence.

Failure to comply with the above condition will result in the vehicle automatically being suspended and the enforcement team will recover the plates.

If proprietors are unable to produce documents for any reason they must inform the licensing office immediately.

## **7. Change of Address**

The proprietor shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of such change-taking place.

## **8. Deposit of Private Hire Driver's Licence**

Before the proprietor allows any other person to drive the private hire vehicle, the proprietor must retain a copy of the driver's private hire drivers licence until such time as the driver ceases to be employed to drive the vehicle.

## **9. Transfer of Interest in a Private Hire Vehicle**

With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred shall supply the Council's licensing office with the information required by the transfer of a private hire vehicle licence application form, within the period of 14 days specified in the said section.

Before a transfer application is accepted by the licensing office the registration document must have been seen in the previous keeper's name.

## **10. Receipts**

Upon request the proprietor shall issue to hirers receipts in respect of fares charged for hiring's.

## **11. Licensing of Private Hire Vehicles**

- (a) Vehicles must be no more than 3 years old on first licensing with the Council for private hire purposes.
- (b) all vehicles will be tested annually or at the Councils request.
- (c) all vehicles must have a minimum engine capacity of 1400cc and be at least 95 bhp or 125 ps or greater.
- (d) All vehicles must be compliant with the latest Euro emissions stanadrds.
- (e) all vehicles must have a minimum length of rear seat of 122 centimetres in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4.
- (f) All seats must be forward facing (with the exception of the fold down seats fitted onto the bulkhead of a purpose built vehicle) and adequate in size, shape and condition for passengers. The seats must be designed for use by an adult and have a three point seatbelt.

- (g) Licensed drivers must provide reasonable levels of mobility-assistance to the disabled passenger and will be obliged to carry the passengers wheelchair, if the wheelchair user chooses to sit in a passenger seat during the journey.
- (h) No roof signs are permitted on Private Hire Vehicles, in order to distinguish Private Hire Vehicles and licensed taxis.
- (i) For driver and passenger safety no vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle refer to paragraph 2 above.
- (j) Any authorised officer may detain for inspection any licensed vehicle at any time to ensure its fitness for use as a private hire vehicle, and / or examine the documentation of the driver of that vehicle, in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, then the vehicle licence may be immediately suspended.
- (k) Taxi camera monitoring devices, for the purpose of assisting driver, or passenger safety shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment. Material captured by the system shall be accessible to the Police, authorised officers of the Council, or the CCTV Operator. The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days if an incident has taken place. The Council is not liable for any data collected.

## **12. Proprietor obligations**

The proprietor must ensure that the private hire vehicle is fully insured for use as a private hire vehicle at all times and has a valid Certificate of Compliance in force. (A valid copy of the insurance certificate must be deposited with the operator of the business for which the vehicle is working).

It is the vehicle proprietor's responsibility to ensure that continuous cover of insurance and compliance test certificates are produced to the licensing office.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document. Should there be a break in cover a written explanation will be required and a warning may be issued.

The vehicle registration document must be produced to the licensing office with any new or transfer vehicle application in the keepers name .within 1 month of the application being submitted. Failure to do so may result in your vehicle being suspended.

Failure to produce the relevant document within the time limits will result in the vehicle licence being cancelled.

The proprietor must inform the licensing authority within 72 hours if a vehicle has been involved in an accident or sustained damage. Proprietors must present the vehicle for inspection by a licensing officer. The officer will either, complete a minor damage form and set a date by which the vehicle is to be returned to show damage repaired. Or the vehicle will be referred to a Council nominated Testing Station for assessment. If a vehicle is found to be un-roadworthy an off road slip will be issued. The proprietor will take this slip with the vehicle plates to be deposited with the licensing office. The licensing office will issue a suspension letter. Any repairs to be completed within 8 weeks. Extensions for hire vehicles must be made by the insurance company.

Failure to either return the plates, produce an accident slip or have the repair work carried out in the required time may result in enforcement action being taken.

The proprietor of the vehicle can only apply to licence a vehicle from a hire company if the vehicle is not in a roadworthy condition and is suspended or the vehicle is going into a garage for repair. In this instance confirmation from the garage as to how long the vehicle will be off the road will be required.

Once the vehicle has been repaired it will then need to be re-inspected by the Council appointed testing station to confirm that the repair work is satisfactory. Another slip will be given to the proprietor, which must be submitted to the licensing office upon production of this document the suspension will be lifted.

### **13. Variation of Conditions**

The Council may vary any or all of the conditions herein contained at any time after consultation with the trade.

#### **Private Hire Vehicle Licence**

## **1. Appeals**

A licensee who is aggrieved by any of these conditions has a right of appeal to the Magistrates Court.

## **2. Offences and Penalties**

Contravention of these conditions constitutes an offence under the Local Government (Miscellaneous Provisions) Act 1976, in respect of which specific penalties are provided. In addition, it is also an offence to obstruct an authorised officer or Police Officer in his/her duty.

## **3. Special attention is drawn to the following sections of the Local Government (Miscellaneous Provisions) Act 1976, which should not be taken as being exhaustive:**

### **Licensing of Private Hire Vehicles**

**SECTION 48** - (1) Subject to the provisions of this Part of this Act, District Council may when in receipt of an application from the proprietor for any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grants in respect thereof a vehicle licence.

Provided that a District Council shall not grant such a licence unless they are satisfied:

(a) that the vehicle is:

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable.

### **Transfer of Hackney Carriage and Private Hire Vehicles**

**SECTION 49** - (1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a District Council transfers his/her interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified on the licence, he/she shall within 14 days after such transfer give notice in writing thereof to the District Council specifying

the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If the proprietor without reasonable excuse fails to give notice to a District Council as provided by subsection (1) of this section he/she shall be guilty of an offence.

### **Provisions as to Proprietors**

**SECTION 50** - (1) without prejudice to the provisions of Section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require.

(2) the proprietors of any hackney carriage or private hire vehicle:

(a) licensed by the District Council under the Town Police Clauses Act 1847 or under this part of this Act; or

(b) in respect of which an application for a licence has been made to a District Council under the Town Police Clauses Act 1847 or under this Part of the Act; shall within such period as the District Council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall, if the District Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.

(3) Without prejudice to the provisions of Section 25 of the Road Traffic Act of 1972, the proprietor of a hackney carriage or of a private hire vehicle licensed by the District Council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(4) The proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance or security required by Part V1 of the Act of 1972 in respect of such hackney carriage or private hire vehicle.

- (5) If any person without reasonable excuse contravenes the provisions of this section, he/she shall be guilty of an offence.

## **Suspension and Revocation of Vehicle Licence**

**SECTION 60 -** (1) Notwithstanding anything in the Town Police Clauses Act 1847 or in this Part of this Act, a District Council may suspend or revoke or (on application therefore under Section 40 of the Town Police Clauses Act 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or of this part of the Act by the operator or driver; or
- (c) any other reasonable cause.

(2) Where a District Council suspend, revoke or refuse to renew any Licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the District Council under this section may appeal to a Magistrates Court.

**SECTION 68 –** Any authorised officer of the Council in question or any Constable shall have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle and if he/she is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he/she may by notice in writing require of the proprietor or the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or Constable is so satisfied.

Provided that, if the authorised officer or Constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section be deemed to have been revoked and subsections (2) and (3) of Section 60 of this Act shall apply with any necessary modifications.



**SECTION 71 –** (1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the District for the District or any other District Council by which a licence in force for the vehicle was issued.

(2) Any person who:

- (a) tampers with any seal on any taximeter without lawful excuse; or
- (b) alters any taximeter with intent to mislead; or
- (c) knowingly cause or permits a vehicle of which he/she is the Proprietor to be used in contravention of subsection (1) of this section, shall be guilty of an offence.



### **Conditions of Private Hire Drivers Licence**

#### **Local Government (Miscellaneous Provisions) Act 1976**

These Conditions are to be read and complied with in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976, Part II & the Council's Enforcement Intervention Scheme.

#### **1. Conduct of Driver**

The Driver shall:

- a) Wear the driver's badge issued by the Council at all times when acting in accordance with this licence. The badge is to be worn in a position where it can be clearly visible to your passengers;
- b) Offer assistance in loading and/or unloading your passenger's belongings;
- c) Operate in a professional manner and conform the Council's driver's dress Code to be clean and tidy in appearance and maintain a good standard of personal hygiene.
- d) When interacting with other road users and other individuals must be conducted in a professional manner and with curtesy.
- e) Be aware of the impact working long hours has on their ability to drive safely.
- f) Ensure all customers are safeguarded and protected whilst being transported in a licensed vehicle;

- g) Take all reasonable steps to ensure the safety of passengers entering, being carried in or leaving the private hire vehicle;
- h) Not to store any customer information such as SMS text messages or contact details;
- i) Not without the consent of the hirer play any radio, cassette or CD player. The driver must also not allow any of the equipment to cause annoyance to any person, whether inside or outside the private hire vehicle;
- j) Not unnecessarily prolong, in distance or in time, any private hire journey;
- k) Not to wait or ply for hire on a road or other public place. Drivers are only permitted to carry a hirer that has made a prior booking through the operator;
- l) Not park a private hire vehicle attended or unattended on a hackney carriage rank;
- m) Not sound the horn of a private hire vehicle to attract the attention of the hirer;
- n) Not smoke tobacco or e-cigarettes, including vapes and heat-not-burn devices, at any time in the vehicle;
- o) As instructed by the operator, arrive at the appointed time and place agreed with the hirer, unless delayed or prevented by some unforeseeable cause;
- p) Co-operate with authorised officers of the Council and any other licensing authority or police force in all matters relating to the regulation of being a licensed driver.

## **2. Passengers**

The Driver shall:

- a) Not carry a greater number of passengers than the vehicle is licensed for;
- b) Comply with the law on child restraints and seatbelts – see ‘Child restraints and seatbelts leaflet available from the licensing office;
- c) Not carry any other person in the vehicle without the consent of the hirer.

## **3. Lost Property**

At the end of every journey the driver shall carefully search the vehicle for any property which may have been accidentally left in the vehicle.

If the driver finds or is handed by any other person carried in the vehicle, property that is left in the vehicle, he/she shall hand the property over to the Operator.

#### **4. Written Receipts**

The driver, if requested, shall provide a written receipt in respect of the fare paid for any private hire journey.

#### **5. Animals**

The driver shall ensure that any animal belonging to or in the care of the hirer is suitably restrained in the rear of the vehicle so as not to cause a nuisance.

The driver is not allowed to carry his/her own dog in a private hire vehicle whilst it is in use for the purpose of hire and reward.

#### **6. Fares**

The driver shall not demand from the hirer of a private hire vehicle a fare that is more than that previously agreed between the hirer and the operator.

The driver will not make an additional charge for the carriage of a wheelchair or an assistance dog

There should be provision of equipment to take a payment made by credit/debit card, including contactless, a receipt being provided. No additional charge is to be taken when a fare is paid by card

The driver, if requested, shall provide a written receipt in respect of the fare paid for any private hire journey.

#### **7. Change of Address/Operator**

The driver shall notify the Council in writing of a change of address /operator within 7 days of the change-taking place.

#### **8. Convictions , Cautions, Arrest**

You must notify the Council IN WRITING within 7 days of being:

- a) Arrest for any offence (whether charged or not)
- b) Conviction, binding over, caution, warning, reprimand or arrest for any matter whether charged or not for criminal or driving offences
- c) Receipt of a Magistrate Court Summons
- d) Issued with a fixed penalty notice for any matter

- e) Restorative Justice
- f) Harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar such as domestic violence, molestation orders, curfews
- g) Acquitted following a criminal case heard by a court
- h) Interviewed under caution at a police station for any offence you are suspected of committing.

## **9. Disclosure and Barring Service (DBS) Online Update Service**

- a) All drivers are to obtain an Enhanced DBS certificate, those not subscribed to the Disclosure and Barring Service Online Update Service, must register with for the online service within 30 days of obtaining a full Enhanced DBS certificate. The checks are to ensure the integrity of the 'fit and proper person' continues to be upheld by a licensed driver.
- b) Those drivers not subscribed to the update service will be required to pay for a full Enhanced DBS check every 6 months or as the Council may require.
- c) A renewal licence will be issued on the condition that there will be no adverse information revealed on the Disclosure that would render the applicant not 'fit and proper'.
- d) The applicant must provide consent for the Licensing Authority to undertake checks of their DBS status, failure to give consent may result in an application being refused.
- e) If information is revealed on a Disclosure, the licence holder may be required to appear before the General Licensing Sub-Committee
- f) No DBS certificates will be accepted by an employer or another licensing authority
- g) Where an applicant has, from the age of 10 years, spent more than six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be supplied.

## **10. Driving Licence Endorsements**

You must notify the Licensing Office within 7 days of being notified that you have committed an offence. This can be by way of the fixed penalty notice, charge sheet issued by the Police or letter advising you have been caught by a speed camera. You must also complete a Disclosure Form, which you can obtain from the licensing office.

You must attend the licensing office within 3 months of the date of the offence or attendance at court for a DVLA record check using the DVLA's view and share facility.

Drivers who have 9 or more Penalty Points endorsed on a driving licence will automatically be referred to the General Licensing Sub-Committee.

**Notes:** Please be aware that if you are convicted of a motoring offence at Court, this conviction may also be recorded with the Disclosure and Barring Service and be disclosed on a Certificate.

## **11. Return of Badge**

A driver's badge and licence issued by the Council shall remain the property of the Council at all times.

If a driver's licence expires, is revoked or suspended, both the licence and driver's badge, issued by the Council, must be returned within 7 days of being requested to do so.

A driver shall ensure his driver licence does not expire before renewal. A driver's licence cannot be renewed once expired. Provision for a late issue may be considered if no more than 48hrs have passed from the date of expiry. If agreed an Officer Caution will be issued to the driver which will remain on the driver's record, a fee will be charged for additional administration.

## **12. Benefit of Licence**

The driver shall not give or allow anyone else to use the licence issued to him/her by the Council.

## **13. Private Hire Vehicles**

Drivers must make sure that any private hire vehicle they drive has a valid insurance certificate which covers themselves to drive (a copy of which must be deposited with the operator) and a valid certificate of compliance. Drivers, who agree to take responsibility for a private hire vehicle in the absence of the proprietor, must comply with the Council's private hire vehicle conditions.

## **14. Absence**

The Council requires drivers to provide email/written communication to the licensing office prior to a period of absence of 7 days or more. With details of when they are away and when they return, also explaining any special arrangements for vehicles etc.

## **15. Medical Conditions**

You are obliged to immediately report any changes in your medical condition to the licensing office.

The Council may require evidence in the form of a medical certificate or confirmation letter.

If you are unable to satisfy the Council that you meet the required medical standard, your licence may be suspended, not be renewed or revoked.

## **16. Medicals Exemptions**

Drivers of private hire vehicles must accept assistance dogs unless the driver holds a Medical Exemption Certificate excusing them from such duties. The Council will not accept a Medical Exemption Certificate that is more than 3 months old.

A new Medical Exemption Certificate will be required every 6 months if the medical condition continues.

If a driver has a condition that requires a lifetime exemption, the driver will be required to appear before the General Licensing Sub-Committee.

## **17. Wheelchair Passengers**

Prior to carrying any wheelchair bound passenger, the driver must ensure that the wheelchair is secured properly in the vehicle.

If a wheelchair bound passenger cannot be secured by the appropriate equipment the driver must arrange with the operator for suitable vehicle to be provided for safe passage of the hirer.

## **18. Expenses**

Any expenses incurred in satisfying the Council that a person is 'fit and proper' to hold a private hire drivers licence must be paid for by the driver.

## **19. Variation of Conditions**

The Council may vary any or all of these conditions, following consultation with the Trade.

## **20. Appeals**

A Licensee who is aggrieved by any of these Conditions has a right of appeal to a Magistrates' Court.



## Appendix 11

### Private Hire Operators Conditions of Licence

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

These conditions are to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976, Part II & the Council's Enforcement Intervention Scheme.

#### TRADING NAMES AND ADVERTISING

Customers need to know exactly who their booking is with. The name of any private hire operator business must not:

- a) Be the same (or similar) to a private hire business already licensed by the Council, or Include any reference to 'taxi' or words with a similar meaning
- b) Be linked to more than one trading name (except where the Council considers that all trading names clearly relate to the same business, for example: 'ABC Cars' and 'ABC Executive'. If the operator wishes to benefit from the use of more than one trading name, then a separate private hire operator licence application will be required for each name
- c) Any mobile app, websites or advertising used by the private hire operator should clearly give the licensed operator name in any links, and the Council licence details must be clearly shown on the app, website or advert.
- d) If more than one licence is held to accommodate different trading names, the records and contact details for each trading name must be kept



separate, and any receipts or correspondence with the customer must clearly relate to the company the booking was made with

- e) In the case of a 'national' operator, there must be clear separation for this purpose.

## 1. **Records**

Private hire operators licensed by the Council must maintain records of the following information, and provide these records to the Council upon request:

- a) Names of proprietors/drivers of each vehicle
- b) Registration number, make, model, type, colour and engine size
- c) Plate number and expiry date of current vehicle licence
- d) Number of passenger seats
- e) Insurance details
- f) Vehicle call signs
- g) Expiry date of vehicle road tax
- h) Expiry date of vehicle MOT
- i) Names of all drivers
- j) Badge numbers
- k) Call signs
- l) Expiry dates of current driver's licences
- m) Date each driver joined the operator and the date any driver left the operator
- n) All vehicles driver is linked to
- o) Right of each driver to work in the UK
- p) Safeguarding Certificate for each driver and office staff
- q) Proof of a current valid basic DBS for each member of staff
- r) Training Records for each member of staff
- s) Training Records for drivers
- t) Vehicle check sheets
- u) Complaints Procedure – Complaints recorded
- v) Ex-offenders Policy

## **2. Training is to include**

- (A) Data Protection
- (B) Emergency Procedures
- (C) Breakdown Procedures
- (D) Operator's Tariff Pick up and drop off procedures
- (E) Customer Complaints
- (F) Lost Property
- (G) Young and Vulnerable Customers
- (H) Equalities

## **3. Record keeping – Bookings**

Prior to each journey, the private hire operator shall record the following information:

- (A) Name of passenger
  - (B) Contact details of passenger
  - (C) Number of passengers
  - (D) Details of any luggage
  - (E) Whether the passenger has any disability, especially if they have an assistance dog or wheelchair
  - (F) The destination, including any multiple pick-ups, drop offs or requested stops during the journey
  - (G) Date and time at which the booking was made
  - (H) Date and time at which the booking was allocated to the driver
  - (I) Plate number and badge number of the vehicle and driver undertaking the booking
  - (J) If a driver is referred to by a driver call sign, then an up to date record shall be kept identifying the full name of the driver using that call sign
  - (K) Date, time and location of the pick up
  - (L) Price quoted for the booking
  - (M) Date, time and location that the booking was completed
  - (N) Date and time of any subsequent cancellation or amendment
  - (O) The signature (or, in the case of a computer system, the identity) of the person taking and dispatching the bookings.
4. The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of any

records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the Police.

- a. Separate records must be kept at each premises from which the private hire operator conducts business. The records must be kept at all times at the business premises and not be removed.
- b. All records must be in English, permanent, legible and preserved for a period of not less than 24 months following the date of the last entry.
- c. All records kept by the operator shall be kept for a period of 6 months following the date of the last entry.

5. Private hire operators within the Borough of East Staffordshire shall only operate with vehicles and drivers licensed by East Staffordshire Borough Council and shall only operate from premises within the Borough boundary.

## **6 Standards of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all times and for this purpose shall in particular:

- (a) the operator shall make sure that the driver arrives at the appointed time and place agreed with the hirer, unless delayed or prevented by some unforeseeable cause.
- (b) the operator will make sure that any premises, which the operator provides and to which the public have access, whether for the purpose of booking or waiting are kept clean, tidy, adequately heated, ventilated and lit. All staff employed by a private hire operator should be deemed 'fit and proper'.

## **7. SUB-CONTRACTING**

If a private hire operator sub-contracts a booking, whether to another licensed private hire operator or a hackney carriage vehicle, they should inform the customer and fix the price and, if using a hackney carriage, must not charge more than the hackney carriage metered rate if the journey starts and ends in the relevant district.

The private hire operator shall keep a clear record of the sub-contracting and when the customer was informed of it.

The Council would expect that a private hire operator outside of East Staffordshire who receives and undertakes a sub-contracted booking is subject to the same standards as operators licensed by the Council and that the Council licensed operator receiving the original booking will have

## **8. USE OF PUBLIC SERVICE VEHICLES**

The use of public service vehicles (PSV) licensed drivers and vehicles (for example, a minibus) to fulfil bookings accepted under a private hire operator licence is strictly forbidden. This is because members of the public are entitled to expect, when making a booking with a private hire operator, that they will receive a private hire licensed vehicle and driver. Drivers of PSVs are not subject to the same checks as private hire vehicle drivers, as the work normally undertaken, i.e. driving a bus or coach, does not present the same risk to passengers.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## **9. Lost Property**

The operator shall keep a record book of particulars of any property accidentally left in a vehicle. Items found containing personal data should be reported to the issuing authority i.e., DVLA (Driving Licence), Home Office (Passport), Bank Card, (issuing bank), if you are unable to do this, you can then hand into the Police. Where items found, are **NOT** listed below, and the property is identifiable, it is your responsibility to make reasonable efforts to trace the owner.

**There are certain items that you should not retain and claim under any circumstances, these include: drugs; firearms, weapons, ammunition; non UK passports; high value items; laptops and cameras; mobile phones; unidentifiable substances; or other items that may pose a danger or harm to others – please refer to guidance from Staffordshire Police.**

## **10. Benefit of Licence**

The operator shall not give or allow anyone else to use the licence issued to him/her by the Council.

## **11 Change of Circumstances**

The operator shall notify the Council of any change of circumstances relating to the business including changes of vehicles and drivers operated by him/her.

## **12 Change of Address**

The operator shall notify the Council in writing of any change to the details shown on the licence, within 7 days of the change-taking place.

## **13 Disclosure and Barring Service (DBS)**

A renewal licence will be issued on the condition that there will be no adverse information revealed on the Disclosure that would render the applicant not 'fit and proper'.

#### **14. LICENSING COMPLIANCE PROCEDURES**

The private hire operator shall have procedures in place to ensure all drivers and vehicles have the required licences and are complying with the relevant conditions of those licences. This should include a record of the initial verification and of the regular checks done by the operator showing compliance with each licence.

The private hire operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without:

- (A) A valid licence,
- (B) MOT, road tax,
- (C) Certificate of Compliance
- (D) Insurance

#### **15. TERMINATING THE USE OF A DRIVER**

If a private hire operator terminates the use of a driver then this information, including full reasons, must be provided to the Council in writing within 48 hours.

#### **16. DATA PROTECTION**

Private hire operators have a duty under data protection legislation to protect the information they obtain, hold and process and must have written procedures in place to cover this. The Information Commissioner's Office provides comprehensive guidance on registering as a data controller and how to meet legal obligations.

#### **17. DRIVER RISK ASSESSMENT**

Private hire operators have a duty to ensure the safety of their customers by ensuring that licensed drivers under their control do not pose risk to the public. Whilst the Council will only grant a driver's licence to a fit and proper person, the Council has limited control over a driver's working hours, or other employment held. Therefore:

- (A) Private hire operators should complete a risk assessment, commensurate to the size of their operation, identifying drivers who may be 'at risk' from working long hours (for example being logged on for long periods of time) or from other activities (for example holding a 'day job' and working nights as a licensed driver).
- (B) Private hire operators must provide the results of any risk assessment, together with actions taken to reduce risk, to the Council upon request.

#### **18. DRIVER WELFARE POLICIES**

Regardless of any terms of contract or employment between them, private hire operators have a duty towards the welfare of their drivers. Drivers must

be awake, alert, efficient, well and not in a rush. As such operators have an obligation through their business practices to ensure public safety through drivers not having to work long hours, or evade their own obligations (for example including but not limited to driving dangerously, picking up/dropping off inappropriately or attempting to negotiate a different fare with passengers), which carries public safety risks to both themselves and the public. Operators must provide a policy covering driver welfare, driver remuneration, driver working conditions, driver working hours, and drivers being adequately incentivised to provide a service, when needed, throughout the day.

## **19. REPORTING OF KEY EVENTS WHICH MAY AFFECT THE SAFETY OF THE PUBLIC**

Key events which may affect public safety must be reported to the Council within 48 hours. Such events may include, but are not limited to, system changes, system faults (such as the ability to drive without a licence, insurance, mot, tax), serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal investigations and the suspension/revocation of any private hire operator's licence held with another licensing authority).

## **20. OPERATOR'S RESPONSIBILITY IN RELATION TO VEHICLES / DRIVERS THAT ARE OPERATED**

The private hire operator is responsible for all persons and vehicles that are contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only licensed drivers and vehicles are used (and continue to be used) in the course of their business and that driver and vehicle licence conditions are being adhered to.

The failure of a private hire operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions or operator processes may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:

- a) Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator, including conduct around waiting areas and pick up and drop off locations
- b) Vehicles being operated that are in an unsuitable condition
- c) Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding)

If information is revealed on a Disclosure, the licence holder may be required to appear before the General Licensing Sub-Committee. Applicants and licence holders are requested to subscribe to the Disclosure and Barring Service Online Update Service. The Update Service can be used if an application is made for a renewal and there has been no changes. If no changes are recorded on the DBS update service check then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence will be renewed/issued. The applicant must provide consent for the Licensing Authority to undertake checks of their DBS status, failure to give consent may result in an application being refused. The Licensing Department will then carry out an online DBS Status Check on a Yearly basis (or as and when required) to be satisfied that the applicant/licence holder is fit and proper to hold a licence.

Where an applicant has, from the age of 10 years, spent more than six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be supplied.

## **21. Convictions**

You must notify the Council IN WRITING within 7 days of being:

- bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence; and/or
- interviewed under caution at a Police Station for any offence which you are suspected of having committed.

**Note:** Please be aware that if you are convicted of a motoring offence at Court, this conviction may also be recorded with the Disclosure and Barring Service and be disclosed on a Certificate.

## **22. Production and Display of Licence**

The operator holder shall at all time keep on public display at the premises from which he/she operates, a copy of the Licence.

If the public do not have access to the premises, the operator shall produce the licence issued to him/her by the Council, upon request by an authorised officer.

### **23. Absence**

If the operator intends to be absent or will be unavailable for 7 days or more he/she must provide email/written communication to the licensing office providing details of when they go away and when they return and who is the responsible person in their absence. Exceptions to this rule will only be considered in exceptional circumstances.



## **24. Fares**

The operator shall not allow any driver to demand from the hirer of a private hire vehicle, a fare that is more than that previously agreed with the hirer.

## **25. Insurance Requirements**

The operator shall at all times have valid Employers' Liability (Compulsory Insurance) Act 1969 in place and Public Liability Insurance. A copy of both of these certificates shall be displayed on the premises where the public can view them.

## **26. Vehicles**

Operators must make sure that all hackney carriages and private hire vehicles operated by you are fully insured for use as a hackney carriage or a private hire vehicle at all times and has a valid Certificate of Compliance and a valid licence in force.

## **27. Other Requirements**

An operator cannot operate from any premises other from that stipulated on the licence.

Unless the appropriate planning permission for the premises has been granted, the Council will not amend a licence in order for the operation to commence at those premises.

## **28. Variation of Conditions**

The Council may vary any or all of the conditions at any time after consultation with the trade.

## **29. Appeals**

A licensee who is aggrieved by any of these conditions has a right of appeal to the Magistrates Court.