

Matrix of Changes – Taxi Licensing Policy

Page No	Current wording	New Wording
4/12		<p>Addition:- 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:</p> <ul style="list-style-type: none"> • 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. <p>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</p>

		<p>children and vulnerable adults from harm when using taxi and private hire services.</p> <p>The main types of licence are:</p> <ol style="list-style-type: none">1. 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;2. 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.3. Private Hire Operator Licence - Private Hire Operators must be licensed by the Council, as must the Drivers and Vehicles they operate.4. 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. <p>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.</p> <p>Please note that the following vehicles are not required to be licensed:</p> <ul style="list-style-type: none">• 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. <p>Addition:- Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport</p>
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	<p>Delete:</p> <p>1.0 Tamworth Borough Council ('the Council') is particularly concerned to ensure:</p> <ul style="list-style-type: none"> the safeguarding of children, young persons and adults with care and support needs who are at risk of abuse and neglect; 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; that the public are safeguarded from dishonest persons; and that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed. <p>1.1 This document provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:</p> <ul style="list-style-type: none"> 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, members of the 	<p>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.</p> <p>Replace with:-</p> <p>The main concerns for the Council are to ensure:</p> <ul style="list-style-type: none"> 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. <p>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:</p> <p>- 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?"</p>
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	<p>relevant licensing committees and the internal panel (or other relevant decision making bodies);</p> <ul style="list-style-type: none"> • licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and • magistrates and judges hearing appeals against Council decisions. <p>The Guidance is also designed to put the Council’s licensing requirements into context</p>	<p>- 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?”</p> <p>- 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 he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”.</p> <ul style="list-style-type: none"> • 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. <p>The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:</p> <ul style="list-style-type: none"> • 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;
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	<p>Delete:- This Guidance will be reviewed periodically, however, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any licensed driver, proprietor or operator may request a review of the policy at any time.</p> <p>Delete:- The operation of the Council’s licensing service is undertaken in accordance with relevant legislation and applicable licence conditions. The primary legislation relating to hackney carriage and private hire licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In</p>	<ul style="list-style-type: none"> • the Council, in its capacity as the licensing authority, including licensing officers, members of the public protection committee; • service users who have concerns relating to an operator, vehicle or driver; <p>licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and</p> <ul style="list-style-type: none"> • Magistrates’ and judges hearing appeals against Council decisions. <p>The Policy is also designed to put the Council’s licensing requirements into context.</p> <p>Replace with:- 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:</p> <ul style="list-style-type: none"> • 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. <p>Replace with:- 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</p>
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	<p>addition, the service is provided in accordance with all relevant Council policies, but in particular the following:</p> <ul style="list-style-type: none"> • Equal Opportunities Policy • Disability and Discrimination • Race Equality Scheme • Data Protection Policy • Enforcement Policy <p>This Guidance and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure all relevant health and safety at work provisions are satisfied.</p> <p>Delete:- Safeguarding Children and Adults at Risk 1.0 All local authorities, including district/borough councils in England, have a responsibility to safeguard and promote the welfare of children and adults with care and support</p> <p>needs who are at risk of abuse and neglect. Safeguarding children and adults who are at risk is everyone’s responsibility. Abuse is not acceptable and must not be tolerated. Often children and adults at risk do not realise they are a victim of abuse, or are unable to protect themselves from harm. This is why it is important that action is taken and people know what to do when they have safeguarding concerns. It is paramount that all individuals working either directly or indirectly with children and adults at risk have an understanding of safeguarding commensurate to their role, and know how to recognise and report safeguarding concerns, in relation to children and/or adults at risk. Tamworth Borough Council provides safeguarding awareness training for all</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • Road Safety Act 2006 • Road Traffic Acts (Various) • Criminal Justice & Public Order Act 1994 • Transport Act 1985 <p>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:</p> <ul style="list-style-type: none"> • Diversity & Equality Scheme • Information Security policy • Corporate Enforcement policy <p>The General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018 (“DPA18”) covers the collection, storage, processing and distribution of personal data. It</p>
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	<p>taxi drivers, the training includes information on recognising and responding to concerns in relation to child exploitation and trafficking (for further information please see Appendix A).</p>	<p>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:</p> <ul style="list-style-type: none">• 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 <p>Further information about GDPR and DPA18 can be obtained at the Information Commissioner’s website (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</p> <p>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</p>
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		<p>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.</p> <p>Addition:- 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</p> <p>Addition:- 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</p>
7/15		<p>Addition: The Council aims to provide a clear, consistent and responsive service to prospective and current licence</p>

	<p>Delete:- Parties aggrieved by a decision of the Council have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.</p>	<p>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.</p> <p>Addition:- 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.</p> <p>Replace with:- If the applicant/licence holder is aggrieved by the decision of the Council he/she 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</p>
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	<p>Delete:</p> <p>The Council aims to work in partnership 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 authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams and consumer groups.</p>	<p>appropriate independent legal advice in such circumstances.</p> <p>Replace with:</p> <p>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.</p> <p>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).</p> <p>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</p> <p>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.</p>
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<p>9/17</p>	<p>All licence fees payable at the time of application are non-refundable;</p> <p>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 and the process must recommence from the beginning;</p> <p>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;</p> <p>Deleted: The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and</p>	<p>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;</p> <p>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.</p> <p>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;</p> <p>Replaced with:- 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.</p>
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	<p>certificate information. Further information about the DBS can be found on the GOV.UK website at https://www.gov.uk/government/organisations/disclosure-and-barring-service/about.</p> <p>Drivers who undertake contract work for Staffordshire County Council e.g. Education are advised to contact them in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. The Staffordshire County Council will share information with the Licensing Team about individuals and businesses that apply and/or tender to deliver passenger transport contracts.</p> <p>All drivers are encouraged to register for the DBS Update Service. Further information can be found at https://www.gov.uk/dbs-update-service. Any drivers who have registered for this service need to supply the last Certificate number during their application process</p>	<p>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</p> <p>The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation provided:-</p> <ul style="list-style-type: none"> • 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 <p>Further information can be found at: https://www.gov.uk/dbs-update-service</p> <p>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.</p> <p>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</p>
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		<p>Character issued by the relevant Embassy or High Commission.</p> <p>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</p> <p>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</p> <p>The Transport and Connected County Unit can be contacted by email at: transportcontracts@staffordshire.gov.uk</p> <p>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</p>
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		<p>they believe the individual presents a risk of harm to a child or vulnerable adult.</p> <p>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.</p> <p>Addition:- unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.</p> <p>Addition:- 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:</p> <ul style="list-style-type: none">• 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
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<p>11/19</p>	<p>Delete:- Licensed drivers provide a public service. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a fit and proper person. 3a.5 In considering the fit and proper person test, all applicants on initial application and renewal must complete an enhanced Disclosure and Barring Service (DBS) check and undergo a medical examination. The Council may also make additional enquiries with Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant’s fitness to hold a licence as is reasonably practicable. 3a.6 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may request the licence holder to consent to a further enhanced DBS check the cost of which lies with the licence holder. Where a licence holder refuses to consent to a further check the Council will take this into consideration in determining their continuing fitness to hold a licence.</p>	<p>Replace with:- The Licensing Authority has a duty to ensure that any person who is granted a drivers licence is ‘fit and proper’ to be 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</p>

	<p>3a.7 When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant’s criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct to Council Officers and also behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.</p> <p>3a.8 In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (as per Appendix M) and behaviour when in contact and dealing with other road users,</p> <p>pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.</p> <p>3a.9 It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire licensed work at the time</p>	<p>the Licensing Authority with assistance from Partner Agencies.</p> <p>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.</p> <p>The application and compliance procedures are designed to ensure high standards are maintained, monitored and non-compliance is appropriately enforced.</p> <p>Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount.</p> <p>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.</p> <p>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.</p> <p>In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:</p> <ul style="list-style-type: none"> • Criminality including cautions • Period of holding a driver’s licence • Number of endorsed driving licence penalty points • Right to work
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	<p>or whether they occurred during the drivers' own personal time.</p> <p>Delete: Criminal Record Disclosure</p> <p>Delete:- Except in exceptionally circumstances Driver licences will be issued for a period of three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licensing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.</p> <p>Delete:-</p>	<ul style="list-style-type: none"> • 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. <p>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.</p> <p>Replace with:- Disclosure & Barring Service Check</p> <p>Replace with:- 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.</p> <p>Replace with:- The application form(s) must be fully completed and include all relevant information, supporting documentation</p>
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	<p>16 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 (which includes the cost of the DBS check, unless applicants provide proof of online subscription to the DBS update service, and the initial knowledge test) is payable at the time the application is submitted.</p> <p>3a.17 All new applicants 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. The 1 year period is calculated from the date of issue of the full driving licence.</p> <p>3a.18 In addition, applicants must:</p> <ul style="list-style-type: none"> • Submit a completed application form • Pay the appropriate licence fee • Provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity • Have a satisfactory enhanced DBS report • Where applicable have a satisfactory report in respect of the enquiries made through Staffordshire (or other relevant force), other local authorities and any other 	<p>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.</p> <p>The full fee for the licence is payable at the time the application is submitted.</p> <p>In addition to submitting the application form and fee an applicant must:</p> <ul style="list-style-type: none"> • 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
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	<p>organisation, agency or person that the Council has deemed appropriate to seek information from</p> <ul style="list-style-type: none"> • Pass the Council’s knowledge test • Provide a completed medical examination form (Group 2) <p>Delete:- Applicants can subscribe to the DBS Update Service, but proof of subscription reference number and the last DBS certificate number must be provided.</p>	<ul style="list-style-type: none"> • 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 <p>Replace with:- Applicants must subscribe to the DBS Update Service, but 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.</p> <p>Insert:- conditions licensed drivers must adhere to</p>
<p>15/23</p>		<p>Insert:- 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.</p> <p>Insert:- Practical Driving Standards Assessment Test.</p> <p>The Council approved provider have 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.</p>

		<p>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 nonrefundable in the event of failure.</p> <p>No refund will be provided for any cancellations with less than 24 hours' notice in writing.</p> <p>If applicants fail three successive Practical Driving Assessment 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</p> <p>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.</p>
17/25	<p>Delete:-</p> <p>On renewal of an existing licence, applicants must:</p> <ul style="list-style-type: none"> • Submit a completed application form • Pay the appropriate licence fee • Currently on all applications the applicant's must provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity • Complete a DBS disclosure – or provide proof of registration to the DBS Update Service • Where required, pass a Group 2 medical examination. 	<p>Replace with:-</p> <p>On renewal of an existing licence, applicants must:</p> <ul style="list-style-type: none"> • 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;

	<ul style="list-style-type: none"> The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence 	<ul style="list-style-type: none"> 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
18/26		Updated seatbelt responsibilities
20/28	<p>Delete:- 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.</p> <p>3b.2 Commonly known as ‘taxis’, hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the administrative area of the Council with which it is licensed and may also undertake pre-booked journeys anywhere in the country.</p> <p>3b.3 The Council does not limit the number of hackney carriage licences that it will issue. 3b.4 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.</p> <p>3b.5 All hackney carriages must be capable of providing for at least one wheelchair.</p> <p>Transitional arrangements set out at paragraph 3b.7 apply.</p>	<p>Replace with:- 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>(a) to carry the passenger;</p>

	<p>Delete:- Applicant 3b.10 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement.</p>	<p>(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</p> <p>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.</p>
21/29	<p>Delete:- Vehicles 3b.11 The Council requires all hackney carriage vehicles to comply with the following requirements: Safety 3b.12 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and</p>	<p>Replace with:- 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:</p> <ul style="list-style-type: none"> • 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. <p>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</p>

	<p>be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council’s fitness test.</p> <p>Other Requirements</p> <p>3b.13 Vehicles must not seat more than eight passengers (not including the driver). Any alterations to the manufacturer seating configuration must be inspected and certified by DVSA and:</p> <p>(a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels</p> <p>(b) Provide sufficient means by which any person in the carriage may communicate with the driver.</p> <p>(c) Entire external bodywork of the vehicle must be of a uniform colour. (This does not prohibit the display of advertisements as authorised by the Council.</p> <p>(d) All paintwork must be maintained in a high gloss finish of a uniform colour (but note the specific requirement at ‘c’ above) and free from dents, scratches or rust.</p> <p>(e) Have a watertight roof or covering.</p>	<p>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.</p> <p>Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:</p> <p>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;</p> <p>d) 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).</p> <p>e) Be fitted with a taximeter, calibrated to the Borough Council’s approved tariff</p> <p>f) Be fitted with an illuminated roof sign</p> <p>g) Provide sufficient means by which any person in the carriage may communicate with the driver;</p> <p>h) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;</p>
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	<p>(f) 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.</p> <p>(g) Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.</p> <p>(h) Have seats that are properly cushioned and covered.</p> <p>(i) Have a floor provided with a proper carpet, mat, or other suitable covering.</p> <p>(j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.</p> <p>(k) Provide means for securing luggage if the carriage is so constructed as to carry luggage.</p> <p>(l) All seats must have unobstructed access:-</p> <p>(m) Have a three point seatbelt as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended)</p> <p>(n) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.</p>	<p>i) Have a watertight roof or covering;</p> <p>j) 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;</p> <p>k) 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;</p> <p>l) Have seats that are properly cushioned and covered;</p> <p>m) Have a floor provided with a proper carpet, mat, or other suitable covering;</p> <p>n) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;</p> <p>o) Provide means for securing luggage if the carriage is so constructed as to carry luggage:</p> <p>p) Be fitted with an anti-lock braking system</p> <p>q) Where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), the seat must:-</p> <ul style="list-style-type: none"> • 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>r) 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:</p> <p>s) Be maintained in a sound mechanical and structural condition at all times;</p>
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	<p>(o) Be maintained in a sound mechanical and structural condition at all times.</p> <p>(p) Have a spare pneumatic tyre or suitable manufacturers repair kits. Where tyres, including the spare must comply with the vehicle manufacturer’s specification and any relevant legislation.</p> <p>(q) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.</p> <p>(r) Have provision for the legal transportation of a minimum of one wheelchair at all times.</p>	<p>t) 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;</p> <p>u) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.</p> <p>v) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes</p> <p>w) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.</p> <p>x) 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.</p> <p>Vehicles must be able to accommodate at least one wheelchair using passenger.</p> <p>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</p>
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		<p>use the anchoring equipment with the minimum of manoeuvring.</p> <p>Wheelchairs can be loaded from either the side or the rear of the vehicle</p> <p>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.</p> <p>A suitable restraint must be available to the occupant of the wheelchair.</p> <p>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.</p> <p>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.</p>
22/20	<p>Delete:- Application process</p> <p>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</p>	<p>Replace With:- Application and Supporting Documentation</p> <p>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</p>

	<p>information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.</p> <p>3b.15 The application process to licence a hackney carriage vehicle is the same for a new or renewal application.</p> <p>3b.16 Any person wishing to licence a hackney carriage vehicle must submit:</p> <ul style="list-style-type: none"> • a completed application form; • the appropriate licence fee; • a valid Certificate of fitness • a valid certificate of insurance for public hire • all vehicles must have current Vehicle Excise Duty (Road Tax) this can be checked online • the V5 registration certificate • the vehicle is fitted with a taximeter in accordance with the requirements 	<p>application will not be accepted until such time as all the information/documentation is provided.</p> <p>The full fee for the licence is payable at the time the application is submitted.</p> <p>Any person wishing to licence a hackney carriage vehicle must submit:</p> <ol style="list-style-type: none"> 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 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 g) a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements 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
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		<p>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.</p> <p>Once all of the information has been provided it may take up to 10 working days to issue the licence.</p>
23/31	<p>Delete:- Fitness tests are required in accordance with the following requirements:</p> <ul style="list-style-type: none"> • Vehicles must be submitted for a fitness test in accordance with Tamworth borough Council’s testing policy at intervals (and any other inspection deemed necessary by an authorised officer). • Vehicles are tested every 6mnths when under 4years of age, and at 4 monthly intervals when over 4 years of age. • Fitness tests must be undertaken by a ‘Nominated Tester’ or Authorised Vehicle Examiner at a Vehicle Testing 	<p>Replace with:- The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and ‘fit’ to be licensed.</p> <p>Testing of all vehicles takes place at the Council’s nominated Garage.</p> <p>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.</p>

	<p>Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator.</p> <ul style="list-style-type: none"> • The vehicle must have a valid fitness test throughout the licence period. • It is the responsibility of the proprietor to ensure the fitness test is carried out on time. <p>No reminders will be sent out but the due date is written on the pass certificate issued.</p>	<p>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.</p> <p>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.</p>
<p>25/33</p>		<p>Inserted:- 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</p> <p>Inserted:- Electric and Zero Emission Capable Vehicles</p> <p>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</p>

		<p>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.</p>
27/35		Updated seatbelt responsibilities
28/36		<p>Insert:- 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.</p>
29/37		<p>Insert:- All private hire vehicles shall be capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.</p> <p>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</p>

	<p>Delete:- Applicant The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement.</p> <p>Delete:- Vehicles 3c.7 The Council requires private hire vehicles to comply with the following requirements:</p> <p>Safety 3c.8 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any</p>	<p>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</p> <p>Replace with:- Vehicle Specifications Upon first application all vehicles 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.</p> <p>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</p>
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	<p>further national or international legislation as may be applicable.</p> <p>They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council’s fitness test.</p> <p>Other Requirements</p> <p>3c.9 Vehicles must not seat more than eight passengers (not including the driver) and:</p> <ul style="list-style-type: none"> • Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels; • Provide sufficient means by which any person in the carriage may communicate with the driver; • All paintwork must be maintained in a high gloss finish of a uniform colour and free from dents, scratches or rust; • Have a watertight roof or covering; 	<p>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.</p> <ol style="list-style-type: none"> 1. Vehicles must not seat less than 4 or more than eight passengers (not including the driver) and: 2. 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; 3. It must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage 4. To be licensed for Private Hire the vehicle must have uniform coloured paintwork. 5. 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
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	<ul style="list-style-type: none"> • 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. • Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended. • Have seats that are properly cushioned and covered; • Have a floor provided with a proper carpet, mat, or other suitable covering. • Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service. • Provide means for securing luggage if the carriage is so constructed as to carry luggage; <ul style="list-style-type: none"> • All seats must have unobstructed access:- • All seats must have a three point seatbelt • Have a minimum of four passenger doors including an entry/exit point for the driver. • Be maintained in a sound mechanical and structural condition at all times. • Have a spare pneumatic tyre, or manufacturers repair kit. All tyres, including the spare must comply with 	<p>to prove the conversion has been carried out to the required standard (European-wide type approval).</p> <ol style="list-style-type: none"> 6. Provide sufficient means by which any person in the carriage may communicate with the driver; 7. 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. 8. Have a watertight roof or covering; 9. 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; 10. 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; 11. Have seats that are properly cushioned and covered; 12. Have a floor provided with a proper carpet, mat, or other suitable covering; 13. Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service; 14. Provide means for securing luggage if the carriage is so constructed as to carry luggage: 15. Be fitted with an anti-lock braking system 16. Where tilting passenger seats are fitted (except where these are part of the manufacturer’s original vehicle specification), the seat must:- <ul style="list-style-type: none"> • 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;
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	<p>the vehicle manufacturer’s specification and any relevant legislation.</p> <ul style="list-style-type: none"> • Be maintained in a clean and safe condition at all times from both exterior and interior perspectives. • provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; • Provide and maintain in the vehicle a suitable first aid box the contents of which must be as follows: The box must be carried in such a position as to be readily visible and available for immediate use. 	<ul style="list-style-type: none"> • have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). <p>17. 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:</p> <p>18. Be maintained in a sound mechanical and structural condition at all times;</p> <p>19. 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;</p> <p>20. Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.</p> <p>21. Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes</p> <p>22. Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.</p> <p>23. 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.</p>
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		<p>Wheelchair Accessible Vehicles</p> <p>24. Vehicles must be able to accommodate at least one wheelchair using passenger.</p> <p>25. 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.</p> <p>26. Wheelchairs can be loaded from either the side or the rear of the vehicle</p> <p>27. 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.</p> <p>28. A suitable restraint must be available to the occupant of the wheelchair.</p> <p>29. 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.</p> <p>30. Any lifting device fitted must be regularly tested in accordance with any applicable health and</p>
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		safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.
31/39	<p>Delete:- Application process</p> <p>3c.10 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.</p> <p>3c.11 The application process to licence a private hire vehicle is the same for a new or renewal application.</p> <p>3c.12 Any person wishing to licence a private hire vehicle must submit:</p> <ul style="list-style-type: none"> • a completed application form; • the appropriate licence fee; • a valid fitness test (in accordance with the requirements set out at paragraph 3c.13 below); • a valid certificate of insurance for private hire • Evidence that appropriate Vehicle Excise Duty (Road Tax) has been paid, e.g. email confirmation from the DVLA or Post Office receipt; (which can be checked online) • the 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 	<p>Replace with:- Application and Supporting Documentation</p> <p>The application process to licence a hackney carriage vehicle is the same for a new or renewal application.</p> <p>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.</p> <p>Any person wishing to licence a Private Hire vehicle must submit:</p> <ol style="list-style-type: none"> 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);

	<p>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.)</p> <ul style="list-style-type: none"> evidence of compliance with the relevant European Emission Standards as set out in paragraph 3C.8 either at the point of vehicle construction or by a subsequent adaption or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate; and 	<p>e) a current vehicle fitness/garage test pass certificate (from the Council’s Garage);</p> <p>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.</p> <p>g) the V5 registration certificate</p> <p>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).</p> <p>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.);</p> <p>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</p> <p>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.</p>
32/40	Delete:-	Replace with:-

	<p>Fitness test are required in accordance with the following requirements:</p> <ul style="list-style-type: none"> • Vehicles must be submitted for an fitness test in accordance with Tamworth borough Council's testing policy at intervals (and any other inspection deemed necessary by an authorised officer). • Vehicles are tested every 6mnths when under 4years of age, and at 4 monthly intervals when over 4 years of age. • Fitness tests must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator. • The vehicle must have a valid fitness test throughout the licence period. • It is the responsibility of the proprietor to ensure the fitness test is carried out on time. No reminders will be sent out but the due date is written on the pass certificate issued. • If a vehicle fails its fitness test the licence will be suspended from the expiry date of its previous fitness test. 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. 	<p>The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.</p> <p>Testing of all vehicles takes place at the Council's nominated Garage.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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
33/41		<p>Insert:- . 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</p>
34/42		<p>Insert:- 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.</p>

		<p>Addition:- Change of address</p> <p>The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.</p> <p>Retention of drivers licences</p> <p>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.)</p>
35/43		<p>Updated seatbelt responsibilities</p> <p>Added:- It is an offence to do so and may result in enforcement action being taken against the driver.</p>

		<p>Added:- Parking/waiting</p> <p>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.</p> <p>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.</p>
36/44	<p>Delete:- 3d. Private Hire Executive vehicles 3d.1 The Council will consider requests to licence a vehicle for Private Hire Vehicle Executive Plating. This is a licence that will allow for discreet plating but can only be used for trips of an executive nature and not for general private hire use.</p> <p>3d.2 Vehicles must be pre-approved by an authorised officer and must be such, in the opinion of the licensing officer, of such quality and character to be considered an executive vehicle.</p>	<p>Replace with:- 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.</p> <p>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.</p>

	<p>3d.3 The applicable conditions relevant to a private hire vehicle licence are set out at Appendix E. These conditions are in addition to any matters set out within the main body of the Policy.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Separate conditions apply to Executive Hire Vehicles with the exemption to display the vehicle plate. These are set out in Appendix E.</p>
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		<p>Executive Hire Vehicles should have the following features as a minimum in order to be considered for licensing, this list is not exhaustive:-</p> <ul style="list-style-type: none">• 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. <p>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.</p> <p>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.</p> <p>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 72 inspection by an authorised officer of the council or a police officer.</p> <p>Added:-</p>
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		<p>Limousines, Novelty Vehicles and Vintage Vehicles</p> <p>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).</p> <p>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 G. 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.</p> <p>The following documentation must be produced prior to licensing:</p> <ul style="list-style-type: none">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.
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		<p>c. Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)</p> <p>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 Sub-Committee for determination</p>
37/45	<p>Delete:- Operator licences will be issued for a period of 5 years.</p>	<p>Replace with:- 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.</p> <p>Insert:- A check of the Companies House register may be undertaken to confirm these details;</p> <ul style="list-style-type: none"> • Tax check code • Proof of Right to Work • 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

	<p>Delete:- Have a satisfactory enhanced DBS check</p>	<ul style="list-style-type: none">• a schedule of all employees indicating those staff who take bookings and dispatching vehicles;• details of their policy regarding the employment of ex-offenders <p>The schedule of employees must be kept up to date with any changes notified in writing to the licensing authority.</p> <p>Any changes of director, partner or company secretary must also be notified in writing to the Licensing Authority</p> <p>Insert:- 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.</p> <p>Replace with:- Where the applicant or employee already holds a valid dual 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.</p>
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	<p>Delete:- N.B For partnerships or companies, the above requirements apply to all partners and directors/company secretaries who are directly involved in the management of drivers. Where there is no direct involvement with the management of drivers, all partners and directors/company secretaries are required to provide a satisfactory basic criminal record disclosure. Applicants can apply for a basic criminal record disclosure at https://www.gov.uk/request-copy-criminal-record.</p>	<p>Addition:- 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.</p>
38/46	<p>Remove:- Vehicle not fit for the conveyance of passengers 3d.18 Where an operator has notified the Council that damage has occurred to a vehicle, otherwise than by an accident that has led to the involvement of the relevant insurance company, 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 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 officer may require the proprietor to arrange for a further MOT test to be</p>	<p>Insert:- 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</p> <p>Insert:- Under the conditions the operator is required to keep a number of different forms of record namely:</p> <ul style="list-style-type: none"> • 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;

	<p>undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.</p>	<p>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).</p>
<p>39/47</p>		<p>Updated seatbelt responsibilities</p> <p>Inserted:- If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the vehicle.</p> <p>Inserted:- Complaints Procedure</p> <p>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.</p> <p>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.</p> <p>Inserted:- 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.</p>

		<p>Failure to complete the training within the required time, could result in the licence being suspended until the required training has been completed.</p>
<p>41/49</p>		<p>Insert: Other local authorities</p> <p>Inserted:- 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 Sub-Committee.</p> <p>Inserted:- 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.</p> <p>Inserted:- The Council has an Enforcement Policy which it will take into account before taking any</p>

		<p>enforcement action. The Licensing Team must be familiar with the requirements of the policy and appropriate training Will be provided, where required.</p> <p>Enforcement Officers will be authorised by the Council to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.</p> <p>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.</p> <p>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 Sub-Committee.</p>
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		<p>An authorised officer of the Council /Licensing Sub-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.</p> <p>Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.</p> <p>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.</p> <p>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.</p>
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		<p>Enforcement Options</p> <p>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:-</p> <ul style="list-style-type: none">• 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. <p>Having considered all relevant information and evidence, the choices for action are:-</p> <p>Licence Applications:</p> <ul style="list-style-type: none">• 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;
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		<p>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 Sub-Committee.</p> <p>This Council will have regard to the Convictions Guidelines at Appendix J.</p> <p>Informal Action</p> <p>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.</p> <p>Such informal enforcement actions may be appropriate in any of the following circumstances:-</p> <ul style="list-style-type: none">• 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 J) outlined in this policy
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		<p>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 36 month rolling period their licence will be referred to the Licensing Sub-Committee to determine whether any further action is required.</p> <p>Appearance before the Licensing Sub Committee</p> <p>An offending individual or company may be summoned before the Licensing sub-Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.</p> <p>The Licenisng Sub Committee have the option of deciding the application on its merits, and may:</p> <ul style="list-style-type: none">• Take no action;• Give a written warning;• require the production of driving licences or other specified documentation at the Council's office;• suspend the licence, upon setting conditions, or for a period of time;• revoke the licence;• recommend prosecution action.
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		<p>Details of the appeals procedure will be set out in the written notification of action sent by the Council.</p> <p>The Licensing Sub Committee will have regard to the guidance on convictions shown at Appendix J of this policy.</p> <p>Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>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.</p> <p>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.</p> <p>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.</p>
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		<p>Details of the appeals procedure will be set out in the written notification of action sent by the Council.</p> <p>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.</p> <p>The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-</p> <ul style="list-style-type: none">• 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.
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		<p>Officers will take account of the Council Enforcement Policy when circumstances have been identified which may warrant a prosecution.</p> <p>Simple Cautions A simple caution may be used as an alternative to a prosecution in certain circumstances.</p>
42/50	Deleted part 5 as repeated at page 5	
42/50		<p>Inserted:- Part FARES & FEES</p> <p>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.</p> <p>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.</p> <p>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</p>

		<p>addition the Council expects all drivers to meet their legal obligation not to prolong a journey.</p> <p>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.</p> <p>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</p> <p>The Table of Fares (or Tariffs) is published on the Council's website here: https://www.tamworth.gov.uk/private-hire-and-hackneycarriage-licences.</p>
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		<p>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.</p> <p>It is an offence to charge more than the maximum metered fare for any journey start ends outside of the Borough unless an agreement to pay more has been made in advance of the hiring. If there is no pre-agreement then the driver is bound to charge not more than the maximum metered fare for that journey.</p>
43/51		Updated contact details
44/52	<p>Delete:- All drivers are expected to attend Safeguarding training and any updates provided throughout their licence period. Tamworth Borough Council provides free training in Safeguarding. Attendance of this training is voluntary at present. If any drivers decide not to volunteer for this training then it will become compulsory and a charge introduced.</p>	<p>Inserted vulnerable persons</p> <p>Replace With:- 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.</p>
46	Deleted conditions	Inserted new conditions
51-66	Deleted conditions kept bylaws relating to Hackney Carriages	Inserted new conditions
65/73	Deleted conditions	Inserted new conditions
65/73		Inserted new conditions in relation to Limousines
68/76	Deleted conditions	Inserted new conditions

72/80	Only licensed hackney carriages are permitted to ply for hire. It is ILLEGAL for a private hire vehicle to ply for hire. This means:	Only licensed hackney carriages are permitted to ply for hire and only in the administration area of the Borough Council with which they are licensed. It is ILLEGAL for a private hire vehicle to ply for hire. This means: new paragraph added:- Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
75/83		Updated Rehabilitation Period Table
77/85	Deleted:- H1.21 The Council will not grant a licence to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.	Addition:- In addition to the consideration of rehabilitation periods, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. Crimes resulting in death Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Exploitation Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

		<p>Offences involving violence Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Possession of a weapon Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Sex and indecency offences Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.</p> <p>In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p> <p>Dishonesty Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Drugs</p>
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		<p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Discrimination Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Motoring convictions Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.</p>
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		<p>Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs</p> <p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>Other motoring offences A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7</p>
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		<p>years have elapsed since the completion of any sentence imposed.</p> <p>Hackney carriage and private hire offences Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p> <p>Vehicle use offences Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
81/89	Deleted Appendix J	
85/93		<p>Additional wording:- The cost for this additional plate will be paid for by the vehicle proprietor</p>
87/95	<p>Delete:- The shirt, "T" shirt or blouse shall cover the shoulders and be capable of being worn inside the shorts, trousers or skirt. Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button. "T" shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-</p> <ol style="list-style-type: none"> Manufacturer and/or Operator/Proprietor and/or The name of the driver. 	<p>Replace with:- T-shirts, sweat tops, jumpers, blouses or dresses shall not carry any words or pictures apart from discreet logos and manufacturer names, the name of the operator or proprietor and the name of the driver.</p> <p>Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button.</p> <p>Insert:- Exceptions related to faith or disability are accepted.</p>

	Delete the reference to 'female' in relation to footwear.	
88		<p>Inserted:- Private Hire/Hackney Carriage Vehicle Licensing - Hire Companies</p> <p>Applications for the grant of a private hire or hackney carriage vehicle licence will be accepted from Hire Companies, however special rules will apply. A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to the accident repair work being carried out (proof from the garage will be required). The application and all necessary documents must be in the name of the vehicle proprietor (Hire Management Company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the Hire Management Company. All vehicles which are present to the Council for licensing and all vehicles whilst licensed must comply with the vehicle specifications contained within the appendices. A replacement vehicle will only be issued on a like for like basis i.e. the number of seats.</p> <p>Process</p> <p>The vehicle proprietor (Hire Management Company) must sign all applications for a new vehicle licence. Any application not signed by the proprietor will not be accepted. In addition the operator of the firm for which the vehicle will be used must sign the application form for a new private hire, hire vehicle.</p>

		<p>The following documentation is required for the issue of a vehicle licence:-</p> <ul style="list-style-type: none">• Details of the licenced driver who will be responsible for the vehicle.• Compliance test pass certificate not more than 14 days old.• Vehicle insurance or cover note which must cover the vehicle for 'Public Hire' if hackney carriage or 'private hire' if private hire or in any case for 'hire & reward'• Vehicle v5• Fee <p>On the grant of the licence the following items will be issued:-</p> <ul style="list-style-type: none">• Vehicle Licence• Plate• Conditions <p>The licence plates remain the responsibility of the accident management company and must be returned to the licensing office when the vehicle is handed back to them. The vehicle will be cancelled.</p> <p>Failure to comply with these guidelines will result in future applications being rejected.</p> <p>Reporting an accident</p> <p>Proprietors have 72 hours in which to report an accident. An authorised officer will assess the vehicle and if required will instruct the proprietor to take it to the nominated testing station for them to assess if the vehicle is roadworthy. Should the vehicle be roadworthy, but requiring repair – these repairs should be done within 28 days. Should the vehicle not be roadworthy then vehicle will be suspended until such</p>
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		a time that the testing station deem the vehicle to be roadworthy.
	Deleted Penalty Points	Inserted new Penalty Points corresponding to new conditions