

# Hackney Carriage and Private Hire Licensing Policy



**2023-2028**

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## **PART 1 – INTRODUCTION**

The Borough Council of Tamworth (“the Council”) is the licensing authority for the private hire and hackney carriage regime in the Borough of Tamworth.

In carrying out its Taxi and Private Hire licensing function the Council seeks to promote the following objectives:

- Protection of the Public
- Safety and health of drivers and the public;
- High standards of vehicle safety, comfort and access;
- Prevention of crime and disorder and the protection of the consumers;
- Ensure that the decision making processes are transparent, and the resulting decisions are fair, proportionate and consistent;
- Equality and accessibility in service provision.

The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

In addition, this Policy attempts to encompass the Councils vision:-

**‘Tamworth – celebrating our heritage, creating a better future’**

The Policy seeks to ensure that transport for those with a disability will be provided.

The Policy adheres to statutory guidance issued in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 to protect children and vulnerable adults from harm when using taxi and private hire services.

The main types of licence are:

- Dual Hackney Carriage and Private Hire Drivers’ Licence - All drivers of Hackney Carriages and Private Hire Vehicles (‘Drivers’) must hold a Dual Hackney Carriage and Private Hire Drivers’ Licence issued by the Borough Council of Tamworth;
- Private Hire Vehicle Licence - Private Hire Vehicles must be licensed by the Council, as must the Driver and the Private Hire Operator who is responsible for taking the bookings. All three licences must be issued by the same Council.
- Private Hire Operator Licence - Private Hire Operators must be licensed by the Council, as must the Drivers and Vehicles they operate.
- Hackney Carriage Vehicle Licence - Hackney Carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

The rules on Taxis and Private Hire Vehicles can be complex. This document is intended to make it clear how the Council operates its licensing service.

Please note that the following vehicles are not required to be licensed:

- vehicles owned by funeral directors wholly or mainly for the purpose of funerals

- ambulances and voluntary vehicles
- vehicles used solely for the purpose of weddings.

## Scope

The Hackney Carriage and Private Hire Licensing Policy is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators. This policy supersedes all previous Council policies relating to Hackney Carriages, Private Hire Vehicles, Operators and Drivers.

## Purpose

The fundamental purpose of licencing is to protect the safety and welfare of the public who live, work and visit Tamworth. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Tamworth local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under this Policy.

Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.

The main concerns for the Council are to ensure:

- the safeguarding of children, young persons and adults at risk of abuse and neglect;
- that in order to promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to Tamworth BC's Safeguarding Policy, and Appendix A for further information);
- that any person who applies to be a hackney carriage or private hire vehicle, driver or operator is a fit and proper person and does not pose a threat (in any form) to the public.

The Council also use the phrase 'safe and suitable' in place of 'fit and proper' as an aid to interpret what is meant by it. The tests that the Council will use to determine whether an individual is considered fit and proper/safe and suitable to hold a licence are below:

- For drivers: "Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone at any time of day or night?"
- For private hire operators: "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"
- For vehicle proprietors: "Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without

arousing suspicion and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”.

- that the public are safeguarded from dishonest persons; that vehicles used to convey
- passengers are safe and fit for the purpose for which they are licensed; and
- that the impact on the environment is reduced in line with European and national guidelines.

The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences; persons who hold existing licences, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers and members of the public protection committee;
- service users who have concerns relating to an operator, vehicle or driver; licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- Magistrates' and judges hearing appeals against Council decisions.

The Policy is also designed to put the Council's licensing requirements into context.

### **Consultation and Communication**

In determining this Policy, the views of relevant stakeholders have been taken into consideration.

In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communication and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Policy, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

The views of relevant stakeholders will be considered in any major changes to this Policy.

### **Review**

The policy will be formally reviewed after 5 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.

Minor changes would be made without consultation where:

- they are to correct an administrative error
- they are a change needed because something is no longer possible or legal
- there is no foreseeable detrimental effect to licensee's interests.

## Legislative framework

The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Secretary of State for Transport Statutory Taxi and Private Hire Vehicle Standards July 2020, and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.

The primary legislation relating to hackney carriage and private hire licensing, at the time this policy comes into force, is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and may be subject to change with any new and/or amended legislation. This policy reflects the changes to hackney carriage and private hire licensing introduced by the Deregulation Act 2015 and Immigration Act 2016, and the provisions contained within the Equality Act 2010. It also encompasses provisions from other pieces of legislation such as (but not exclusively) the:

- Road Safety Act 2006
- Road Traffic Acts (Various)
- Criminal Justice & Public Order Act 1994
- Transport Act 1985

In addition, the service is provided in accordance with all relevant Council policies, but in particular the following which mirror the framework of policies which under section 177(4) of the Policing and Crime Act 2017 the authority must have regard to when exercising its licensing functions:

- Diversity & Equality Scheme
- Information Security policy
- Corporate Enforcement policy

The General Data Protection Regulations ("GDPR") and the Data Protection Act 2018 ("DPA18") covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The principles state that the information shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or
- unauthorised processing, access, loss, destruction or damage

Further information about GDPR and DPA18 can be obtained at the Information Commissioner's website ([www.ico.gov.uk](http://www.ico.gov.uk)). Enquiries regarding the Council's use of personal data should be addressed to the Councils Data Protection Officer at [data-protection@tamworth.gov.uk](mailto:data-protection@tamworth.gov.uk)

The Policy and associated conditions do not address health and safety at work requirements.

Drivers and operators are required to ensure compliance with all relevant health and safety at work provisions. This is likely to impact on the health and safety requirements associated with transporting passengers with disabilities, e.g. those who need to carry oxygen for medical purposes or those with assistance dogs. This may have implications on the extent of the discretion that drivers have to refuse to carry passengers with certain disabilities.

### **Conditions**

The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the guidance, i.e. to protect the safety and welfare of the public and in particular children and vulnerable adults.

Any licensed driver, vehicle proprietor or operator may request a review of any condition or any element of this Policy at any time. Requests will be dealt with on their individual merits.

Initiatives that lead to the improvement of any element of the service in particular enhancing the safety of the public are actively sought.

### **Our approach**

The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible

### **Public Register**

The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Councils Licensing team and where possible will be published on the Councils website



## **PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION**

### **Introduction**

The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

This part of the policy focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers of the Council.

The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the duty that the Council has to protect the safety and welfare of the public.

All licence applications will be considered and determined on their own individual merits, but with regard to the statutory guidance regarding the protection of children and vulnerable adults who use taxi and private hire services.

### **Licensing principles**

The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the over-riding duty that the Council has to protect the safety and welfare of the public.

All licence applications will be considered and determined on their own individual merits.

### **Licensing process and delegation of functions**

The Council has delegated its licensing function to the Licensing Committee, who have further delegated officers of the Council to determine all applications and take action in accordance with this Policy.

Whilst officers and the relevant committees will, in the majority of cases, follow the Policy. Where the policy is silent, the reasons for departing from the guidance will be made clear.

### **Committees**

#### **Licensing Committee**

This Committee is made up of 13 members of the Council. It deals with conditions of licence, the setting of fees and charges and hackney carriage fares.

## **Decisions**

The Council has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings.

Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning will be made in accordance with the Council's scheme of delegation and other relevant procedures.

Where applications are to be determined, the officer, and/or Licensing committee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding and officers from Staffordshire Police together with the recommendation made by the licensing officer presenting the report. Applicants will be given the opportunity to submit written and/or verbal representations as appropriate.

Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

### **Application/Renewal Decision**

Where the Council is minded to not approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

Where an application is incomplete or does not meet the application criteria the Council will reject the application. This will be confirmed in writing.

### **Decision to suspend/revoke a licence**

Suspension, Immediate Suspension, Revocation and Immediate Revocation of a dual drivers licence can be carried out by the Licensing Committee, or a duly authorised officer of the Council.

Where the Council is minded to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

Suspension or Revocation of a vehicle licence can be carried out by the Licensing Committee or a duly authorised officer of the Council.

## **Appeals**

If the applicant/licence holder is aggrieved by the decision of the Council they may appeal to the relevant court (in most cases the Magistrates Court). The appeal needs to be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstance

## **Working in partnership**

The Council aims to work in partnership with other relevant agencies/bodies when dealing with hackney carriage and private hire licensing issues. Such partnerships will include, but are not restricted to, relevant hackney carriage and private hire trade associations, neighbouring local authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams, Safeguarding Partnerships and consumer groups.

The Borough Council of Tamworth regularly meets and shares information with other enforcement authorities including Staffordshire Police and Staffordshire Trading Standards through the Tamworth Responsible Bodies Group (RBG) and Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG).

The Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced in order to ensure protection of the public

Where licensing staff do not consider that this policy is being correctly applied they are able to raise this for investigation, and remedial action if required, through the Council's internal whistleblowing procedure.

## **PART 3 – LICENSABLE ACTIVITIES**

### **Introduction**

This part of the Guidance focusses on the licensable activities and the necessary steps required to obtain and to hold such a licence. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.

The following are applicable to all licence types:

- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence, the licence is likely to be suspended or revoked. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required by the application for a licence;
- All licence fees are payable at the time of application in full. Where a licence is not granted, i.e. the applicant withdraws their application a portion of the fees may be returned to the applicant. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
- In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the licence will be null and void with immediate effect;
- The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.
- Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
- When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application, unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

### **Appointments**

The Council operates an appointment system. Applicants will not be seen and applications will not be accepted without an appointment without prior agreement by a Council Officer. To assist drivers, vehicle owners and operators to make appointments in a timely manner, the Council will endeavour to notify all operators and proprietors of vehicles that their licence is due to expire at least three months before the actual expiry date of their licence. This is to

allow sufficient time for DBS checks to be undertaken and returned, and any necessary training or other requirements to be completed.

IMPORTANT: However, it is the licence holder's responsibility and the onus is on them to ensure that a renewal application is made in good time. Under no circumstances will a licence be issued without satisfactory completion of all required checks.

### **Disclosure & Barring Service (DBS) data and other relevant information**

The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and will retain a copy of the certificate in line with the Council's data retention policy and data protection legislation.

DBS certificates must be in the correct workforce (i.e. 'Other Workforce') and for the correct job role (i.e. Taxi Driver or Taxi Licensing). Further information about the DBS can be found at:

<https://www.gov.uk/government/organisations/disclosure-and-barringservice/about>

The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation provided:-

- It is for 'other workforce';
- It includes both of the Barring checks
- It is for the same job role (Taxi Driver or Taxi Licensing)
- It is presented to the Council for verification within 3 months of issue date of the certificate
- the applicant has subscribed to the DBS Update Service; and
- the applicant has authorised the Council to access the relevant online record

Further information can be found at:

<https://www.gov.uk/dbs-update-service>

The Council will make regular use of the DBS update service provided by the DBS and, where this shows changes to a licence holders record, a new DBS disclosure will be required. The licence holder is required to pay the appropriate fee before the new DBS disclosure application is submitted.

Where an applicant has spent an extended period of time overseas and hence their DBS record is incomplete the authority will require an applicant for a licence to provide data on their criminal record or a Certificate of Good Character issued by the relevant Embassy or High Commission.

The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Further information on this can be found at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Drivers who undertake work for County Council transport contracts, e.g. school contracts, are advised to contact the Transport and Connected County Unit at Staffordshire County Council in order to ascertain the level of criminal record disclosure required and any other

requirements in this respect. Information will be shared between Staffordshire County Council and the Borough Council about individuals and businesses that apply and/or tender to deliver passenger transport contracts.

<https://www.staffordshire.gov.uk/Education/School-transport-provider-information/Home.aspx>

The Transport and Connected County Unit can be contacted by email at:

[transportcontracts@staffordshire.gov.uk](mailto:transportcontracts@staffordshire.gov.uk)

In addition to information via the DBS service the authority maintains close links with the local police licensing unit ensuring that information held by either party, relevant to taxi and private hire driver licensing, is efficiently and effectively shared under existing protocols. Where the local authority obtains or holds relevant information not known to the DBS service or the local police they will refer this to either or both organisations in order that the information they hold is up to date and complete. This will include information regarding licences which the authority has refused, revoked or suspended them, on the basis that they believe the individual presents a risk of harm to a child or vulnerable adult.

The authority will also share information with other local licensing authorities regarding licences they refuse, suspend or revoke and with the national register maintained by the National Anti-Fraud Network known as the 'NR3' register.

### **Counter-Terrorism and Security Act 2015**

The Council has a duty under the Counter-Terrorism and Security Act 2015 ("CTSA") to have due regard to the requirement to prevent people from being drawn into terrorism. The applicant/licence holder shall facilitate the Council's compliance with its duty pursuant to the CTSA and the applicant/licence holder shall have regard to the statutory guidance issued under section 29 of the CTSA and in particular to ensure that they:

- understand what radicalisation means and why people may be vulnerable to being drawn into terrorism;
- are aware of extremism and the relationship between extremism and terrorism;
- know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extreme ideology that can be associated with it; and
- obtain support for people who obtain support for people who may be exploited by radicalising influences.

Where the applicant/licence holder identifies or suspects that someone may be engaged in terrorist related activity, the applicant/licence holder must refer such person or activity to the police. For more information please see:

<https://www.gov.uk/government/publications/counter-terrorism-support-for-businesses-andcommunities>

<https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses>

## **Immigration Act 2016**

As of 1st December 2016 the Council are obliged to ensure that all drivers and operators have the right to work within the UK prior to issuing them a licence. All applicants will be treated in line with the government guidance that can be found here:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

As part of the new/renewal application process the individual will have to provide the Council with ones of the documents listed in Annex A of the Government Guidance.

Where an applicant cannot provide a current proof of their right to work in the UK then a licence will not be issued to them. Where an applicant has a time limited right to work in the UK then the Council will only issue a licence up until the expiry date of that document.

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### **3a. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS**

#### **Summary**

Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.

Any person who drives a private hire vehicle licence must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Council issues a dual Hackney Carriage and Private Hire licence entitling the driver to drive both vehicles.

#### **Fit and proper person**

The Licensing Authority has a duty to ensure that any person who is granted a drivers licence is 'fit and proper' to hold a drivers licence. Once granted, they must remain a 'fit and proper' person for the duration of that licence.

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person. If, on the balance of probabilities, the answer is 'no' the individual should not hold a licence. An applicant or licence holder should not be 'given the benefit of doubt'.

The fitness and propriety of a driver will be monitored / assessed, throughout the period that the licence is held, by the Licensing Authority with assistance from Partner Agencies.

All applicants/Licensees are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous cautions, convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The application and compliance procedures are designed to ensure high standards are maintained, monitored and non-compliance is appropriately enforced.

Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount.

The Council will use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked a taxi or PHV driver licence. It will record any cases within Tamworth Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal, suspension or revocation and



provide those to other authorities as appropriate.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality including cautions
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- 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).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

The Council may at any time request a DVLA check code from an applicant or licensed driver, in order to access DVLA records. The DVLA check code must be provided within 7 days of such a request.

### **Disclosure & Barring Service Check**

As referred to above, hackney carriage and private hire vehicle drivers are required to undertake an enhanced criminal record disclosure (DBS check) and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act (Exceptions) Order 2003.

The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 inapplicable and therefore convictions are deemed never to be spent. As a result, all convictions, including cautions, will be taken into account when considering a person's suitability to hold a driver's licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements and disqualification periods relating to 'major' traffic offences.

Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence.

A criminal record does not automatically bar an applicant from holding a drivers licence; however, it will be a significant factor when determining whether a licence ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix H**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.

Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has

not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Character from the Consulate of the applicant's country of origin. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at [fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

### **Period of licence**

Licences will be issued at a standard length of 3 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.

### **Application process**

The application form(s) must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application form is incomplete or relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information / documentation and will be informed that the application will not be accepted until such time as all required information/documentation is provided.

The full fee for the licence is payable at the time the application is submitted.

In addition to submitting the application form and fee an applicant must:

- Be over 21 years of age
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 1 years.
- Provide an enhanced DBS certificate including checks against the barring lists, issued:
  - within the previous 3 months or
  - be Registered with the DBS update service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Provide one (1) passport sized photograph
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- Pass the Council's knowledge test;
- Pass CSE & Disability Equality Training approved by the Council
- Undergo Group 2 medical examination and provide the medical certificate issued by the Medical Practitioner;
- Pass the practical driving standards assessment test
- Provide a DVLA online check code

- Provide a Tax check code

## **Arranging DBS**

Appointments are made by the applicant booking an appointment with the Council's Customer Services department with the applicant to complete a DBS application form.

Applicants must subscribe to the DBS Update Service, proof of subscription reference number and the last DBS certificate number must be provided. DBS certificate checks will be made every 6 months. Failure to subscribe to the update service will result in unnecessary additional fees.

## **Knowledge test**

New applicants for a licence to drive a hackney carriage or private hire vehicle will be required to take and pass the Council's knowledge test. This test is aimed at assessing the driver's knowledge of the conditions licensed drivers must adhere to, streets, locations, attractions, entertainment venues and general geography of the Council's administrative area in order to satisfy the Council that they will be able to convey passengers who may be unfamiliar with the locality. This test will be conducted in English. Details of what is required in the knowledge test are provided within the application pack.

Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.

The charge for the initial knowledge test is included in the licence fee. Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. Where an applicant fails the knowledge test three times, the application will be refused. The applicant will not be permitted to re-apply for a drivers licence until the expiry of a 12 month period from the date of the last failed knowledge test.

The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of the Council.

Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

## **Medical requirements**

The Council is permitted to satisfy itself that an applicant for a licence is physically fit and remains so during the currency of any licence. Consequently, all applicants for a hackney carriage or private hire vehicle driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council requires to ensure their fitness to drive. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive' (May 2014). The standard required is the 'Group 2 Entitlement'. No grandfather rights are given by the Council in relation to medical matters.

Applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued. Every 5 years up to the age of 45, or sooner if stipulated by the examining doctor.

Applicants aged 45 to 65 will be required to undertake a medical examination every 3 years, or sooner if stipulated by the examining doctor. Applicants must provide satisfactory medical certificate.

Applicants over the age of 65 must undertake a medical examination and provide a satisfactory medical certificate annually, or sooner if stipulated by the examining doctor.

Age up to 45	Every 5 Years
Age 45 to 65	Every 3 Years
Age over 65	Every Year

In particular, applicants must consider the medical conditions listed in **Appendix I** as the Council may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions. Where relevant, the applicant must comply with the additional requirements detailed in **Appendix I**.

If once licensed, the driver's medical circumstances change during the currency of the licence, the driver must inform the Council within 10 working days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver. The cost of this additional test will be met by the driver.

Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested.

All medical examinations must be carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council. The Council reserves the right to refer any medical matters to its own appointed Medical Officer whose decision on the fitness (or otherwise) of a driver to continue as a licensed driver will be final.

The Council will not grant or renew, as the case may be, any driver's licence unless the foregoing provisions are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.

With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence. The cost of any further medical examinations are to be met by the licence holder.

Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must submit to a rigorous medical examination carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council and provide sufficient proof that they have a history of a specific health problem(s) that means they qualify for such a

medical exemption. However, the Council reserves the right to refuse to grant a licence if deemed appropriate to do so.

### **DVLA and other relevant driving licences**

A person applying for a drivers licence must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences.

Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.

Applicants are required to produce the original of their driving licence. Copies will not be accepted.

All applicants holding driving licences issued by agencies other than the DVLA must produce a certificate to show a driving record from the country of issue.

The Council will not provide photocopies of any driver's driving licence from Council records.

The Council will use the online Government Driving Licence Checker to check driving licences. [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence).

All applicants for and holders of a Hackney Carriage & Private Hire Combined Drivers Licence will be required to have an annual check of their DVLA driver licence record.

### **Practical Driving Standards Assessment Test.**

The Council approved provider has been employed to carry out the practical driving Assessment Test. Applicants are required to pass an assessment before a licence is issued. Acceptable Photographic identification is required before the test can be commenced.

Applicants who fail the Practical Driving Assessment Test will be allowed to re-do the assessment. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

No refund will be provided for any cancellations with less than 24 hours' notice in writing.

If applicants fail three successive Practical Driving Assessments they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

A third failure may lead to the application being refused on the grounds that the applicant does not have the required skills to deal with the public in the role of a Combined Hackney Carriage and Private Hire driver. At this point of the application only the grant fee will be refunded.

### **English speaking**

The applicant is expected to complete the knowledge test without any translation being offered. And must be able to show they are capable of completing a receipt.

### **Renewal applications**

On renewal of an existing licence, applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or be Registered with the DBS update service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- Pass CSE & Disability Equality Training approved by the Council
- Undergo Group 2 medical examination and provide the medical certificate issued by the Medical Practitioner if required
- Provide a DVLA online check code
- Provide a Tax check code

Providing the above are satisfied, the Council will renew the licence subject to the receipt of a satisfactory enhanced DBS report and satisfactory reports through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

To allow continuous driving, a licence application must be received by the Council by 1 month before the expiry date to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new drivers licence application which will be processed in accordance with the Council's new application procedures. If a new application is received within 12 months of the expiry date, not all elements of a new application will be required.

### **Licence conditions**

The applicable conditions with which a driver holding a hackney carriage and private hire drivers licence must comply are set out at **Appendix B**. These conditions are in addition to any matters set out within the main body of the Policy

### **Main legal requirements**

#### Production of documents

The driver must, on request, produce for inspection their driver's, licence or forthwith within 5 days to the Council's offices, or other suitable location as directed by the Licensing Team.

#### Driver's badges and licences

There are two badges issued. One must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible. The second badge must be displayed in a prominent position within the vehicle to be seen by members of the public

All drivers of vehicles licensed for hackney purposes of which they are not the operator,

must before commencing driving that vehicle, deposit a copy of their drivers licence with the operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badge & licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective

#### Journeys

Drivers must not unnecessarily prolong a journey, in distance or in time. Vehicles permitted to be driven for private hire and hackney carriage purposes. Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes

#### Driving licensed vehicles

Once a vehicle is licensed it is classed as licenced at all times. Only drivers who are licensed by Tamworth Council are permitted to drive vehicles that are licensed by this authority. The only exceptions to this are when the vehicle is undergoing a fitness test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation

#### Touting

A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose.

#### Plying for hire

Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix G** and is based on relevant legislation and case law.

#### Transporting children

As a minimum, drivers must comply with the requirements set out in the table below. For clarity children should not travel in a push chair

Category	Front seat	Rear seat	Who is responsible?
<b>Child under 3</b>	The right child restraint must be used	The right child restraint must be used. If one is not available in a taxi, may travel unrestrained.	Driver
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height (or 12<sup>th</sup> birthday, whichever they reach first)</b>	The right child restrains must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint is not available: in a taxi; for a short distance in an unexpected necessity; if two occupied child restraints prevent fitting of a third.	Driver

<b>Category</b>	<b>Front seat</b>	<b>Rear seat</b>	<b>Who is responsible?</b>
<b>Child 12, 13, or over 135 cm in height</b>	Seat belt (or child restraint) must be worn if fitted	Seat belt (or child restraint) must be worn if fitted.	Driver
<b>All Passengers 14 years and over</b>	Seat belt must be worn if fitted	Seat belt must be worn if fitted.	Passenger

#### Smoking in vehicles

Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes e-cigarettes and vaping and any similar paraphernalia. No smoking signs shall be displayed clearly visible to passengers.

#### Refusing to convey passengers

A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger with or without a reasonable excuse.

#### Overcharging

Drivers of hackney carriages must not charge more than is permitted under the current table of fares

#### Persons riding without consent

Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.

#### Unauthorised drivers

Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.

#### Unattended vehicles

Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, or in contravention to parking regulations.

#### Obstruction

Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.



### **3b. HACKNEY CARRIAGES**

#### **Summary**

Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street when within the administrative area of the council with which it is licensed. Hackney carriages may also undertake pre-booked journeys anywhere in the country.

All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.

Section 167 of the Equality Act 2010 requires Local Authorities to maintain and publish a list of all designated Wheelchair Accessible taxis and Private Hire Vehicles. The duties on drivers apply to drivers of vehicles in this list include:

- (a) to carry the passenger;
- (b) To carry their wheelchair/mobility aids
- (c) not to make, or propose to make, any charge for carrying out these duties;
- (d) to take reasonable steps to carry the passenger in safety and reasonable comfort;
- (e) to provide reasonable mobility assistance

The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.

The Council does not limit the number of hackney carriage vehicle licences that it will issue.

#### **Relevant licensable area**

The Council will not operate separate zones for licensing of hackney carriages and the relevant licensable area will be the whole administrative area of the Council.

#### **Intended use of vehicles**

A person applying for a licence for a hackney carriage vehicle should do so with the intention of using the vehicle in the administrative area of Tamworth Borough Council. Where the intention is to use a hackney carriage licensed vehicle in another council's area for private hire, then the applicant should apply to that council for an appropriate licence.

In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a person applying for a hackney carriage licence will be required to indicate whether the vehicle will be used primarily within the administrative area of Tamworth Borough Council or outside the area. Details will be required as to the proportion of business that will be carried out both within and out of Tamworth Borough Council's administrative area. In addition, details of the location of business carried on outside the Council's area will be required. Applications received where the primary use of the vehicle is or is likely to be outside the Council's area will be refused.

#### **Period of licence**

Vehicle licences will be issued for 12 months.

## Vehicle Specifications

Upon first application all vehicles must be a purpose built hackney carriage or wheelchair accessible, or converted to conform with European type approval, and be less than 12 years old. Vehicles up to 4 years old will require an annual fitness test and twice per year for vehicles over 4 years old.

The following upper age limits apply:

- No vehicle licence will be renewed on any vehicle that is of 12 years of age.
- There will be no upper age limit on Electric /hybrid vehicles.

Licence applications for vehicles in “exceptional condition” which are outside of the Council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the require standard. This vehicle check must be completed at least a month before the licence plate expires. The compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration.

Vehicles must

- a) seat not less than four (4) or more than eight (8) passengers (not including the driver) and;
- b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless licensed at the implementation of this policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;
- c) Be fitted with a taximeter, calibrated to the Borough Council’s approved tariff
- d) Be fitted with an illuminated roof sign
- e) Provide sufficient means by which any person in the carriage may communicate with the driver;
- f) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- g) Have a watertight roof or covering;
- h) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- i) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted;
- j) Have seats that are properly cushioned and covered;
- k) Have a floor provided with a proper carpet, mat, or other suitable covering;
- l) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;

m) Provide means for securing luggage if the carriage is so constructed as to carry luggage:

n) Be fitted with an anti-lock braking system

o) Where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), 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);
- be designed for use by an adult;
- have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).

p) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:

q) Be maintained in a sound mechanical and structural condition at all times;

r) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;

s) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.

t) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes

u) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

v) Electric vehicles that are fitted with a range extension device are permitted, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

w) Vehicles must be able to accommodate at least one wheelchair using passenger.

Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

Wheelchairs can be loaded from either the side or the rear of the vehicle

A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.

A suitable restraint must be available to the occupant of the wheelchair.

A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.

Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.

Vehicles presented to be licensed as a Hackney Carriage for the first time must be wheelchair accessible. They may be purpose built 'London-type' taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).

### **Application and Supporting Documentation**

The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided.

Any person wishing to licence a hackney carriage vehicle must submit:

- a) A completed application form;
- b) A Basic, Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process);
- c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
- d) The appropriate licence fee (in full at the time of application);
- e) A current vehicle fitness/garage test pass certificate (from the Council's Garage);
- f) A valid certificate of insurance for public hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- g) The V5 registration certificate
- h) A valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements
- i) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks every 6 months in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of nonmechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

**Once all of the information has been provided it may take up to 10 working days to issue the licence.**

### **Taximeters**

Taximeters must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled;
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

### **Fitness test requirements**

The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council's nominated Garage.

The frequency of testing is once per year for vehicles up to 4 years old and twice per year for vehicles over 4 years old. Vehicles can be presented for test up to 8 weeks prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period.

All costs of the test are to be made by the vehicle proprietor. It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires.

Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted. Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

- If a vehicle fails its fitness test the licence will be suspended. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

### **V5 registration certificate**

The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

### **Renewal of a licence**

To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist. In such circumstances the vehicle must not be used after the expiry date until the renewal plate has been issued.

Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

### **Vehicle not fit for the conveyance of passengers**

Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the

licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours.

The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The Council will require the proprietor to arrange for a further fitness test to be undertaken and certificate produced before the vehicle will be permitted to operate.

## **Advertising**

Proprietors may advertise on hackney carriages in accordance with the conditions set out at **Appendix J**. This is subject to prior approval from the Council.

## **Closed circuit television (CCTV)**

Proprietors of hackney carriage vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. For further information:

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-docouncils-stand>

## **Trailers**

Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix K** are complied with.

## **Ranks**

The Highways section of Staffordshire County Council will work with the hackney carriage trade, Licensing and Staffordshire Police to determine where ranks/stands ought to be situated.

Where a driver is plying for hire and is illegally parked or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location, the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

## **LPG converted vehicles**

The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is

not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

### **Electric and Zero Emission Capable Vehicles**

The Council encourages and promotes the purchase of fully electric and zero emission capable vehicles to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of 'plug-in' points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

### **Hackney carriage fares**

The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be notified to all hackney carriage licence holders, considered by Licensing Committee and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.

### **Licence conditions**

The applicable conditions relevant to a hackney carriage licence are set out at **Appendix C**. These conditions are in addition to any matters set out within the main body of the Policy.

### **Main legal requirements**

#### **Change of proprietor.**

The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 7 days specifying the name and address of the person to whom the vehicle has been transferred.

#### **Change of address**

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

#### **Retention of drivers licences**

Where a Hackney Carriage is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employment. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint



determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation).

#### Inspection

The proprietor must present their hackney carriage for inspection/testing by the Council as required per year. The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

#### Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours. Failure to do so may result in penalty points being awarded.

#### Production of documents

The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

#### Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

#### Transporting children

As a minimum, vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

Category	Front seat	Rear seat	Who is responsible?
<b>Child under 3</b>	The right child restraint must be used	The right child restraint must be used If one is not available in a taxi, may travel unrestrained.	Driver
<b>Child from 3<sup>rd</sup> birthday up to 13 cm in height (or 12<sup>th</sup> birthday, whichever they reach first)</b>	The right child restraint must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint is not available: in a taxi; for a short distance in an unexpected necessity; if two occupied child restraints prevent fitting a third.	Driver
<b>Child 12 or 13, or over 135 cm in height</b>	Seat belt (or child restraint) must be worn if fitted.	Seat belt (or child restraint) must be worn if fitted.	Driver
<b>All Passengers 14 and over</b>	Seat belt must be worn if fitted.	Seat belt must be worn if fitted.	Passenger

## Ranks

Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council may appoint ranks/stands for hackney carriages. It is not a mandatory statutory requirement for the Council to do so. Before providing ranks/stands the Council will liaise with the police and the highways department of Staffordshire County Council.

## Fares

Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows. Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.

## Parking/waiting

Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them. The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986

### **3c. PRIVATE HIRE VEHICLES**

#### **Summary**

Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.

When considering whether a vehicle is a private hire vehicle by the nature of the work it does, Tamworth Borough Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport (August 2011)

The Council does not limit the number of private hire vehicle licences that it will issue.

The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

All private hire vehicles shall be capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.

Section 167 of the Equality Act 2010 requires Local Authorities to maintain and publish a list of all designated Wheelchair Accessible taxis and Private Hire Vehicles. The duties on drivers apply to drivers of vehicles in this list include:

- (a) to carry the passenger;
- (b) To carry their wheelchair/mobility aids
- (c) not to make, or propose to make, any charge for carrying out these duties;
- (d) to take reasonable steps to carry the passenger in safety and reasonable comfort;
- (e) to provide reasonable mobility assistance

#### **Period of licence**

Vehicle licences will be issued for 12 months.

#### **Vehicle Specifications**

Upon first application all vehicles must be less than 10 years old. Vehicles up to 4 years old will require an annual fitness test and twice per year for vehicles over 4 years old.

The following upper age limits apply:

- No vehicle licence will be renewed on any vehicle that is of 10 years of age.
- There will be no upper age limit on Electric /hybrid vehicles.

Licence applications for vehicles in “exceptional condition” which are outside of the Council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the require standard. This vehicle check must be completed at least a month before the licence plate expires. The compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration.

Vehicles must

- a) seat not less than 4 or more than eight passengers (not including the driver) and:
- b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will be considered subject to paragraph (e) below;
- c) It must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- d) To be licensed for Private Hire the vehicle must have uniform coloured paintwork.
- e) The Council encourages vehicles presented to be licensed for Private Hire for the first time to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
- f) Provide sufficient means by which any person in the carriage may communicate with the driver;
- g) All paintwork must be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
- h) Have a watertight roof or covering;
- i) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- j) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted;
- k) Have seats that are properly cushioned and covered;
- l) Have a floor provided with a proper carpet, mat, or other suitable covering;
- m) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- n) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- o) Be fitted with an anti-lock braking system
- p) Where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), 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);

- be designed for use by an adult;
  - have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
- q) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:
- r) Be maintained in a sound mechanical and structural condition at all times;
- s) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
- t) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- u) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
- v) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
- w) Electric vehicles that are fitted with a range extension device are acceptable, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

### **Wheelchair Accessible Vehicles**

Vehicles must be able to accommodate at least one wheelchair using passenger.

Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

Wheelchairs can be loaded from either the side or the rear of the vehicle

A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.

A suitable restraint must be available to the occupant of the wheelchair.

A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.

Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.

## **Application and Supporting Documentation**

The application process to licence a Private Hire vehicle is the same for a new or renewal application.

The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided.

Any person wishing to licence a Private Hire vehicle must submit:

- a) A completed application form;
- b) A Basic, Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process);
- c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
- d) The appropriate licence fee (in full at the time of application);
- e) A current vehicle fitness/garage test pass certificate (from the Council's Garage);
- h) A valid certificate of insurance for private hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- g) The V5 registration certificate
- h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks every 6 months in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non mechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

**Once all of the information has been provided it may take up to 10 working days to**

## **issue the licence.**

### **Fitness test requirements**

The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council's nominated Garage.

The frequency of testing is once per year for vehicles up to 4 years old and twice per year for vehicles over 4 years old. Vehicles can be presented for test up to 8 weeks prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period.

All costs of the test are to be made by the vehicle proprietor. It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires.

Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted. Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

- If a vehicle fails its fitness test the licence will be suspended. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and
- require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

### **V5 registration certificate**

The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

### **Renewal of a licence**

To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

### **Vehicle not fit for the conveyance of passengers**

Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours.

The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The Council will require the proprietor to arrange for a further fitness test to be undertaken and certificate produced before the vehicle will be permitted to operate.

### **Advertising**

Proprietors may advertise on private hire vehicles in accordance with the conditions set out at **Appendix J**. This is subject to prior written approval from the Council.

### **Closed circuit television (CCTV)**

Proprietors of private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to. . If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. For further information:

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>

### **Trailers**

Private hire vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the conditions set out at **Appendix K** are complied with at all times.

### **Meters**

Private hire vehicles will not require a meter. However if a meter is fitted, it must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device



must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

### **LPG converted vehicles**

The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application

In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 3 months from the date the licence was suspended the Council will revoke the licence.

### **Electric and Zero Emission Capable/Hybrid Vehicles**

The Council encourages and promotes the purchase of fully electric and zero emission capable or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of 'plug-in' points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

### **Licence conditions**

The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix C**. These conditions are in addition to any matters set out within the main body of the Policy.

## **Main legal requirements**

### **Change of proprietor**

The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 7 days specifying the name and address of the person to whom the vehicle has been transferred.

### **Change of address**

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

### **Retention of drivers licences**

Where a Private Hire is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

### **Inspection**

The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 2 times per year. The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

### **Accidents**

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

### **Production of documents**

The proprietor must, on request, produce for inspection the private hire vehicle licence and insurance certificate within 7 days.

### **Return of identification plate**

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

### **Transporting children**

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

Category	Front seat	Rear seat	Who is responsible?
<b>Child under 3</b>	The right child restraint must be used	The right child restraint must be used. If one is not available in a taxi, may travel unrestrained.	Driver
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height (or 12<sup>th</sup> birthday, whichever they reach first)</b>	The right child restraint must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint is not available: In a taxi; for a short distance in an unexpected necessity; if two occupied child restraints prevent a third.	Driver
<b>Child 12 or 13, or over 135 cm in height</b>	Seat belt (or child restraint) must be worn if fitted	Seat belt (or child restraint) must be worn if fitted.	Driver
<b>All Passengers 14 years and over</b>	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

### Ranks/stands

A private hire vehicle must not wait on any rank/stand. It is an offence to do so and may result in enforcement action being taken against the driver.

### Parking/waiting

Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.

The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.

### Private Hire Vehicle Exemption Certificates

The Local Government (Miscellaneous provisions) Act 1976 requires that a District must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate or disc as directed by the Council.

The Local Government (Miscellaneous provisions) Act 1976 s75 (3) gives the District Council the discretion to grant a proprietor an exemption from displaying the licence plate on their private hire vehicle.

Executive hire vehicles are private hire vehicles with an additional application to be made for an exemption to display the licence plate and side identification stickers. They are high value, prestige vehicles that are used by companies for transporting special guests or senior

members of staff in luxury. Executive hire vehicles are styled more as chauffeur driven vehicles than standard private hire vehicles.

Each application for an executive hire vehicle will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licenced vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.

Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor to the authority.

In determining an application it will normally be the executive nature of the work that will indicate whether or not the exemption should be granted, as well as the specification and high quality of the vehicle being used.

If the applicant for an executive Hire Vehicle has ever been cautioned or convicted by any authority of unlawfully plying for hire, the council may refuse to allow the applicant to have a vehicle licensed for executive hire.

Separate conditions apply to Executive Hire Vehicles with the exemption to display the vehicle plate. These are set out in Appendix D.

Executive Hire Vehicles should have the following features as a minimum in order to be considered for licensing, this list is not exhaustive:-

- High quality vehicle in terms of brand and condition, with no visible defects, dents or blemishes to the external bodywork or trim
- Luxury or prestige vehicle
- Engine size of 2000cc or greater
- Automatic transmission
- Minimum specification of air conditioning/climate control to front and rear seats, all electric windows, central locking and suitable front and rear headrests for all passengers.

Executive hire vehicles are to be used for purposes such as corporate bookings to transport employees and clients on business related journeys, and bookings where customers have asked to book a vehicle without obvious private hire plates or signage. The Council closely monitors the use of executive hire vehicle, such vehicles are not to be used as standard private hire vehicles.

On the grant of an executive hire licence the council will issue an executive hire window badge for display in the front and rear window.

The drivers of executive hire vehicles are exempted from the requirement to wear a drivers badge. However the Council would expect the badge to be carried in the vehicle and to be available for inspection by an authorised officer of the council or a police officer.

### **Limousines, Novelty Vehicles and Vintage Vehicles**

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding,

eight passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).

Limousines will be licensed by the Council however, the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out in Appendix E. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may submit an application for a Private Hire Vehicle Exemption Certificate.

The following documentation must be produced prior to licensing:

- a. Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
- b. Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
- c. Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)

In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with by a case by case basis and referred to the Council's Licensing Committee for determination

### **3d. PRIVATE HIRE OPERATORS**

#### **Summary**

Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

#### **Period of licence**

Licences will be issued at a standard length of 5 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis in accordance with the Statutory Taxi & Private Hire Vehicle Standards.

#### **Application process**

The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

The application process to licence a private hire operator is the same for a new or renewal application.

Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate); A check of the Companies House register may be undertaken to confirm these details;
- Tax check code
- Proof of Right to Work
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate
- a basic DBS certificate issued within the last 3 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); for each director, partner and company secretary;
- Relevant insurance documentation
- a schedule of all employees indicating those staff who take bookings and dispatching vehicles;
- details of their policy regarding the employment of ex-offenders

The schedule of employees must be kept up to date with any changes notified in writing to

the licensing authority.

Any changes of director, partner or company secretary must also be notified in writing to the Licensing Authority

### **Disclosure & Barring Service Check**

All applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

The applicant must also prove that all employees that work for them and who take bookings, dispatch vehicles, or have access to booking records are fit and proper people to be employed in such positions. They must provide evidence that they have seen a basic DBS for such employees who are not Tamworth Borough Council licensed drivers and also evidence that it is a condition of their employment that they will inform the employer of any criminal convictions they receive during their employment.

Where the applicant or employee already holds a valid Hackney Carriage & Private Hire Drivers Licence a DBS certificate will not be required. If the applicant or employee is not a licensed driver then they will be required to submit a Basic DBS certificate. For a Basic Certificate: Applicants can apply to the DBS online at <https://www.gov.uk/government/organisations/disclosure-and-barring-service> or through a Responsible Organisation.

A DBS check on all relevant persons will be made annually unless the holder of a valid dual drivers licence whereby the check will be made every 6 months, therefore we recommend subscribing to the DBS update service to save incurring unnecessary extra costs.

Enquiries may be made through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from

The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at section 3a of this Policy.

Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Conduct from the Consulate of the applicant's country of origin (at their own cost). The certificate must be translated.

Further information can be found at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at [fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

### **Operator's premises**

The Council will not grant an operator's licence unless the operator can demonstrate to the Council that they have the appropriate planning consent required to operate their business.

The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

The Council will not grant an operator's licence to apply to any physical premises that falls out of the administrative area of Tamworth Borough Council.

There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all laws have been complied with, including the Equality Act 2010.

### **Insurance**

Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.

The operator must also obtain information as to any requirement for them to have Employers Liability indemnity; if there is such a requirement, it must be for a minimum of £1,000,000.

### **Record keeping**

Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer

Under the conditions the operator is required to keep a number of different forms of record namely:

- Booking records (to include which member of staff took the booking when the booking
- is taken by a person and not a computerised method);
- Operator vehicle schedule;
- Operator driver schedule;

Each of these records must be kept up to date and retained by the operator for a period of at least 12 months (as per conditions of licence).

### **Closed circuit television (CCTV)**

Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the vehicle.



## Complaints Procedure

Operators are required to have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.

The complaints procedure and compliant records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate.

## Licence conditions

Applicable conditions relevant to a private hire operator licence are set out at Appendix F. These conditions are in addition to any matters set out within the main body of the Policy

## Child Sexual Exploitation and Disability Awareness

All new operators are required to complete Child Sexual Exploitation training and Disability awareness training and existing operators are required to complete refresher training every 3 years.

Failure to complete the training within the required time, could result in the licence being suspended until the required training has been completed.

## Main legal requirements

### Contract

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking.

### Transporting children

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair

Category	Front seat	Rear seat	Who is responsible?
Child under 3	The right child restraint must be used	The right child restraint must be used. If one is not available in a taxi, may travel unrestrained.	Driver
Child from 3 <sup>rd</sup> birthday up to 135 cm in height (or 12 <sup>th</sup> birthday, whichever they reach first)	The right child restraint must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint not available: in a taxi; for a short distance in an unexpected necessity; two occupied child restraints prevent fitting of a third.	Driver
Child 12 or 13, or over 135 cm in height	Seat belt (or child restraint) must be worn if fitted	Seat belt (or child restraint) must be worn if fitted.	Driver
All Passengers 14 and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

## **PART 4 – COMPLIANCE, ENFORCEMENT AND COMPLAINTS**

### **Summary**

This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

### **Compliance and enforcement**

The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Corporate Enforcement Policy. In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of Tamworth Borough Council, other local authorities and the police.

The Council will work closely with other enforcement authorities, particularly Staffordshire Police when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.

Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence.

Breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Councils enforcement policy and will be referred to the duly authorised officer. Repeated breaches of licence conditions will result in the matter being referred to the Licensing Committee.

The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically be referred to the Licensing Committee. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.

The points list is not exhaustive and the licencing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.

A driver can appeal any points awarded by writing to the Head of Environmental Health.

The Council has a Corporate Enforcement Policy which it will take into account before taking any enforcement action. The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.

Authorised Officers will be authorised to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.

The Council will investigate all valid complaints with regard to drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by the licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised officer of the Council or Licensing Committee.

An authorised officer of the Council /Licensing Committee will consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council will consider whether the driver is a fit and proper person to hold such a licence.

Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving, either due to the maintenance and safety of their vehicles, or in the manner of their driving. The Council expects all licence holders to adhere to the specifications set out in this Policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.

Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interviews and vehicle inspections, and producing documentation upon request.

### **Enforcement Options**

Licence application and enforcement decisions will always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria will be considered including the:-

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- danger to the public.

Having considered all relevant information and evidence, the choices for action are:-  
Licence Applications:

- grant licences subject to the Council's Standard Conditions;
- refuse to grant a licence.
- Grant for a limited time period

- take no action;
- take informal action;
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute;

Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the Licensing Committee.

This Council will have regard to the Convictions Guidelines at Appendix H.

### **Informal Action**

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.

Such informal enforcement actions may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is generally high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.
- Failure to notify of a conviction that would not in itself breach the guidance on determining the suitability (Appendix H) outlined in this policy

Details of any informal action will be recorded on the councils' records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted. When a licence holder has received three warnings in a 3 year rolling period their licence will be referred to the Licensing Committee to determine whether any further action is required.

### **Appearance before the Licensing Committee**

An offending individual or company may be summoned before the Licensing Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.

The Licensing Committee have the option of deciding the application on its merits, and may:

- Take no action;
- Give a written warning;

- require the production of driving licences or other specified documentation at the Council's office or other suitable location as communicated by the Licensing Team;
- suspend the licence, upon setting conditions, or for a period of time;
- revoke the licence;
- recommend prosecution action.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

The Licensing Committee will have regard to the guidance on convictions shown at Appendix H of this policy.

### **Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976**

An authorised officer may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.

This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the officer is satisfied with the condition of the hackney carriage or private hire vehicle.

This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users. Details of the appeals procedure will be set out in the written notification of action sent by the Council.

### **Prosecution**

The decision to prosecute is a very significant one. Prosecution will, in general be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner, and be proportionate to the circumstances.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a
- disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers or
- other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;

- where a particular contravention has caused serious public alarm.

Officers will take account of the Corporate Enforcement Policy when circumstances have been identified which may warrant a prosecution.

### **Simple Cautions**

A simple caution may be used as an alternative to a prosecution in certain circumstances.

### **Complaints**

Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

The authority will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Data held within the system will be used to target compliance and enforcement activity as well as to provide a picture of the potential risks a licence holder may pose. It will also be used as part of the 'balance of probabilities' assessment required in any licence review undertaken as a result of multiple or serious complaints.

## **PART 5 - FARES & FEES**

The Council's policy is that the fees charged by the authority should meet the cost to the authority to administer the service. The service provided in relation to hackney carriages and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is in line with Council's charging policy.

### **Review and Setting of fees**

The Council may review the licence fees annually. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade.

### **Private hire rates**

The Council has no power to regulate the rate for private hire vehicles. However the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey.

### **Hackney carriage tariffs**

The Council sets the Table of Fares (or Tariffs) for hackney carriage journeys and they are the maximum charges that Hackney Carriages can charge for journeys wholly within the Borough's administrative area and the rate at which the taximeters must be calibrated to in order for them to calculate journey fares. These will be reviewed upon request by the trade, with a view to any changes coming into effect within 6 months of the review. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by virtue of section 67 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey

The Table of Fares (or Tariffs) is published on the Council's website.

It is an offence to charge more than the maximum metered fare for any journey that starts and ends within the Borough. A fixed price can be agreed before the journey commences but it must not exceed the maximum metered fare.

## **PART 6 – LICENSING CONTACT DETAILS**

### **Contact details**

For information, advice and guidance relating to hackney carriage and private hire licensing please contact:

Tamworth Borough Council, Growth & Regeneration, Licensing Team, Marmion House  
Lichfield Street Tamworth Staffordshire B79 7BZ

Telephone: 01827 709709

Email: [taxi-licensing@tamworth.gov.uk](mailto:taxi-licensing@tamworth.gov.uk)



# CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

## Introduction

Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons in relation to child sexual exploitation and trafficking.

## General information

Tamworth Borough Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the County Council and the Staffordshire Safeguarding Children Board.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Children Social Care First Response Service helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background. Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming children and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

## **How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.**

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licenced drivers and private hire operators are in an ideal position to help protect young people. In particular, drivers should ask themselves the following questions when picking up a fare:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

**If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported**

**If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns and share information with Staffordshire Police (Tel: 101) and Staffordshire Children Social Care First Response Service (Tel: 08001313126).**

**If a child is in immediate danger phone 999**

Further information about Safeguarding Children can be found at:

[Home - Staffordshire Safeguarding Children Board \(staffscb.org.uk\)](http://staffscb.org.uk)

All drivers and operators are expected to attend Child Sexual Exploitation (CSE) training and any updates provided throughout their licence period. Tamworth Borough Council provides training in (CSE). Attendance of this training is compulsory on initial application and compulsory refresher training every 3 years is required.

### **HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE - CONDITIONS OF LICENCE**

Hackney Carriage & Private Hire (Combined) Driver Licences are issued subject to the following conditions. Drivers are advised to study these conditions carefully, and are warned that their licence may be revoked for non-compliance.

All the offences listed in the Penalty Points Scheme are included as relevant conditions.

The Driver must behave in a professional and courteous manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to feel uneasy or take offence at their actions
- Cause any person to believe their actions are inappropriate (this may include the use of social media, whether in the context of work or otherwise)
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity; and
- Bring into disrepute the integrity of the Council for having issued a licence to such person.

The Driver must be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

The Driver must wear the driver badge issued by the Council in a position that is clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.

The Driver must display their dashboard licence on the vehicle dashboard. It shall be in a safe position as to be plainly and distinctly visible to the hirer(s), but not so that it affects the driver's view of the road.

The Driver must not at any time lend or give their badge or licence to any other person, except for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.

The Driver must report the loss of the licence and/or badge(s) to the Licensing Team as soon as such loss becomes known, and arrange for the issue of any replacement and make payment for any appropriate fee.

The Driver must, before commencing to drive the vehicle, deposit a copy of their Hackney Carriage & Private Hire Driver licence with their Private Hire Operator for retention by the Operator until such time as they cease to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.

The Driver must not drive a licensed vehicle without the licence plate being securely attached to the backing plate supplied by the Council and positioned either directly above or below the rear vehicle registration number plate (except for those Private Hire Vehicles that have been granted an Exemption Notice) or as determined by an authorised officer.

The Driver must ensure that before the vehicle is used, that copies (either physical or electronic) of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.

The Driver must not carry any other person in the vehicle without the permission of the hirer.

The Driver must if asked by the passenger, indicate the route they are going to take, subject

to any directions given by the hirer.

The Driver must deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause, or is otherwise directed by the hirer.

The Driver must:

- Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
- Give reasonable assistance in loading and unloading luggage;
- Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
- Offer reasonable assistance to elderly, vulnerable or disabled persons with entering or getting out of the vehicle, and any other reasonable assistance during the course of the journey.

The Driver must offer and provide any necessary assistance to wheelchair users when entering or getting out of the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person, who is accompanied by his / her assistance dog, or by a person who wishes a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle must, carry the passenger and his/her dog. They should ask the passenger where they want themselves and their dog to sit in the vehicle and allow it to remain with the passenger if requested and not make any additional charge. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

The Driver must, if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he or she agrees to carry the passenger and his/her animal(s). The driver is not compelled to convey any other type of animal than an assistance dog.

The Driver must, if asked to transport an unaccompanied child and/or if a passenger requests that the Driver wait until they are safely inside the building, agree to such requests.

The Driver of a Private Hire vehicle must provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This enables all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

The Driver must provide a written receipt to the hirer if requested to do so. The receipt will detail the date and time the journey started, the starting and finishing address, the cost or fare charged, the driver's full name and Tamworth Borough Council issued driver/badge Number.

The Driver must immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.

Licence holders are required to notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence or alleged offence, any offence involving dishonesty or violence and any motoring offence. This includes being interviewed by the police about any such allegation. An arrest or interview under caution for any of these offences within this scope will result in a review by the licensing authority as to whether the

licence holder is fit to continue to hold a licence. This does not mean that a licence will be automatically withdrawn, the licensing authority will consider what, if any, action in term of the licence should be taken based on the balance of probabilities. A failure by a licence holder to disclose an arrest that the licensing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

The Driver must notify the Licensing Officer in writing, within 5 working days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.

The Driver must notify the Council in writing as soon as possible and in any event within 10 working days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety at the Council's third party approved provider.

The Driver must notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 7 days.

The Driver must notify the Council in writing of the acceptance of any fixed penalty received within 5 working days. The driver must subsequently inform the Council immediately following its endorsement.

The Driver must declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

The Driver must have regard to Staffordshire Police's policy in relation to lost property. Any lost property found within or originating from the vehicle must be reported to the Tamworth Borough Council's Licensing Team and if it was a pre-booked journey, the Operator.

The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.

The Driver must not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages in connection with the operation of the vehicle, without the express consent of the hirer.

The Driver must not eat or drink (with the exception of water) in the vehicle whilst a passenger or passengers are on-board.

The Driver must not at any time use electronic cigarettes and/or vaping equipment) or permit any passenger to use electronic cigarettes/ vaping equipment) in any licensed Hackney Carriage or Private Hire vehicle.

The Driver must not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

The Driver must not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.

The Driver must not whilst driving or in charge of a Private Hire Vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall,

within sight of a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.

The Driver must not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.

The Driver of a vehicle equipped with a taximeter must ensure that the table of fares is displayed in a clearly visible position in the vehicle, provide an explanation of the table of fares if so requested by the passenger, and make available upon request to any Authorised Officer.

The Driver must when driving a Hackney Carriage vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.

The Driver must when driving a Hackney Carriage vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey

The Driver must if the vehicle is involved in an accident, inform the vehicle proprietor as soon as practicably possible, in order that the vehicle proprietor and/or vehicle driver may contact the Licensing Officer within 72 hours of the incident occurring.

The Driver must if the vehicle is involved in an accident, complete an accident report form providing his or her name and address and any other reasonable details, the vehicle proprietors name and address, details of the vehicle insurance, and the licence number and registration number of any vehicle affected.

The Driver must when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages, proceed to another stand, and not park on or near a taxi rank that is full.

The Driver must when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.

The Driver must when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.

The Driver must when driving a Hackney Carriage not park on a rank in the Tamworth Borough for any purpose other than for standing for hire.

The Driver must carry a copy (either physical or electronic) of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Hackney Carriage & Private Hire (Combined) Driver licence, and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

The Driver will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

### **HACKNEY CARRIAGES & PRIVATE HIRE VEHICLES: CONDITIONS OF LICENCE**

Hackney Carriage and Private Hire Vehicle licences are issued subject to the following conditions. You are advised to study these carefully and you are warned that for non-compliance with any one condition, the licence may be revoked or suspended.

All the offences listed in the Penalty Points Scheme are included as relevant conditions.

The vehicle licence will be valid for a period of up to 12 months and must be renewed on or before the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.

The Proprietor of a licensed vehicle must not cause or allow the vehicle to be used unless:

- The Driver of the vehicle holds a Hackney Carriage & Private Hire (Combined) Driver Licence issued by Tamworth Borough Council, and is insured by the proprietor, to drive the vehicle.
- The number of the vehicle licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed, by means of the Licence Plate and bracket issued by the Council to the Proprietor.
- The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured.
- The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.

The Licence Plate referred to in these Conditions will remain the property of the Council and must be returned within 7 days to the Licensing Team, at Marmion House, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle, or has been suspended or revoked.

The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Licensing Team as soon as such loss becomes known.

The Proprietor must ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.

The vehicle must be a single uniform colour.

The interior and exterior of the vehicle must be kept in a clean condition and maintained in a safe condition by the Proprietor.

The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.

The Proprietor must permit an Authorised Officer or any Police Constable to inspect the





































































































