

6 September 2021

**Please note venue
for meeting**

Dear Members

Council Meeting

I hereby give notice that a meeting of the Council will be held at

Rising Brook Community Church, Burton Square, Stafford, ST17 9LT on

Tuesday 14 September 2021 at 7.00pm to deal with the business as set out on the agenda.



Tim Clegg
Chief Executive

COUNCIL MEETING - 14 SEPTEMBER 2021

Mayor, Councillor Tony Nixon

A G E N D A

- 1 Approval of the Minutes of the meetings of Council held on 20 July 2021 as published on the Council's website.
- 2 Apologies for Absence
- 3 Declarations of Interest
- 4 Announcements (Paragraph 3.2(iii) of the Council Procedure Rules)
- 5 Public Question Time

(a) Maureen Alecock:

Does the Council accept that the Environment is a serious concern to all of us regardless of political affiliation and that it needs to work cross party on implementing it's Climate Change and Green Recovery Strategy. If so how has the Council so far worked on the strategy on a cross party basis?

(b) Alan Alecock:

Given the good news that the Borough Council is developing a tree planting strategy, can you tell me please:-

- 1/ When will the strategy be published?
- 2/ How many trees are planned to be planted?
- 3/ How will you engage with the general public in the planting?

(c) Netta Cartwright:

Regarding paras 2.1.2 and 2.1.4 in the Climate Change and Green Recovery report to Cabinet on 5th August 2021, how is the council going to deliver these important strategies by engaging with the wider public, private sector, young people of different age groups and specific groups like Stafford's "There is No Planet B" (TINPB)?

EG How can the council further build on the eco schools network and TINPB that, together, have been running eco workshops on environmental issues since 2010 for the TINPB annual Stafford green arts festivals at St Chad's church ?

(Supplementary question- Also how can the council create a digital forum/ use of social media for involving the widest number of groups/people in these important issues?).

(d) James Greenhalgh:

In his submission to the Cabinet meeting of 25th August 2021, Councillor Price includes Milestone Ref. 2.3.2 (see p101 of the Agenda of that meeting) which states that '*Small panel of community representatives set up to support formulation and delivery of community-based initiatives*'.

Can Councillor Price tell me what progress has been made so far in the setting up of that panel, and what criteria the Council has already used or will use in determining which community members will be selected as representatives on the panel?

(e) Ms Janet Hastilow:

Why is the established woodland area opposite to the proposed LNR not included in this proposal? This land is full of wildlife and is the foraging ground of badgers who live in the grounds of Streetscene and also home to foxes. This land is unsuitable for building as it floods and residents believe there is a covenant on this land.

(f) Mr Simon Mountford:

What measures are going to be put in place to enable access to this LNR for those with mobility issues and how will the issue of dog fouling be addressed especially since there are cattle grazing in the fields?

(g) Ms Claire Bacon:

What action will be taken to remove to unblock the river of fallen trees and how does the Council propose to remove the Himalayan Balsam and control its future growth?

(h) Ms Diana Smith:

How does the Council intend that this project will be managed and what plans are there for informing and involving the public in this?

6 Councillor Session

(a) Councillors A N Pearce, R P Cooke, A M Loughran, W J Kemp, G P K Pardesi and A T A Godfrey have submitted the following question in accordance with Paragraph 12.3(a) of the Council Procedure Rules:-

"Is it correct that at the meeting of the Cabinet on 5th August, the Leader of the Council described the meeting as having been 'well publicised' and, if so, does he, on reflection believe that to be an exaggeration as the only publicity was on the Council website."

- (b) Councillor A M Loughran has submitted the following question in accordance with Paragraph 12.3(a) of the Council Procedure Rules:

“In the light of increasing evidence of dramatic Global Warming, can the Leader of the Council explain his administrations stubborn insistence of a carbon neutrality target of 2040?”

- (c) Councillor A T A Godfrey has submitted the following question in accordance with Paragraph 12.3(a) of the Council Procedure Rules:

“We have been told by this Conservative administration that they need to work with and have the support of the whole community in relation to the Climate Change and Green Recovery Strategy. How has the council so far worked with the whole community, including environmental and political groups? Can he explain to this Full Council meeting, in detail, his administrations cooperative dealings to date.”

- (d) Councillor G P K Pardesi has submitted the following question in accordance with Paragraph 12.3(a) of the Council Procedure Rules:

“The Leader of the Council has publicly stated that Opposition Groups are not as interested as they make out in SBC’s Climate Change Strategy. How serious is this administration in being inclusive of them when no effort was made to involve the Littleworth Borough Councillors in plans to declare a Local Nature Reserve in their ward?”

7 Notice of Motion

A Notice of Motion pursuant to Paragraph 12.3(a) of the Council Procedure Rules has been proposed by Councillor A N Pearce, seconded by Councillor A T A Godfrey as follows:-

“Whilst carbon reduction is given equal priority within the Council’s Business Plan with other objectives, it is clear that the amount of resource allocated to it within the budget is very different. For example, Economic Growth and Strategic Projects has a budget of £406,980 this year whereas there does not appear to be a specific budget for carbon reduction. This is borne out in the proposed plan for carbon reduction where almost all actions are to be sourced from within existing resources.

This Council resolves to redress this when drawing up the budget for the coming financial year.”

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Chief Executive

Civic Centre
Riverside
Stafford
ST16 3AQ

ITEM NO 8**ITEM NO 8**

Report of:	Corporate Business and Partnerships Manager
Contact Officer:	Tracy Redpath
Telephone No:	01785 619195
Ward Interest:	Nil
Report Track:	Cabinet 05/08/2021 Council 14/09/21

COUNCIL**14 SEPTEMBER 2021****Climate Change and Green Recovery Progress Report**

The following matter was considered by Cabinet at its meeting held on 5 August 2021 and is submitted to Council for approval.

1 Purpose of Report

- 1.1 To provide an update on the activities that have been undertaken by the Council in relation to climate change and green recovery.

2 Recommendation

- 2.1 That the progress made be noted.

3 Key Issues and Reasons for Recommendation

- 3.1 In 2019, Stafford Borough Council declared a climate change emergency and committed to become a carbon neutral authority by 2040. Since the declaration was made, preliminary work has been progressing to enable this to be achieved.
- 3.2 As part of that declaration, it was agreed that a progress report be submitted to full council to outline the activities that have taken place and have been undertaken by officers. This report is set out in section 5 below.

4 Relationship to Corporate Business Objectives

- 4.1 Climate change and green recovery are cross-cutting issues that contribute and support the over-arching vision and business objectives contained in the Corporate Business Plan.

5 Report Detail

- 5.1 The council has recognised that it has an important role in responding to the threat of climate change and in response to this formulated a Climate Change and Green Recovery Strategy that was approved at full council in November 2020. The strategy outlined what the commitments would be over the next 20 years with a focus upon:
- Reducing emissions from our own activities
 - Working in partnership with Government, Elected Bodies and Elected Members, Partners and Residents across the Borough to take action that contributes to carbon neutrality and sustainable development within communities and across the natural environment
 - Mitigating and adapt to climate change
 - Continuing to implement our green recovery objectives.
- 5.2 The work to implement the strategy was delayed due to the Covid-19 and all staff teams being heavily involved in the response to the pandemic, ensuring that our most vulnerable residents were supported. Work in relation to responding to the pandemic has been continuing since the beginning of the year, but despite this we have managed to progress our climate change agenda and have formulated a delivery plan which is contained in the **APPENDIX**. Below contains a thematic summary of the work conducted by the Council since the implementation of the strategy in November 2020.
- 5.3 **Responsible Officers:** A new internal Climate Change and Green Recovery Group has been set up to oversee and co-ordinate this agenda and to monitor performance and progress. The group contains officers from across the authority who have the experience and specialisms in each of the workstream areas contained in the strategy. We have also appointed a full time Corporate Climate Change Officer who has been working in the Corporate Business and Partnerships Team on a full time basis since June.
- 5.4 **Reducing emissions from our own activities:** One of our commitments is to be a carbon neutral organisation by 2040 and in order for us to understand our carbon emissions we commissioned a carbon audit that was completed in May 2021. As the majority of our staff have been working from home over the past 18 months, the carbon audit utilised information from 2019 – 2020 in order to provide a more realistic baseline. The audit highlighted that buildings, waste and transport are the highest emitters and that the priority focus needs to be on these areas. As part of our recovery strategy and planning we acknowledged that now there are opportunities to create a new normal, building on what we have achieved over the past 12 months and linking it to the Digital Customer Strategy, promoting the digital workplace supported by appropriate infrastructure and linking this to our climate change objectives.

Below is a breakdown of the council's carbon of emissions by area of operation 2019/2020:

Stafford Borough Council – Carbon Emissions by Area of Operation 2019/20

Energy	Gas	12%
	Electric	14%
	Water	1%
LPG Consumption		0%
Process Fuel		4%
Waste Handling		29%
Commercial Fleet		5%
Staff/Member Travel		1%
Freedom Leisure		34%

We want to reduce our carbon emissions as much as possible but we are pragmatic and recognise that some of our services will continue to produce some emissions. In order for us to achieve our net zero commitment, we are currently investigating options for carbon sequestration, (removing carbon from our atmosphere) where the carbon emissions cannot be reasonably reduced any further, for example by planting more trees.

- 5.5 **Working in Partnership:** For the past six months the council have been working in partnership with Keele University, Centre for Alternative Technology (CAT) and local authorities across Staffordshire and Stoke on Trent. The purpose of the partnership is to take a collaborative, problem solving, systematic approach and to experiment, learn and make sense of what is required in order for us to achieve our vision of carbon neutrality. The partnership aims to create knowledge from and for the system, build capacity for implementation, build networks to sustain results, and create solutions with a deeper understanding of root causes.

So far this process has looked at the carbon zero requirements pan Staffordshire and Stoke on Trent, the journey so far, and started mapping this out across the following themes:

A. Structures

- Social
- Technological
- Environmental
- Economic
- Political

B. Communication and Collaboration

C. Values and Mindsets

In addition to this, work is underway to set up a small panel of community representatives to work with us to support the development of a climate change pledge and information packs for residents in line with the Sustainable Staffordshire initiative being run by Staffordshire County Council. We will also want this group to support, and be advocates of, our approach to community engagement and to work with communities and elected members. We are also in discussions with Keele and CAT to develop carbon literacy training that will be rolled out to our staff, members and businesses.

- 5.6 **Mitigate and Adapt to Climate Change:** The council has undertaken a comprehensive risk based assessment of vulnerabilities to weather and climate and identified the priority risk areas for the council. This is being fed into the refresh of the Local Climate Impact Profile which is already underway. The next steps will be to produce an action plan that will address those significant vulnerabilities and also identify opportunities.
- 5.7 **Continue to implement our green recovery objectives:** During this year we have committed to follow the Lawton principles of delivering more, bigger, better and connected habitats and in order for us to achieve this we are developing a local nature recovery strategy and working to support the Borough's Nature Recovery Network. We are also continuing to work in partnership to improve air quality by assessing the air quality/nitrogen dioxide for Southern Staffordshire Special Area of Conservation.
- 5.8 This report provides a summary of the work undertaken since November 2020 in relation to climate change and green recovery and the recommendations are to note the progress and submit the report to council in September 2021.

6 Implications	
6.1 Financial	
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil
6.2 Community Impact Assessment Recommendations	We will continue to take the opportunity to work at a local level to tackle the effects of climate change, by working with and encouraging local residents, local businesses and other organisations – to focus on green recovery, reduce their energy costs, reduce congestion, to mitigate and adapt to the impacts of climate change in order to improve the local economy and the environment.
Previous Consideration – Cabinet – 5 August 2021 – Minute No CAB23/21	
Background Papers - Corporate Business and Partnerships	

Climate Change and Green Recovery Delivery Plan 2021

Objective CC1: Reducing Emissions from our own Activities

Ref	Action	Outputs	Owner
1.1	Reduce emissions from our own activities	The achievement of carbon neutrality from council own emissions by 2040 (as per the climate emergency declaration 2019)	Corporate Business and Partnerships working with Climate Change and Green Recovery Group, all service areas, Maloney Associates

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
1.1.1	Audit the carbon balance of our council activities	Within existing resources
1.1.2	Formulate a delivery plan with realistic targets for energy, water, travel and transport.	Within existing resources
1.1.3	Continue with the work in relation to Organisational Recovery and Hybrid working	Within existing resources
1.1.4	Monitor the progress being made against the milestones in this Delivery Plan on a quarterly basis	Within existing resources
1.1.5	Provide annual reports on progress made to council	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Objective CC2: Work in partnership with Government, Elected Bodies and Elected Members, Partners and Residents across the Borough to take action that contributes to carbon neutrality and sustainable development within communities.

Ref	Action	Outputs	Owner
2.1	Encourage Elected Members to work with their communities to raise awareness of and identify opportunities to implement sustainable low carbon initiatives and promote community action on reducing emissions	1. To work in partnership with elected members and staff to increase carbon literacy. 2. To encourage local communities to transition to a low carbon lifestyle. 3. To work with partner organisations and stakeholder groups to deliver climate action initiatives. 4. To work with neighbouring authorities to share examples of best practice, and to ensure climate change is addressed across boundaries. 5. The adoption of a collaborative approach to deliver climate action across the borough.	Corporate Business and Partnerships working with elected members, partner organisation, residents

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
2.1.1	Climate change pledge developed and agreed.	Within existing resources
2.1.2	Communities signed up to climate change pledge.	Within existing resources
2.1.3	Carbon Literacy Training rolled out to staff and members	Within existing resources
2.1.4	Information packs developed to promote carbon neutral/energy efficient schemes; how to reduce single use plastics and live more sustainably/healthy (consideration given to digitally excluded).	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Ref	Action	Outputs	Owner
2.2	Work to support residents who are in financial difficulty and are vulnerable with energy efficiency measures	1. More energy efficient homes 2. Less people living in fuel poverty	Health and Housing working with Specialist energy agent, Staffordshire County Council, Community Wellbeing Partnership

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
2.2.1	Annual contract targets for volume of households supported to improve energy efficiency and/or reduce/remove fuel poverty, through measures installed and advice provided.	Within existing resources

Ref	Action	Outputs	Owner
2.3	Work with government and elected bodies to determine best practice and use this to raise awareness in our communities, businesses, and contractors		Corporate Business and Partnerships working with Centre for Alternative Technology, Keele University, residents, Staffordshire Climate Change Working Group. Communications, Climate Change and Green Recovery Group

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
2.3.1	Participation in Countywide Climate Change Group.	Within existing resources
2.3.2	Small panel of community representatives set up to support formulation and delivery of community-based initiatives.	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Objective CC3: Mitigate and Adapt to Climate Change			
Ref	Action	Outputs	Owner
3.1	Refresh the Climate Change Adaptation Strategy	1. Integration of climate change principles into the procurement process to timescale 2. Identification of relevant campaigns to timescale 3. Progress of Adaptation Strategy 4. Deployment of climate change adaptation measures 5. Publication of Adaptation Strategy	Corporate Business and Partnerships working with SBC colleagues/sections, SCC external partners, Climate Change and Green Recovery Group, Communications, Streetscene

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
3.1.1	Produce Local Climate Impact Profile.	Within existing resources
3.1.2	Produce a Climate Action Plan.	Within existing resources
3.1.3	Work with council services and partners to ensure vulnerabilities and opportunities not yet addressed are featured in strategies and action plans	Within existing resources
3.1.4	Production of an action plan of next steps in addressing significant vulnerabilities and opportunities	Within existing resources
3.1.5	Delivery of a comprehensive risk-based assessment of vulnerabilities to weather and climate - now and in the future.	Within existing resources
3.1.6	Identification of priority risks for all council services.	Within existing resources
3.1.7	Identification of the most effective adaptive responses.	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Objective CC4: Continue to implement our green recovery objectives

Ref	Action	Outputs	Owner
4.1	Follow the Lawton Principles of delivering more, bigger, better and connected habitats	1. Enhance existing habitats throughout the Borough. 2. Seek opportunities to create new habitats. 3. Ensure connectivity through a network of high-quality connected habitats throughout the Borough. 4. Well managed Blue and Green infrastructure	Ecology and Landscape Officer, Principal Planning Officer, Strategic Planning and Placemaking working with Wildlife Trust and Environment Agency, Freedom Leisure, Sport England, Allotment Associations, Operations

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
4.1.1	Developing Local Nature Recovery Strategy.	Within existing resources
4.1.2	Deliver Stafford Brooks project	Stafford Brooks, Biodiversity Net Gain
4.1.3	Investigate green network enhancements in Stafford and Stone	Within existing resources
4.1.4	All major development to deliver 10% biodiversity net gain to support the Borough's Nature Recovery Network.	
4.1.5	Develop/implement new Open Space strategy	
4.1.6	Deliver Cannock Chase SAC projects	

Climate Change and Green Recovery Delivery Plan 2021

Ref	Action	Outputs	Owner
4.2	Work in partnership to improve air quality		Operations and Strategic Planning and Placemaking Manager working with key partners and community groups such as Staffordshire County Council and The University of the Third Age, Cannock Chase SAC Partnership, Development Management

Milestones for Delivery in Year 1 (2021/22)

<i>Ref</i>	<i>Milestone</i>
4.2.1	Assessment of air quality / nitrogen dioxide for Southern Staffordshire SACs
4.2.2	Monitor and review air quality across the Borough to determine whether national air quality objectives are being met.

ITEM NO 9**ITEM NO 9**

Report of:	Licensing Manager
Contact Officer:	Julie Wallace
Telephone No:	01785 619605
Ward Interest:	Nil
Report Track:	Council 14/09/2021 (Only)

COUNCIL**14 SEPTEMBER 2021****Revised Taxi Licensing Policy and Licence Conditions 2020 to implement the Statutory Taxi and Private Hire Vehicles Standards.****1 Purpose of Report**

- 1.1 To seek approval for adoption of the review and amendments made to the Taxi Licensing Policy and Licence Conditions 2020 ("the Policy") which have been revised to incorporate the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards.
- 1.2 To allow delegation to the Head of Operations in consultation with the Head of Law and Administration and Cabinet Member for the Environment to make minor modifications to reflect changes in legislation or case law or to promote efficient administration in the licensing function without any other consultation if appropriate.
- 1.3 This report sets out the results of the formal consultation with the taxi trade and local stakeholders/partners which included Staffordshire County Council Transport, Stafford Borough Council's Planning Section, Stafford Borough Council's Corporate Business and Partnerships Team the Hackney Carriage and Private Hire Trade including all licensed Operators, Stafford and District Access Group, the Town Centre Partnership Team, Staffordshire Safeguarding Board and Staffordshire and Stoke-on-Trent Fire and Rescue Service which commenced on 14 June 2021 and closed on the 16 July 2021. The formal consultation outlined the proposed changes and amendments within the Policy.
- 1.4 There will be a further report presented to informal cabinet briefing on 2 September 2021 in the case of any further amendments to the Policy due to an extension of the consultation period for 2 weeks, exclusively for all Stafford Borough Councillors, the original draft has gone to Councillors for comment by 8 August to tease out any issues before full Council.

2 Recommendation

2.1 That Council:

- (i) approves the Policy and Licensing Conditions attached as an **APPENDIX**;
- (ii) agrees that the implementation date for the Policy and Licensing Conditions be 15 September 2021;
- (iii) approves delegated authority to the Head of Operations (in consultation with the Head of Law and Administration and the Cabinet Member for Environment) to make minor modifications to the Policy and Licensing Conditions to reflect changes in legislation or case law or to promote efficient administration in the licensing function without any other consultation if appropriate.

3 Key Issues and Reasons for Recommendation

- 3.1 (a) Since the implementation of the Taxi Licensing Policy and Licence Conditions in September 2020 the Department for Transport (DfT) has issued Statutory Taxi and Private Hire Vehicle Standards. These standards have now been incorporated into the Taxi Licensing Policy with its particular emphasis towards the protection of public safety. The standards assert that taxis and private hire vehicles are a high-risk environment and that minimum standards are required to regulate the taxi and private hire sector.
- (b) Other minor changes are also proposed to give more clarity to drivers in order to promote public safety.

4 Relationship to Corporate Priorities

- 4.1 To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

5 Report Detail

- 5.1 In the Borough of Stafford the Council has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi trade.
- 5.2 The protection of the public is the paramount consideration of the Council in terms of taxi licensing.
- 5.3 The Department for Transport (DfT) has issued Statutory Taxi and Private Hire Vehicle Standards which are required to be implemented.

- 5.4 The reviewed and amended Taxi Licensing Policy and Conditions are attached as an **APPENDIX**.
- 5.5 This report summarises the formal consultation with the Hackney Carriage and Private Hire trade including all licensed Operators and drivers within the Borough, Staffordshire County Council Transport, Stafford Borough Council's (SBC) Planning Section, SBC's Environmental Health Section, SBC's Corporate Business and Partnerships Team, SBC's Licensing Public Appeals Committee Chairperson and Members. Staffordshire Police and Crime Commissioner, Stafford and District Access Group, Staffordshire County Council Trading Standards, Staffordshire Police, Town Centre Partnership, Staffordshire Safeguarding Board and Staffordshire and Stoke-on-Trent Fire and Rescue Service. The consultation commenced on 14 June 2021 and closed on 16 July 2021.
- 5.6 There were 40 responses received from the consultation, many responses were from the taxi trade and are members of the Stafford Taxi Association but there were also a few responses from individual drivers in the private hire arena. Additional responses were also received from Staffordshire County Council.
- 5.7 From the responses received and noted:

Point 8.25 was removed after a large response from the drivers who were concerned as to why a mileage limit was necessary as modern engines of today will easily do 300,000 miles if well serviced. This was accepted and the 150,000-mileage cap has now been removed from the policy, the safety of the vehicles are governed by the MOT's which increase to 2 a year once the vehicle reaches its 7th year.

Appendix 2 point 11, again a large response, about the removal of Private Hire signage off a Hackney Carriage vehicle whilst standing on a taxi rank. The points made by the drivers were accepted and this condition has now been removed.

Points 8.21 and 8.22 were contradictory to one another and has now been reworded.

On Executive Vehicle Hire point 10.7, the wording has been amended.

Point 10.10 was removed and replaced with 'Executive Hire Vehicles must not be used for any home to school transport.

Appendix 6 point 11 has been amended to allow subtle signage to be displayed if required.

There was a large response regarding Appendix 1 point 34 as complaint stickers are to be displayed in all licensed vehicles, drivers were not happy that the Council were encouraging customers to complain about them, as well as having to have a further sticker inside their vehicles. This point was

considered but the Statutory Standards are clear and state 'Ways to make a complaint to the authority should be displayed in all licensed vehicles'. As a compromise the sticker will now state 'Compliments/Comments/Complaints'

Appendix 1 point 12 has been strengthened to refer to any handheld device.

Appendix 1 point 20 is also strengthened regarding daily checks of the vehicle.

There is a new point in Appendix 1 point 34 regarding excessive idling of a vehicle.

Point 54 has been added to include the storage and retention of booking records.

Appendix 3 point 44 and Appendix 4 point 4 have also been amended to also reflect the storage and retention of records.

Appendix 8 has been changed to add in a further penalty regarding the use of part worn tyres or driving with tyres below the legal limit.

- 5.8 Upon adoption by the Council the Policy and Conditions will be reviewed every 5 years. However, it will be the subject of continuous evaluation and, if necessary, reviewed at any time. At the time of any substantive review, all relevant individuals and organisations will again be consulted, however, approval will be sought by Full Council that the Head of Operations in consultation with the Head of Law and Administration and Cabinet Member for Environment may make minor modifications to reflect any change in legislation or case law or to promote efficient administration of the licensing function without consultation if appropriate.

6 Implications	
6.1 Financial	Nil
Legal	The Legal implications are set out through the report.
Human Resources	Nil
Human Rights Act	A Community Impact Assessment has considered the Human Rights Act.
Data Protection	Nil
Risk Management	The report ensures that our Taxi Policy is up to date and encompasses guidance and best practice.

<p>6.2 Community Impact Assessment Recommendations</p>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age has been considered with different lengths of licences for applicants of various ages however it ensures that all drivers are medically fit and those with certain medical issues are regularly checked to safeguard themselves and the public.</p> <p>Disability - Wheelchair Accessibility for customers and the Equalities Act 2010, Regulations 2017. The Policy will benefit wheelchair users since it requires more provision of wheelchair accessible vehicles.</p> <p>The Policy will also benefit people who require assistance dogs: the Policy provides that a driver cannot refuse to take any person with an assistance dog unless they have a medical exemption which has to be provided to the Licensing department. The Policy brings positive change for these areas.</p> <p>Race - The document is compliant with recent legislative amendments to the Local Government (Miscellaneous Provisions) Act 1976 and the Immigration Act 2016 in relation to immigration and status. If there are any concerns the relevant checks are carried out to satisfy the conditions in the Policy.</p> <p>The Policy has no impact on any Religion or belief, Gender Reassignment, Sexual Orientation, Pregnancy/Maternity or Marriage and Civil Partnerships as these have no bearing on the licensing process. Licences are available to all as long as the applicant passes the Fit and Proper rules and the licensing process.</p>
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Previous Consideration - Nil

Background Papers - File available in Operations

Taxi Licensing Policy and Licence Conditions 2021

DRAFT

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1 Foreword by Councillor Jonathan Price, Cabinet Member

Hackney Carriages and Private Hire vehicles are an important mode of local transport, and as such, have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door-to-door service in various circumstances, including where public transport may not be available (e.g., in very rural areas), or for those with mobility difficulties.

The aim of the Policy is to regulate the provision of a robust Hackney Carriage and Private Hire licensing system, which ensures that the public travel safely, receive a good level of service and drivers and operators are not overly burdened by unnecessary conditions.

In setting out its Policy, the Council seeks to promote the following objectives:

- The safety and health of drivers and the public.
- Vehicle safety, comfort and access.
- To prevent crime and disorder and to protect the public.
- To encourage environmental sustainability.
- To ensure a professional and courteous Hackney Carriage and Private Hire vehicle service.

Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all Hackney Carriage and Private Hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons. This Policy provides information and guidance to licence applicants, clarity for licensed vehicle owners, drivers and operators and the public as to the way that the Council will undertake its licensing functions.

This Policy will be kept under review to take into account changes in legislation and best practice.



Cllr J K Price
Cabinet Member for Environment

2 Background

Why we have a policy

- 2.1 Parliament regulates hackney carriages, private hire vehicles, their drivers and their operators through licences issued by the Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as amended.
- 2.2 This policy sets out the requirements and standards that must be met and maintained and provides guidance to both the trade and members of the public, in relation to Stafford Borough Council's aim of protecting public safety through the licences it issues for taxis, private hire vehicles, drivers and operators.

3 Introduction

Public Protection

- 3.1 In the Borough of Stafford the Council has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi trade.
- 3.2 **Protecting Public Safety** is the paramount consideration of the Council in terms of taxi licensing and the Crime and Disorder Act 1998 placed a duty on local authorities to work together with key partner agencies and organisations to develop and implement local crime reduction strategies. These partners work together to ensure that Stafford Borough remains a safe place to work, visit, live and socialise.
- 3.3 The Statutory Taxi and private Hire Vehicle Standards, issued by the Department for Transport (DfT) in July 2020, assert that taxis and private hire vehicles are a high-risk environment and that minimum standards are required to regulate the taxi and private hire sector. Stafford Borough Council will have regard to these national Standards within its revised Hackney Carriage/Private Hire Driver, Vehicle and Operator Licensing Policy.

Although the said standards focus on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained within the DfT document and the DfT expects the recommendation contained within the Statutory Taxi and private Hire Vehicle Standards document to be implemented unless there is a compelling local reason not to.

A link to the Statutory Taxi and private Hire Vehicle Standards, can be found here: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

The Council will also have regard to the Best Practice Guidance which is issued from time to time by the DFT:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Relationship to the Council's Corporate Priorities

3.4 This Policy supports the Council's Corporate Priorities as follows: -

- (i) To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing, ensuring public safety and protection by requiring vehicles to be serviced and maintained regularly and using monitoring and enforcement practices to ensure that all conditions are complied with.
- (ii) Health and Well-being of visitors and residents has been factored into this policy by ensuring that we minimise pollution by requiring vehicles to comply with the emission regulations and through limiting age of vehicles for licensing purposes as well as providing relevant safeguarding training and ensuring that drivers are fit and proper persons.

The Council's Core Licensing Functions

3.5 The Councils' core functions for taxi licensing are: -

- setting the local framework, which can include safeguarding standards, fares and vehicle standards.
- considering applications and safeguarding the public by issuing, reviewing or revoking licences.
- undertaking inspection and enforcement activities to ensure the required standards are being maintained and imposing controls or sanctions in the interests of public safety.

Policy Objectives

3.6 The Council's Policy objectives are: -

Public Protection - ensuring that the public can travel safely – that licensed drivers, vehicle licence holders and operators are “fit and proper” persons, and that vehicles are safe.

Improving Quality - ensuring that drivers are good, reputable drivers with up-to-date knowledge and training.

Promoting High Vehicle Standards – Ensuring that vehicles are clean and in good condition, comfortable and accessible for all passengers. Ensuring, that vehicles over six years old are subject to regular checks to ensure safety and compliance with emissions standards.

Improving Access for All - Encouraging a good level of service for the public and supporting vital transport links for the community, enabling visitors to move quickly and safely through Stafford Borough.

Improving Public Confidence – Ensuring that driver badges are worn. Ensuring that licence plates are properly displayed with signage, where applicable, to show the vehicle is licensed by the Council. Taking measures to ensure that public feel safe when travelling with a driver licensed by the Council.

Supporting the Safety and Success of the Night-Time Economy - ensuring the public can return home safely, helping crowds to disperse quickly and peacefully after events, or during busy times.

3.7 As this document forms part of your licence conditions, the Council expects all new applicants and existing drivers, proprietors and operators to be aware of, and demonstrate commitment to, promoting these objectives and to recognise that the protection of the public is the paramount consideration of the Council in terms of taxi licensing.

Consultation

3.8 The Council carried out a consultation from 14 June 2021 – 17 July 2021 and shared the revised policy with the following:

Staffordshire County Council, Transport, Stafford Borough Council's Planning Section, Stafford Borough Council's Environmental Health Section, Stafford Borough Council's Corporate Business Section, Stafford Borough Council's Licensing Public Appeals Committee Chairperson and Members. The Hackney Carriage and Private Hire trade including all licensed Operators and drivers within the Borough. Staffordshire Police, Staffordshire Police and

Crime Commissioner, Staffordshire County Council Trading Standards, Staffordshire Safeguarding Board, Stafford and District Access Group, Town Centre Partnership team and Staffordshire Fire Service, to seek contributions, feedback and comments.

3.9 The draft policy was signposted on the Council's web site.

3.10 A Community Impact Assessment for this policy has been carried out.

Commencement

3.11 This policy, **if approved by Council on 14 September 2021, will be implemented on 15 September 2021.**

Future Changes

3.12 The Council will monitor the effectiveness of the policy in terms of promoting public safety and public confidence **but, in any case, will review it every 5 years.** The Council will also have to consider the Policy in the light of any further developments in the law and changes in government policy and guidance. The Council will review this Policy as appropriate and will consult with stakeholders at the time it is considering substantial changes to this policy.

3.13 Stafford Borough Council are aware of proposed government action to phase out the use of diesel and petrol vehicles, **by 2030**, therefore drivers are encouraged to factor this in when replacing their current vehicle and consider purchasing hybrid/electric. This will reduce the impact on the environment, in line with the Council's objectives.

3.14 Drivers are advised to keep themselves apprised of Her Majesty's Revenue and Customs (HMRC) tax conditional requirements which is introducing a tax check into the licensing process for applications/renewals for taxi, private hire drivers and private hire vehicle operators from 4 April 2022.

Information Sharing

3.15 The Council shares information with partner organisations including the Police, Environmental Health, Home Office, Department of the Environment, Food and Rural Affairs (DEFRA), The National Anti-Fraud Network (NAFN) the County Council, DVSA and the National Fraud Initiative (NFI) in the interests of crime prevention and enforcement.

- 3.16 Council officers meet regularly with these other organisations in order to ensure effective regulation of the hackney carriage and private hire trade. The Police have powers to disclose information about relevant investigations even before an arrest or conviction is made.

Data Protection

- 3.17 When an individual or an organisation provides information to the Council, this data is held in accordance with the Data Protection Act 2018. **This legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing.** Data that is provided to the Council is used for processing applications, recording details of successful applicants, and for enforcement and crime prevention purposes.
- 3.18 The Council may share data with other services and with partners of the Council where required by licensing procedures and for enforcement and crime prevention purposes, but data will not otherwise be passed on to any other party.
- 3.19 While certain information may be disclosed under the Freedom of Information Act, personal data will be protected unless it is also official business data (e.g., a licensee whose registered business address is also their home).

Equality and Inclusion

- 3.20 Through the Council's policies and service delivery the Council's main aims for equality and inclusion are to:
- Eliminate unlawful discrimination
 - Promote equality of opportunity
 - Promote good relations between diverse communities.
- 3.21 A link to the Council's Equalities and Inclusion Policy can be found here <http://www.staffordbc.gov.uk/equalities-and-diversity1>
- 3.22 The Council carried out a Community Impact Assessment of this Policy, which assessed how it affects people with protected characteristics and other equality groups.

Section 17 Crime and Disorder Act

- 3.23 Under section 17 of the Crime and Disorder Act 1998 the Council is required to promote the prevention of crime and disorder within its area **and we work with our partners to introduce innovative ways of working together to ensure we continue to reduce all criminal activity and improve the general wellbeing of residents.** This Policy will contribute to this objective.
- 3.24 The Council will ensure that travelling passengers and the public have a clear mechanism for reporting drivers and vehicles to the Licensing Unit. This can be done by calling or emailing the Licensing Unit, from information supplied on the sticker inside the vehicle, or by visiting the Council's website <https://www.staffordbc.gov.uk/licensing1>.

Enforcement Concordat

- 3.25 Stafford Borough Council is a signatory to the Enforcement Concordat, which forms the core of the Environmental Health Enforcement Policy. The Enforcement Policy was approved by the Council's Cabinet in July 2016.

Area of Primary Use to be Stafford Borough

- 3.26 Licensed drivers and licensed vehicles by Stafford Borough are expected to operate within Stafford Borough. A map of Stafford Borough can be viewed at <http://www.staffordbc.gov.uk/where-is-stafford-borough>
- 3.27 When the Council considers Hackney Carriage Licence applications it will have regard to where the vehicle to be licensed will be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within Stafford Borough, or is used predominantly in another area.

Contact Us

- 3.28 The Licensing Section can be contacted at ehlicensing@staffordbc.gov.uk
Telephone: 01785 619745 Postal Address: Operations Service, Licensing,
Stafford Borough Council, Civic Centre, Riverside, Stafford, ST16 3AQ

4 Basics of Taxi Licensing

Hackney Carriages and Private Hire Vehicles - Differences

- 4.1 Hackney carriages are permitted to park on taxi ranks to wait for customers and can be hailed. Hackneys can also be booked in advance.
- 4.2 Private hire vehicles have to be booked in advance by customers via a licensed operator. Private hire vehicles are not permitted to wait for passengers at taxi ranks or to stop for passengers who try to hail them.
- 4.3 Vehicles will be licensed either as hackney carriages or private hire vehicles – vehicles cannot be licensed under both regimes.
- 4.4 The term “Taxis” is used throughout this Policy to refer to both Hackney Carriages and Private Hire Vehicles.
- 4.5 The table below is a quick reference guide to the differences between hackney carriages and private hire vehicles.

Differences	Hackneys	Private Hire
Ply for hire	✓	x
Pre booked	✓	✓
Operating from a rank	✓	x
Fare meter required	✓	x
Fare tariff set by council	✓	x
Number of vehicles may be restricted by councils	✓	x
Hackneys require two types of licence:	Hackney carriage proprietors (vehicle) licence Hackney carriage drivers Licence	Hackney carriage proprietors (vehicle) licence Hackney carriage drivers Licence
The provision of a private hire service requires three types of licence:	Private hire Operator's licence Private vehicle licence Private hire drivers licence	Private hire Operator's licence Private vehicle licence Private hire drivers licence

Number of Passengers

- 4.6 The Council is only responsible for the licensing of vehicles with up to eight passenger seats. Vehicles with a seating capacity of 9 or more passenger seats are licensed by the Driver and Vehicle Standards Agency.

Dual Badges for Licensed Drivers

- 4.7 The Council issues a “dual badge” for licensed drivers that permit them to work as hackney carriage drivers and private hire drivers.

Fit and Proper Person

- 4.8 The Council will not licence a driver or a private hire operator unless satisfied that the applicant is a “fit and proper person”

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5 New Applicants for Dual Badge Drivers Licences

Application Process

- 5.1 The flow chart at **Table 1** illustrates how to apply for a Hackney Carriage/ Private Hire Driver's Licence.

Drivers Must Be “Fit and Proper Persons”

- 5.2 The Council will not grant a licence to a new applicant for a Hackney Carriage/ Private Hire Driver's Licence, unless satisfied that the applicant is a fit and proper person. The applicant is assessed as per the criteria set out in Chapter 5 below.

Age

- 5.3 The Council issues Driver Licences for applicants less than 65 years of age, that are valid, for three years from the date of grant. For any applicant over 65 the licence is valid for 12 months from the date of grant.

Right to Work in UK

- 5.4 The Council requires all applicants to provide documents to prove that they may legally work in the UK. The Council will also verify an applicant's right to work in the UK by [making the relevant checks](#) (See flow chart at **Table 13**)

Medical Examination

- 5.5 Applicants shall submit to a medical examination upon their first application for a drivers' licence. Applicants must arrange the medical with the Council's approved medical examiner via the Occupational Health Unit at Cannock Chase Hospital. DVLA Group 2 medical certificates obtained from other medical examiners will not be accepted by the Council. Applicants asking for an exemption from the requirement to carry assistance dogs or an exemption to the requirement to assist wheelchair passengers on medical grounds or where the drivers physical condition makes it impossible or unreasonably difficult form to comply with the duties set out in section 165 of the Equalities Act 2010 should make this issue known to the Occupational Health Unit and the Licensing Section at the earliest stage and provide supporting information/documentation from your GP. Giving false information on any medical form could lead to prosecution.

- 5.6 Where a medical certificate has been produced or not, applicants may be required to arrange a further medical with the Council's approved medical provider to assess their fitness as a driver. The Council to bear the cost.

Driving Assessment

- 5.7 The Council requires all new applicants to pass a driving assessment carried out by the Council's nominated Assessors. During the driving assessment Applicants, where possible, must drive the vehicle that they plan to use if they are licensed. The assessment should be booked as early as possible and must be paid for by the applicant themselves. If an applicant fails, the assessment then a licence will not be granted. (See flow chart at **Table 14**)
- 5.8 The Council will require either the applicant or the driving assessor to notify the Council's Licensing Section of the result of the assessment, and to forward a copy of the assessment marking sheet, before the Council issues the licence.
- 5.9 If applicants already hold a driving assessment certificate that is less than **FIVE** years old then the Council will accept this in lieu of a driving assessment.

Training

- 5.10 On implementation of this policy, all new applicants will be required wherever possible to successfully complete appropriate training prior to being licensed. In any case the training should be completed within 6 months of being licensed for the first time. Training will include such matters as Safeguarding, Child Sexual Exploitation (CSE), **County Lines, which is compulsory every 3 years**, and the prevention of terrorism (Prevent). Training will also include Wheelchair Accessible Vehicle (WAV) and Dementia Awareness training.

Knowledge Test

- 5.11 All new applicants must pass the Council's written and oral Knowledge Test before they can be licensed. The Knowledge test covers areas that include
- The Highway Code
 - Safeguarding
 - Ability to read, write and speak English.
 - Driving routes in Stafford Borough; and
 - Location of popular destinations

Failure of Knowledge Test

- 5.12 Where an applicant fails three tests then a period of at least 1 month must elapse before another test is taken. If the applicant fails the fourth test, then they will not be able to make a further application for a licence for twelve months from the date of the last knowledge test.

Future Changes to the Knowledge Test

- 5.13 The Council reserves the right to introduce specific requirements in relation to the assessment of applicants' ability in English, Mathematics and in relation to awareness of Equality and Disability, Safeguarding, CSE and the prevention of terrorism (Prevent).

Photographs

- 5.14 Photographs provided for new applications must meet the criteria required by the Passport Office in respect of the background, colour, quality and size and **must** also be up to date i.e., taken within the last 3 months. It is recommended that photographs should be obtained from photograph machines or photographic retailers.

DVLA Driving Licence

- 5.15 Applicants will be required to provide their DVLA Driving Licence to the Licensing Section, this must be valid and in good condition. It must be legible and bear the drivers current home address. Applicants are required to sign an agreement mandate, valid for 3 years, which will allow the Council to check their DVLA Licence status. Applicants are required to submit their DVLA licence for inspection upon renewal to the Licensing Section.
- 5.16 Those who hold a European Economic Area (EEA) member state driving licence should note that as a result of the UK leaving the EU, those who have been residing or working in the UK must now apply to the EU Settlement Scheme should they wish to remain. Under the government legislation, EU Citizens who were residing in the UK prior to 1 January 2021 will have their rights and status remain in place until 30 June 2021. Further information on this can be found online at <https://www.gov.uk/right-to-reside> <https://www.gov.uk/staying-uk-eu-citizen> and <https://www.gov.uk/settled-status-eu-citizens-families>.

Previous Licence at another Council

- 5.17 The Council will not licence a vehicle for hire and reward which is licensed by another local authority.

Where an applicant has previously been licensed with another Council, they will be required to sign a consent form permitting the Licensing Section access to their licence records at the other Council. Where such agreement cannot be reached, then the application may not proceed. Failure to declare the existence of a previous licence with another authority may lead to consideration of suspension or revocation of a licence that is granted. Applicants must also disclose, at application stage, any previous refusals/suspensions/revocations by any other Local Authority.

Disclosure and Barring Service

- 5.18 An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application. Applicants are required to sign up to the DBS Update Service within 30 days of receipt of their DBS Certificate and must remain subscribed to the service for the duration of their licence. The Council will check the online DBS, **routinely for new information, at 6 monthly intervals, in line with the statutory standards**, or at any time where deemed necessary to ensure public safety. **If applicants do not sign up to the update service, they will still be subject to a check every 6 months.** The flow chart at **Table 3** shows how to apply for the DBS update service.
- 5.19 **It should be noted that the DBS service cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed, therefore a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas: the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK therefore applicants are required to provide criminal records information or a 'Certificate of Good Character' from overseas, in these circumstances, to properly assess risk and support the decision making process. Each case will be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please use the following link**
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Human Trafficking and Child Sexual Exploitation

- 5.20 All new applicants must inform the Council, via the application form, if they have ever been questioned, interviewed or arrested for any offence connected to child sexual exploitation or human trafficking.

Public Protection and the Fit and Proper Person Test

- 5.21 The Council will not grant a Driver Licence unless it is satisfied that the applicant is a “fit and proper person” - see Section 6.2 - 6.7 below, the paramount consideration is the protection of the public.

6 Requirements for All Dual Badge Drivers

Application Process

- 6.1 The flow chart at **Table 2** illustrates how to apply to renew a Hackney Carriage/ Private Hire Driver's Licence. Licences are granted for three years up to age 65.

Drivers Must Be “Fit and Proper Persons”

- 6.2 The Local Government Association has stated: “Passengers should be at the centre of a licensing authority's taxi licensing policies and processes, and there is no area where this is more important than in the application of the ‘fit and proper person’ test.
- 6.3 The Council will not process a licence application unless it is satisfied that a driver is a “fit and proper person”. The Council will use the National Anti-Fraud Network (NAFN) register of drivers (NR3) who have been refused or had revoked a taxi or PHV driver licence. We will record any cases within Stafford Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal or revocation and upon appropriate request, we will provide those details to other authorities on a confidential basis.
- 6.4 The key reason for applying the “fit and proper” test is the protection of the public. If the Council is not satisfied that a driver is a “fit and proper person” then it must not grant a driver licence. All decisions on the suitability of an applicant or licensee will be made on the balance of probability which means that a border line case applicant or a border line case licensee will not be ‘given the benefit of doubt’ the licence will either be refused or revoked.

Consideration of the “Fit and Proper Person” test

6.5 Factors that are considered include: -

- The right to work in this country
- Criminal record (both current and spent convictions) which includes overseas convictions.
- Mental and physical fitness.
- Valid DVLA Licence
- Conduct, attitude and behaviour.
- Driving record and experience.
- Complaints about conduct or customer service.
- Previous breaches of licence conditions.
- Sobriety.
- Knowledge test, including Safeguarding.
- Ability to read, write and speak English.
- Any other information the Council considers relevant.

6.6 Information used to judge ‘fit and proper’ will not be confined to issues which occurred while the applicant was engaged in a professional driving role as the intention is to consider patterns of behaviour and conduct that could indicate that the safety and welfare of the public may be at risk from the applicant.

6.7 Applicants are referred to the Council’s Policy Statement on the Relevance of Convictions, see **Appendix 7**.

Disclosure and Barring Service Enhanced Disclosure

6.8 An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application. New applicants are required to subscribe to the DBS Online Update Service as part of this process and **existing drivers** are required to subscribe to this service when they next make application for a DBS Enhanced Disclosure within 30 days of receipt of the certificate. Applicants are encouraged to set up automatic renewals when first joining the service and must remain subscribed to the service for the duration of their licence. The Council will check the online DBS, **routinely for new information at 6 monthly intervals, in line with the statutory standards**, or at any time where deemed necessary to ensure public safety. If there are no changes

recorded on the DBS certificate, then a full DBS check will not be required on renewal. **If drivers do not sign up to the Update Service, upon renewal, they will be required to submit a further DBS at their own cost every 6 months.** In all other cases, and where the Council has received no notification of such changes from the driver, a new DBS may be required and the dual badge driving licence may be revoked until this is received. The Council has a policy which provides guidance on the relevance of convictions which are not spent under the Rehabilitation of Offenders Act 1974. This information is reproduced within **Appendix 7** of this document. The flow chart at **Table 3** shows how to apply for the DBS update service.

- 6.9 It should be noted that the DBS service cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed, therefore a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas: the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK therefore applicants are required to provide criminal records information or a 'Certificate of Good Character' from overseas, in these circumstances, to properly assess risk and support the decision making process. Each case will be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please use the following link <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>. A full written explanation must be provided to the Licensing Unit if no such information or certificate can be obtained.
- 6.10 The law requires the Council to consider an Applicant's spent and unspent convictions, as relevant to the question of whether the applicant is a fit and proper person, because taxi drivers are exempted from the requirements of the Rehabilitation Offenders Act 1974. In general, the Council will have regard to the type, age, frequency and/or seriousness of the offence and whether there is any pattern of behaviour shown. Further information is set out in **Appendix 7** of this document.

DVLA Licences

- 6.11 Drivers will be required to provide their DVLA Driving Licence to the Licensing Section. A Driver's DVLA Licence must be valid, in good condition and bear the driver's current home address.
- 6.12 Drivers are required to sign an agreement mandate which will allow the Council to check their DVLA Licence status. Drivers are required to submit their DVLA licence for inspection upon renewal to the Licensing Section.

- 6.13 Any driver who permits their DVLA licence to expire may have their Driver's Licence suspended or revoked if the Council is not satisfied that the driver has a valid DVLA licence.
- 6.14 Those who hold a European Economic Area (EEA) member state driving licence should note that as a result of the UK leaving the EU, those who have been residing or working in the UK must now apply to the EU Settlement Scheme should they wish to remain. Under the government legislation, EU Citizens who were residing in the UK prior to 1 January 2021 will have their rights and status remain in place until 30 June 2021. Further information on this can be found online at <https://www.gov.uk/right-to-reside> <https://www.gov.uk/staying-uk-eu-citizen> and <https://www.gov.uk/settled-status-eu-citizens-families>.

DVLA Licences and Changes of Address

- 6.15 Drivers must notify the Council of any change of address within **7 days** and then present their DVLA Driving Licence to the Council showing the new address details within **28 days** of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.

DVLA Licence Penalty Points

- 6.16 Any driver who, at any time, has 9 or more 'live' points upon their DVLA Driving Licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention **will** be required to undertake a driving assessment with a relevant provider. This assessment must be undertaken at the driver's own expense but the initial process and contact with the relevant service provider will be facilitated by the Council's Licensing Section. If concerns are raised by the Driving Assessor about the proficiency of the driver during the driving assessment, the Council may require additional training or further assessments to be carried out. **Multiple motoring convictions are strong indicator that a driver may not be a fit and proper person to drive professionally, especially where any convictions have been incurred whilst driving in a professional capacity.** The driver may have their Dual Badge Licence revoked if their driving is deemed dangerous.
- 6.17 If a driver continues to have DVLA penalty points imposed upon their licence after their driving has been assessed by a relevant service provider, that driver may be referred to the Council's Public Appeals Committee so that their fitness and propriety can be assessed.

- 6.18 Any driver who has 12 penalty points or more upon their DVLA Licence may be referred to the Council's Public Appeals Committee. The Committee will decide whether the driver remains a fit and proper person to hold a licence, or whether the licence should be suspended or revoked. This determination is separate from any determination of financial hardship made by the courts.

Suspension of a Vehicle

- 6.19 In the event of a vehicle being suspended due to not being fit for purpose, it will be issued with the relevant notice and the vehicle will be required, after having the necessary repairs/work completed, to be booked in at County Fleet Care for the work to be inspected. Any costs to be incurred by the driver. A Taxi Vehicle Endorsement form will be completed by County Fleet Care; this must be returned to the Licensing Section for inspection before the licence plates will be returned.

Up to Date Contact Information.

- 6.20 Licensed drivers must be contactable at all reasonable times and the Council expect that all contact details provided such as telephone number, home addresses and email addresses are correct and up to date. Where drivers cannot be contacted after reasonable attempts have been made by the Licensing Unit, drivers may have formal action taken against them and their Hackney Carriage/Private Hire Drivers' Licence may be suspended or revoked.

Safety Screens

- 6.21 Stafford Borough Council have no objections to the use of partitions/safety screens, provided that:

- The screen must comply with government and industry regulations and Stafford Borough Council's requests as the Licensing Authority.
- Be clear and transparent and fitted across the rear of both front seats, creating a partition between the front and rear cabin area of the vehicle.
- Be cleaned regularly between fares/driver changes.

The screen must not:

- Have a solid frame
- Affect the structural integrity of the vehicle or interfere with any manufacturer fitted safety equipment e.g., airbags.

- Wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
- Be home-made, non-approved or be constructed of plastic sheeting

If any driver wishes to fit a protective screen

<https://www.staffordbc.gov.uk/use-partitions-or-screens-taxis-and-private-hire-vehicles> in their vehicle, they must first notify the Licensing Team in writing, either by email or by letter, including confirmation that the vehicle's insurance will be amended to include the protective screen as fitted. Drivers are reminded to inform us if it is their intention to fit a screen; these must be genuine screens and should be fitted by a professional in accordance with the manufacturer's instructions.

Operators should be able to evidence that a product complies with government and industry regulations, as well as any additional requirements the licensing authority has.

- Assurance that the product is compliant with government and industry regulations, for example the Road Vehicle (Construction and Use) Regulations and relevant safety, UK and European Community (EC) legislation.
- Evidence that the product has been tested to relevant EU standards and approved by appropriate certification organisation.
- Directions about how screens should be fitted, for example, by a professional in accordance with the manufacturer's instructions. Screens should not be fitted by the drivers themselves.
- Specification of what screens should be constructed of, for example, PETG (Polyethylene Terephthalate Glycol-modified) or polycarbonate.
- Screens should not impede the driver's vision, movement or communication with passengers, or the driver or passenger access or egress to the vehicle.
- Insurers should be notified of any modifications made to the vehicle.
- Confirmation from the manufacturer that the installation does not compromise the integrity of the vehicle's structure and safety features.

Provided these screens meet the criteria, they can remain a permanent fixture inside the vehicle.

Assessment of Medical Fitness

- 6.22 Drivers shall submit to a medical examination when they make their first application and also on every renewal date (usually every three years) up to the age of 65 years. Giving false information on any medical form could lead to prosecution.
- 6.23 On reaching 65 years of age drivers are required to have an annual medical.
- 6.24 **In addition to the above the Council requires more frequent medicals for drivers with certain medical conditions, such as diabetes, which will require a subsequent diabetology report to confirm medical fitness, this will usually be required annually and must be done before the medical appointment at the Council's Occupational Health Unit, the result must then be taken by the driver to their medical appointment in Cannock. The cost of which will be incurred by the driver.**
- 6.25 Applicants must make payment of the fee before booking the medical examination. The Licensing section will issue the applicant with the application form upon receipt of payment. The current fee can be found at <http://www.staffordbc.gov.uk/licensing1> (Click onto Fees)
- 6.26 If the Council is concerned as to an applicant's medical fitness, whether a medical certificate has been produced or not, applicants may be required to arrange a further medical with the Council's approved medical provider in order to assess their fitness as a driver. The Council to bear the cost.

Medical Conditions Affecting Ability to Drive

- 6.27 If an already licensed driver has any medical condition which may affect their ability to drive safely, the driver must cease driving licensed vehicles and contact the Council immediately to report the medical condition.
- 6.28 The Council may suspend a driver where it considers it is in the interests of Public Safety to do so.
- 6.29 Further testing or examination may be required if recommended by the Council's medical examiner. Any costs are to be covered by the driver. However, dependent on the severity of illness, the driver's own GP may certify fitness to return to work as a licensed driver. Each case will be considered on its own individual merits. The Council may decide to refer the driver to the Public Appeals Committee for determination.

Medical Exemption from Carrying Assistance Dogs

- 6.30 Drivers who wish to claim a medical exemption to the requirement to carry assistance dogs must apply for such an exemption through the medical assessment process, at Cannock, at the earliest possible stage, taking supporting information/documentation from your GP with you. Drivers will need to supply supporting information/documentation at every medical thereafter to support the continuing exemption. Evidence must be supplied by Occupational Health to the Licensing section before any exemption will be allowed. The Council reserves the right to verify any such evidence. Any costs will be incurred by the driver.

Medical Exemption from Assisting Wheelchair Passengers

- 6.31 Drivers who wish to claim a medical exemption to the requirement to assist wheelchair passengers must apply for such an exemption through the medical assessment process, at Cannock, at the earliest possible stage, taking supporting information/documentation from your GP with you. Exemption can only be claimed on medical grounds or where the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties set out in section 165 of the Equalities Act 2010. Any costs will be incurred by the driver. Drivers will need to supply supporting information/documentation at every medical thereafter to support the continuing exemption. Evidence of this must be supplied by Occupational Health to the Licensing section before any exemption will be allowed. The Council reserves the right to verify any such evidence.

Training

- 6.32 All licensed drivers will be required to successfully complete appropriate training within 6 months of this Policy being implemented. Training will include such matters as Safeguarding, Child Sexual Exploitation (CSE), the prevention of terrorism (Prevent) and Dementia Awareness. Failure to attend or complete the training may result in the licence holder being suspended or revoked. Such training will be renewed every 3 years.
- 6.33 Drivers of Wheelchair Accessible Vehicles (WAV) must always be competent in assisting wheelchair passengers and must comply with their duties under the Equality Act 2010. If the Council has concerns in relation to such competency or the driver receives complaints regarding failures to comply with the duties under the Act the Council may require the licensed driver to attend and complete an approved WAV training course at their own expense. In the event of serious failures to comply the Council may suspend or revoke the driver's licence.

Disclosure of Convictions, Cautions, Fixed Penalties Etc

- 6.34 Failure to notify the Council of any **arrest and release, charge**, conviction, caution or fixed penalty may result in the suspension or revocation of the licence
- 6.35 All licensed drivers are required to give written notification to the Licensing Section within 48 hours of any of the following: -
- **Arrest and release, charge or conviction of any sexual offence.**
 - **Any offence involving dishonesty or violence.**
 - any other offence with which they are charged.
 - any pending court appearances.
 - all convictions.
 - the acceptance of a fixed penalty notice.
 - all endorsements for any motoring offences.
 - their acceptance of a speed or other awareness course; and,
 - all cautions, including those commonly referred to as “simple” “formal” or “police” cautions issued by the police or any other prosecuting authority.
- 6.36 The driver shall notify the Council’s Licensing Section by e-mail or letter within **48 hours** of accepting one of the above or receiving one of the above at court.
- 6.37 The driver shall specify the nature of the offence, the date of the offence, the date of conviction or caution and the penalty imposed. For the avoidance of doubt the date of caution is the date on which the driver accepts and admits that the offence was committed.
- 6.38 All hackney/private hire drivers must inform the Council as soon as possible and in any event **within 48 hours**, if they have been questioned, interviewed, arrested **and/or released** or charged in connection with: -
- touching a child or young person unnecessarily or inappropriately
 - making offensive or inappropriate comments
 - misusing or attempting to misuse personal details obtained as part of a fare or booking
 - sexual activity with a child or vulnerable person
-

- inappropriate relationship with a child or vulnerable person
- violence, coercion or intimidation of a child or vulnerable person
- trafficking a child or vulnerable person.

Notification to Insurers

6.39 Drivers must ensure that they notify the insurer(s) of their vehicle(s) of any convictions or fixed penalty notices.

Conditions

6.40 Drivers must comply with the conditions attached at **Appendix 1** at all times.

Surrender of Licence

6.41 If a driver wishes to give up their dual driver's licence, they should follow the process set out at **Table 12**.

7 Private Hire Operators

Public Safety

- 7.1 The objective in licensing private hire operators is ensuring the safety of the public who will be using operators' premises, vehicles and drivers arranged for them. **It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator's licence also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.**
- 7.2 Any person(s) wishing to apply for an Operator's licence within Stafford Borough must have sought the relevant planning permissions.
- 7.3 A private hire operator, **licensed by Stafford Borough Council**, must ensure that they only take bookings for, and dispatch private hire vehicles licensed by Stafford Borough Council and that the vehicles are only driven by drivers who hold a licence issued by Stafford Borough Council unless the work is contracted out in accordance with the Deregulation Act 2015 and Sections 55A and 55B of the Local Government (Miscellaneous Provisions) Act 1976 **and detailed records should be maintained of those journeys that are contracted out.**

Application Process

7.4 The flow chart at **Table 4** illustrates how to apply for a Private Hire Operator's Licence. The flow chart for Operator renewals is at **Table 10**.

Period of Licence

7.5 A private hire operator licence is renewable annually. **This decision has been taken to provide value for money as Stafford Borough Council do not charge based on the number of vehicles within the fleet.**

Operators to Be Fit and Proper Persons

7.6 The Council will not grant a licence for a Private Hire Operator unless satisfied that the applicant is a fit and proper person.

7.7 Applicants for a Private Hire Operator's licence must provide Disclosure from the Disclosure and Barring Service (DBS) see paragraph 6.8 below.

Consideration of the "Fit and Proper Person" test

7.8 Factors that are considered include: -

- Immigration status
- Criminal record (both current and spent convictions) **which includes overseas convictions.**
- Mental and physical fitness.
- Conduct, attitude and behaviour.
- Complaints about conduct or customer service.
- Previous breaches of licence conditions.
- Sobriety.
- Ability to read, write and speak English.
- Ability to keep accurate records
- Assessment of how the Applicant will ensure drivers employed by them are fit and proper and suitably trained
- Assessment of how the Applicant will ensure customer safety and safeguarding

- Assessment of how the Applicant will ensure vehicles are safe, adequately maintained and insured
- Assessment of how the Applicant will handle customer information and personal data
- Assessment of how the Applicant will ensure drivers do not work excessive hours
- Any other information the Council considers relevant.

Disclosure and Barring Service Enhanced Disclosure

- 7.9 Where an existing or prospective Operator is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure with the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Barring Service prior to any licence being issued and **every year** thereafter. Online applications can be made at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- 7.10 It should be noted that the DBS service cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed, therefore a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas: the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK therefore applicants are required to provide criminal records information or a 'Certificate of Good Character' from overseas, in these circumstances, to properly assess risk and support the decision making process. Each case will be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please use the following link <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

Criminal Record and Convictions

- 7.11 Applicants are referred to the Council's Policy Statement on the Relevance of Convictions, see **Appendix 7**.
- 7.12 All licensed operators must give written notification to the Licensing Section as soon as possible of: -
- any offence with which they are charged.
 - any pending court appearances.

- all convictions.
 - all cautions, including those commonly referred to as “simple” “formal” or “police” cautions issued by the police or any other prosecuting authority.
- 7.13 The operator shall notify the Council’s Licensing Section by e-mail or letter within **48 hours** of accepting one of the above or receiving one of the above at court.
- 7.14 A private hire vehicle operator licence may be applied for by a company or partnership; the licensing authority will apply the ‘fit and proper’ test to each of the directors or partners in the company or partnership. In consequence, private hire operators must advise the licensing authority of any change in directors or partners. The operator is also expected to inform the Council of any convictions relating to business partners or company directors.

Duties of Operators to Ensure Drivers are Fit and Proper

- 7.15 Operators must ensure that persons who are recruited to be drivers are fit and proper persons.

Duties of Operators to Ensure All Staff are Suitable Persons

- 7.16 Operators must ensure that all support staff, **whether directly employed by the company or not, are properly trained** and suitable persons to undertake work which requires dealing with sensitive personal information and the maintaining of customer confidentiality. Operators should consider obtaining **or have sight of a Basic Disclosure** for all their support staff.
- 7.17 Operators must ensure that they have a written policy on employing ex-offenders and that all staff are suitable persons to undertake work which requires dealing with sensitive personal information and the maintaining of customer confidentiality. Operators should consider obtaining a Basic Disclosure for all their support staff.

Online applications can be made at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

- 7.18 Operators must keep a register of bookings and dispatch staff and are required to evidence that they have had sight of a Basic DBS check on all individuals listed on that register.
- 7.19 Operators must provide a policy on the employment of ex-offenders and ensure that Basic DBS checks are conducted on any individual added to the register and that the result of the Basic DBS check is compatible with their own policy on employing ex-offenders.

- 7.20 The Operator must ensure that sensitive personal information, such as the holiday plans or movements of customers, will not be used or passed on for criminal or unacceptable purposes. The Operator must comply with the General Data Protection Regulations 2018 (GDPR).

Duties to Ensure Vehicles are Safe and Insured

- 7.21 The Operator must ensure that vehicles that are booked for private hire work are safe, mechanically sound and maintained in a good and clean condition.
- 7.22 The Operator must ensure that vehicles are properly insured for private hire work. This includes ensuring so far as possible that private hire vehicles do not ply for hire.
- 7.23 Operators must ensure that all staff, themselves included, whether directly employed or not, are suitably trained regarding how to recognise and report child sexual exploitation

Disability Equalities Training

- 7.24 Operators must ensure that all staff, whether directly employed or not, are suitably trained in order to understand how best to assist passengers and to comply with the duties to assist wheelchair passengers as per the Equalities Act 2010.

CSE Training

- 7.25 Operators must ensure that all staff, including themselves, whether directly employed or not, are suitably trained regarding how to recognise and report child sexual exploitation.
- 7.26 Operator licences may be suspended or revoked in cases where the operator's conduct falls short of the conduct expected of a fit and proper person. This would include cases where operators were convicted of offences relating to sexual exploitation, dishonesty and violence. It would also include breaches of licensing conditions and failure to keep accurate records.

Conditions

- 7.27 Operators must always comply with the conditions attached at Appendix 4.

8 Vehicle Licences

Two Types of Vehicle Licence

- 8.1 The licence required for a Hackney Carriage Vehicle is called a Hackney Carriage Vehicle Licence. The licence required for a Private Hire Vehicle is called a Private Hire Vehicle Licence. The requirements of this section apply to both types of vehicle.

Hackney Carriages - White and Wheelchair Accessible

- 8.2 In order to qualify for licensing as a Hackney Carriage, the vehicle **must** be **white** and wheelchair accessible. The Vehicle Registration Document (V5) must outline **WHITE** as the vehicle colour. No other colour will be permitted for Hackney Carriage Vehicles except for London style cabs which may be of another colour, with written permission from the Council.
- 8.3 The Policy regarding licensed vehicles and wheelchair accessibility is set out in Section 8, below.

Private Hire Vehicles - Not White

- 8.4 Private Hire Vehicles must not be white.

Main Location for Use of Hackney Carriages

- 8.5 When the Council considers Hackney Carriage Licence applications it will have regard to where the vehicle to be licensed will primarily be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within Stafford Borough, or is used predominantly in another area.

Application Process

- 8.6 The flow charts at **Tables 5, 6, 7 and 8** illustrate how to apply for and renew Vehicle Licences.
- 8.7 As part of the application process, Applicants for all Vehicle Licences shall book an inspection of the vehicle they propose to license or provide detailed photographs to the Council's Licensing Section.
- 8.8 The Council requires Applicants/ Licence Holders to present a Vehicle Registration (V5) document or bill of sale in the name of the Applicant, failing which the Council may refuse the application.

- 8.9 The Council requires Applicants/ Licence Holders to have arranged sufficient motor vehicle insurance for the vehicle they propose to licence, prior to application, failing which the Council may refuse the application.
- 8.10 The Council requires Applicants to produce the motor vehicle insurance certificate for the vehicle they propose to licence, prior to application, failing which the Council may refuse the application.

NOTE: *Although only the Certificate of Insurance will need to be provided prior to the licensing of a vehicle, the Council reserves the right to require all insurance documents be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.*

- 8.11 The Council requires Applicants to produce a valid MOT Certificate plus the Compliance Checklist provided by the MOT provider(s) on application for a vehicle licence. Vehicles with less than 10,000 miles **AND** under 6 months old are not required to undergo this inspection.

Vehicle Specifications

- 8.12 The Council requires vehicles with engines rated at not less than 1300 cc, to have at least four doors and to be capable of carrying four passengers and luggage. Vehicles under 1300cc may be considered, providing they can meet the other criteria, and receive written approval from the Council.
- 8.13 The Council will also consider applications for licensing hybrid vehicles or electric vehicles.
- 8.14 The Council requires vehicles to have seat belts fitted, available for all passenger seats, and fully compliant with British National Standards except where the law specifically provides an exemption.

Period of Licence

- 8.15 A vehicle licence is renewable annually, from date of issue.

Disclosure and Barring Service Enhanced Disclosure

- 8.16 Where an existing or prospective Vehicle Licence Holder is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure with the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Barring Service prior to any licence being issued. Online applications can be made at <https://www.gov.uk/request-copy-criminal-record> or phone 03000 200 190.

- 8.17 It should be noted that the DBS service cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed, therefore a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas: the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK therefore applicants are required to provide criminal records information or a 'Certificate of Good Character' from overseas, in these circumstances, to properly assess risk and support the decision making process. Each case will be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please use the following link <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

Vetting of Applications

- 8.18 The Council will need to be satisfied as to the applicant's good character before granting a vehicle licence. The Council will have regard to the disclosure from the Disclosure and Barring Service when it considers such applications. If the Council is not satisfied as to the Applicant's good character, then the application will be refused. Applicants are referred to the Council's Policy Statement on the Relevance of Convictions, **See Appendix 7**
- 8.19 Bankrupt persons are prohibited from becoming or remaining proprietors of licensed vehicles.
- 8.20 The Council retains the complete discretion to refuse to grant a vehicle licence.

Age of Vehicles

- 8.21 In order to promote public safety, environmental impact, improve quality and increase public confidence, vehicles must be less than 4 years old when they are first licensed with the Council **except for electric vehicles which must be less than 6 years old when they are first licensed**.
- 8.22 London cab-style vehicles which are new to licensing with the Council **must** be **less** than 5 years old.
- 8.23 All vehicles will cease to be licensed after 10 years from date of first registration. London Cab style vehicles will cease to be licensed after 14 years from the date of first registration. Electric vehicles will cease to be licensed after 12 years from the date of first registration.

NOTE: Please refer to the Vehicle Transfer section of this Policy regarding transfer of older vehicles. (8.51)

- 8.24 Wheelchair Accessible Vehicles (WAV's) that have been purchased new and the list price is over £23,000 will cease to be licensed after 12 years.

Evidence to support this will be needed for this exemption to be applied.

Inspection and Testing of Vehicles

- 8.25 All vehicles shall be tested at one of the Council's approved testing facilities prior to first licensing. Vehicles will be required to have 2 MOT tests per year (every 6 months) when they are 7 years old from the date of registration except for London Cab style vehicles which will be required to have 2 MOT tests per year (every 6 months) when they are 11 years old, from the date of registration. The age of the vehicle shall be determined by reference to the date of the first registration recorded in the vehicle registration document (V5). This is in order to ensure that older vehicles continue to meet the Council's vehicle standards, particularly in terms of safety. The cost of each test or any re-tests will need to be met by the applicant.
- 8.26 The Council will use the national inspection standards contained within the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" published in August 2012.
- 8.27 The flow chart for MOT renewals is set out at **Table 9**.

Wheels and Tyres

- 8.28 Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.
- 8.29 The tread pattern shall be a minimum of 1.8mm in depth throughout the complete circumference and breadth of the tyre.
- 8.30 The replacement of using part worn tyres is not allowed and prohibited as protection of the public is paramount.
- 8.31 The fitting of tyres which are more than 10 years old is prohibited.

Insurance Write-Offs

- 8.32 Insurance write-offs rated A and B are not suitable for repair and will never be accepted for licensing purposes. However, it is quite legal for category S and N vehicles (formerly C and D category vehicles) to be fixed up and sold on – provided the buyer is informed of the car's history.

Category A - Scrap only. For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.

Category B - Body shell should be crushed. This signifies extensive damage although some parts are salvageable. They should never re-appear on the road, although reclaimed parts can be used in other road-going vehicles.

Category S (formerly Category C) - <http://www.rac.co.uk/drive/advice/know-how/what-does-cat-c-car-insurance-mean>

The new Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash.

Category S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired. Also, it won't be safe to drive until then.

Category N (formerly Category D)

Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair.

Don't assume such vehicles are drivable, however; non-structural faults may include brakes, steering or other safety-related parts

For more information visit <https://www.rac.co.uk/drive/advice/know-how/what-is-an-insurance-write-off/>

- 8.33 If a decision is made to buy one of these types of vehicles, you will need approval from the Licensing section in the first instance.
- 8.34 If approved and when undertaking the MOT and Taxi Test at one of our approved MOT providers you need to inform the garage that the car is within one of these categories and highlight the damaged area(s) to the mechanic before its inspection.
- 8.35 It must be demonstrated that the vehicle is safe for use as a licensed vehicle before the application will be considered.
- 8.36 The vehicle will also need to comply with our age and type of vehicle requirements as detailed within this Licensing Policy before consideration of it being licensed.

Other Safety Issues

- 8.37 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.
- 8.38 Items such as DVD players, laptops, clipboards and newspapers etc shall not be positioned on vehicle dashboards. Such articles are potentially dangerous in the event of a road traffic collision.
- 8.39 Children should not be transported in pushchairs or prams placed within Wheelchair Accessible Vehicles (WAV's). It is the driver's responsibility to ensure that all passengers use seatbelts/ restraints in line with current legislation. With respect to persons under 18 it will be the parent/ responsible person's responsibility to ensure that child seats, if used, are fitted correctly. If a driver is not satisfied as to the safety of a child being transported without a child seat, they may lawfully refuse the carriage of that child/ young person.

Tinted Windows / Privacy Glass

- 8.40 All glazing shall comply with the Road Vehicle (construction and use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted, however they must allow 70% of light through the front and two front side windows therefore this excludes manufactured tints of more than 30% on all windows.

Signage and Advertising

- 8.41 There are different requirements on signs and notices for Private Hire vehicles and Hackney Carriage vehicles. (See **Appendices 2 and 3** to ensure you meet the correct requirements.)

CCTV in Licensed Vehicles

- 8.42 The Information Commissioner's Office (ICO) has said it is not normally justified to use CCTV to record conversations between members of the public as 'it is highly intrusive' but has stated that the installation of cameras in taxis is likely to be acceptable because of the number of crimes being committed in taxis.
- 8.43 Stafford Borough Council encourages the use of CCTV systems within licensed vehicles. CCTV can help to reduce crime and can provide evidence to support prosecution. This approach benefits both passengers and drivers, who can equally be the subjects of assaults, abuse or fraud. **Dashcams are not suitable for this purpose; they will not be classed as a CCTV system.**

- 8.44 No installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Section.
- 8.45 Notwithstanding the above, CCTV systems should only be installed with the agreement of the vehicles insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted. Audio recording should only be activated when there is a specific threat, in the same way that a panic button could be used. The time period that audio recording may be active should be the minimum possible.
- 8.46 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Conditions

- 8.47 Licence holders must comply with the conditions attached at **Appendix 2** (Hackney Vehicles) and **Appendix 3** (Private Hire Vehicles) at all times.

Suspension and Revocation of Licences

- 8.48 Failure to comply with any of the conditions may result in suspension or revocation of the licence.

Transfer of Vehicle Licences

- 8.49 There are two types of transfer, with one exception, that might take place in accordance with Council Policy.
- 8.50 A licence holder may transfer their Vehicle Licence from their current vehicle to a new vehicle providing it meets the council's criteria for licensing as above – see flow chart at **Table 15**.
- 8.51 A vehicle, already licensed by one licence holder, can be sold and transferred to another licence holder providing the vehicle meets the council's criteria for licensing as above – see flow chart at **Table 11**.
- 8.52 There is one exception to a transfer; if the vehicle is **6 years old or over, a transfer will not be allowed to take place between one licensed driver and another licensed driver within Stafford Borough Council's licensing regime**.

Wedding Cars and Funeral Cars

- 8.53 Wedding Cars and Funeral Cars do not need to be licensed as a hackney carriage or private hire vehicle while they are being used in connection with a wedding, for the purposes of carrying passengers to the wedding venue and reception, or funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

Limousines and Novelty Vehicles

- 8.54 Any type of vehicle may be considered for licensing by the Council however the overarching principle will be the safety of the vehicle and to ensure that public safety will not be compromised if the vehicle is licensed. Any additional testing and inspection costs must be funded by the applicant.
- 8.55 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, 8 passengers. Vehicles must be inspected prior to licensing to ensure they meet safety standards. Vehicles are considered on a case-by-case basis. Applicants are directed towards the VOSA 'Guidance for Operators of Stretch Limousines' (March 2011)
- 8.56 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). There are additional conditions that apply to these types of vehicles as well as the conditions applicable to standard private hire vehicle licensing. (See **Appendices 3 and 1**)

9 Equalities Act 2010

Wheelchair Access

- 9.1 The Council will consult with the local taxi trade to give effect to the provisions of the Equality Act 2010.
- 9.2 The Council is committed to its objective of Improving Access for All. This means the Council seeks to encourage a good level of service for everyone, including disabled persons and wheelchair users.
- 9.3 The Council wants to ensure that there are more wheelchair accessible vehicles in use by the local licensed taxi trade.

- 9.4 Vehicles that provide wheelchair access will not be considered for licensing unless they are purpose built and /or specifically and professionally modified to accommodate wheelchair passengers. All vehicles must be fit for their intended purpose.
- 9.5 Wheelchair accessible vehicles licenced as private hire or Hackney Carriage vehicles are often fitted with tail lifts. The maintenance and inspection of tail lifts are subject to LOLER (Lifting Operations and Lifting Equipment Regulations) 1998; therefore, the statutory 6 monthly inspections must be undertaken to ensure there is no operating with a defective tail lift.

Designated Vehicles

- 9.5 After consultation with the trade the Council has published and continues to maintain a list of “Designated Vehicles”. The drivers of designated vehicles will be required to transport wheelchair passengers unless a driver holds a valid exemption certificate.

Grandfather (this is a recognised term) Rights

- 9.6 Generally, Hackney Carriage Vehicles will not be licensed by the Council unless they are wheelchair accessible vehicles. An exception to this rule is that a named holder of a “Grandfather (this is a recognised term) Rights” plate may apply to license a vehicle that is not wheelchair accessible.
- 9.7 The holders of “Grandfather Rights” plates are not permitted to give away, bequeath, swap, transfer or sell such plates to other persons.
- 9.8 On the death of the named holder of a “Grandfather Rights” plate, the next of kin and / or beneficiary of a will may continue to operate the non-wheelchair accessible vehicle until the change of the vehicle which is licensed against the plate; at which point the plate will no longer have a “Grandfather Right”.

10 Executive Hire Vehicles

Legislation for Executive Hire Vehicles

- 10.1 The Local Government (Miscellaneous provisions) Act 1976 requires that a District or Borough Council 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 as directed by the Council.
- 10.2 The Act also gives a District or Borough Council the discretion to grant a proprietor an exemption from displaying the licence plate on their licensed private hire vehicle.

- 10.3 Each application for exemption will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.
- 10.4 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.
- 10.5 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.

Applicant for Executive Hire Vehicle Licence

- 10.6 If the applicant for an Executive Hire Vehicle licence 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.

Licensing of Executive Hire Vehicles

- 10.7 Executive Hire Vehicles are licensed separately from Hackney Carriage Vehicles and Private Hire Vehicles. Executive Hire vehicles are a special class of private hire vehicles. They are high value, prestige vehicles [that predominantly should be used for purposes such as corporate bookings to transport employees and clients on business related journeys, or for transporting special guests where customers have asked to book a vehicle without obvious private hire plates or signage](#). Executive Hire vehicles are styled more as chauffeur driven vehicles than standard private vehicles.
- 10.8 Executive Hire Vehicles must be licensed with the Council, specifically as Executive Hire Vehicles – see flowchart at **Table 16**.

Features of Executive Hire Vehicles

- 10.9 Executive Hire Vehicles should have the following features in order to be considered for licensing - this list is not exhaustive: -
- High quality vehicle in terms of brand and condition, with no visible defects, dents or blemishes to the external bodywork or trim
 - Luxury or prestige vehicle
 - Engine size of 2000cc or greater
 - Automatic transmission

- Original list price of the vehicle is in excess of £40,000, in spite of its age, at the time of the licence application - evidence of the original list value will be required upon application and Officers must be satisfied the evidence provided supports and verifies the original list value.
- 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

Strict Use of Executive Hire Vehicles

10.10 Executive Hire Vehicles must not be used for any home to school transport. It is important that parents, carers, and schools can immediately ascertain that a vehicle carrying children or vulnerable passengers is a properly licensed vehicle.

Executive Hire Plates

10.11 On the grant of an Executive Hire Licence the Council will issue an Executive Hire Plate and a Credit Card size licence plate. These are to be displayed as per Condition 12, **Appendix 6**.

Exemption from Requirement to Display Private Hire Plates

10.12 Executive Hire Vehicles are exempted by the Council, under 75(3) Local Government (Miscellaneous Provisions) Act 1976, from the requirements to display private hire plates. The drivers of such vehicles are exempted from the requirement to wear a driver's badge. However, the Notice of section 75(3) Exemption, the Vehicle Licence, and the driver's badge are required to be carried in the vehicle and to be available for inspection (on request) by an authorised officer of the Council, or a Police officer.

Conditions

10.13 Licenced holders of Executive Hire plates must always comply with the conditions attached at Appendix 6.

11 Decision Making and Enforcement

Decision Making

- 11.1 This Policy is to be considered when the Council makes decisions relating to the licensing of drivers, vehicles and operators although the Council will also have regard to legislation and government guidance. This policy is intended to show how decision making will be approached, and how the Council will work with others to ensure the protection of the public. The policy is to be considered when decisions are made by the Council, the Public Appeals Committee and Authorised Officers. Each application or case is to be considered on its own merits.
- 11.2 Fees setting and decisions regarding taxi ranks are matters usually decided by the Full Council. The Committee with responsibility for making decisions about individual licences is the Public Appeals Committee. Authorised Officers are responsible for making day to day decisions regarding licensing applications, urgent decisions for suspensions and revocations and all enforcement matters.

Enforcement

- 11.3 In order to ensure the protection of the public the Council carries out enforcement activity to ensure compliance with primary legislation and licensing conditions.
- 11.4 Enforcement activity is carried out in order to satisfy the policy objectives of: -
- Public Protection
 - Improving quality
 - Promoting high vehicle standards
 - Improving access for all
 - Improving public confidence
 - Supporting the safety and success of the nighttime economy
- 11.5 Enforcement activity includes the bringing of prosecutions in respect of statutory offences such as illegally plying for hire and refusal to take a fare without good reason. Enforcement also includes taking action in respect of breaches of licensing conditions and taking action in cases of poor conduct or following complaints from the public.

- 11.6 Enforcement in cases other than prosecutions includes cases where the Council decides to suspend or revoke licences. Enforcement action also includes lesser sanctions such as formal written warnings.
- 11.7 The Council will consider suspension or revocation of driver, operator and vehicle licences.
- 11.8 Operator licences may be suspended or revoked in cases where the operator's conduct falls short of the conduct expected of a fit and proper person. This would include cases where operators were convicted of offences relating to sexual exploitation, dishonesty and violence. It would also include breaches of licensing conditions and failure to keep accurate records.
- 11.9 The Council may suspend or revoke vehicle licences in cases relating to unsafe vehicles or breaches of licensing conditions.
- 11.10 A guidance matrix of suspension and other penalties for offences committed by drivers over a Two-year rolling period is attached as **Appendix 8** to this document.
- 11.11 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 driver's licence.
- 11.12 Complaints, possible offences and contraventions of conditions/ policy may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.
- 11.13 Private hire and hackney carriage drivers are professional drivers and must always be aware of the safety of their passengers and the safety of their vehicles. 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. As licence holders the Council expects the highest standards and existing drivers can expect any misconduct to be fully investigated and appropriate action taken in line with this breach of trust.
- 11.14 Applicants are referred to the Council's Policy Statement on the Relevance of Convictions, **see Appendix 7**

APPENDIX 1:

Hackney Carriage/ Private Hire Driver Conditions

These conditions must be read in conjunction with all relevant provisions of: -

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Transport Act 1980

- 1 The driver shall within **7 days** notify the Council of any change of their name or home address.
- 2 All drivers must inform their licensing authority within **48 hours** if they are arrested, questioned, or interviewed voluntarily under caution by the police in respect of a criminal offence. For full requirements refer to Page 16 for Disclosure of Convictions, Cautions, Fixed Penalties etc.
- 3 If asked about your employment you must inform the police that you are a licensed driver.
- 4 If the driver ceases to drive inform the Licensing Department within 7 days.
- 5 The driver shall notify the Council of any accidents or damage caused to the vehicle as soon as is practicable but, in any case, **within 72 hours**.
- 6 The driver shall, always, when the vehicle is available or being driven for hire, be clean and respectable in their appearance and dress in accordance with the Council's approved Dress Code.
- 7 The Council's Dress Code for drivers of both hackney carriages and private hire vehicles is attached as **Appendix 5** to this document.
- 8 Licensed drivers shall not conduct themselves in any way, or act in a manner, which might be perceived as discriminatory or infringes equality legislation. For the avoidance of doubt, no driver shall discriminate against fellow drivers, passengers, members of the public or Council employee's contrary to the Equality Act 2010.
- 9 Licensed drivers must comply with the Rules of the Rank, always. (See **Appendix 9**)

- 10 The driver shall behave in a civil, friendly and helpful manner at all times and take all reasonable precautions to ensure the safety of passengers and other road users. For the avoidance of doubt this includes ensuring the proper restraint of wheelchair passengers.
- 11 All drivers shall maintain high standards of driving; be polite and courteous, as well as being helpful in assisting passengers to enter and alight from the vehicle and stowing/carrying luggage. Drivers must comply with any duties under Equalities Act 2010, and ensure they assist wheelchair passengers.
- 12 The driver shall not use or hold **any** handheld **device** or eat or drink in the vehicle whilst it is moving.
- 13 The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
- 14 The driver shall not allow or permit their vehicle to carry a greater number of passengers than the number prescribed on the licence.
- 15 The driver shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside of the vehicle.
- 16 The driver of the vehicle should attend punctually at the time and place appointed for hire unless delayed or prevented by some reasonable cause.
- 17 The driver shall ensure, that the vehicle has a receipt book, within the vehicle, always.
- 18 The driver shall, if requested by the hirer, provide them with a written or electronic receipt for the fare paid specifying the driver's name, badge number and plate number.
- 19 At all times that the vehicle is being used or is made available for customers the driver shall ensure that the vehicle is kept clean and tidy, inside as well as the exterior. In any case the plate number must always be clearly visible
- 20 **Daily checks must be undertaken before the first use of the vehicle each day. All daily checks should be recorded on a pre-printed form or electronic "app" specifically designed for such purposes. These checks should be retained for a minimum of 6 months. Any defect rectification should also be recorded and evidenced. Daily checks should include all items recommended by the DVSA in their Guide to Maintaining Roadworthiness.** The driver shall also ensure that the tyres are not worn below the legal limit and that the licence plates are properly positioned, secured permanently and can be clearly seen from the front and rear of the vehicle.

- 21 The driver shall, always, when a vehicle is hired take all reasonable steps to ensure the safety of passengers when entering and alighting from the vehicle.
- 22 **Smoking in the vehicle and the use of electronic/vape cigarettes are strictly prohibited**, at any time, this applies to both drivers and passengers.
- 23 Drivers shall not at any time sound the vehicle's horn to attract the attention of customers, e.g., where they are waiting for the hirer outside a public house etc.
- 24 Assistance Dogs (Guide Dogs and Hearing Dogs) **must** be carried free of charge unless the driver has applied for and been granted an exemption certificate, the allergy exemption must be clearly displayed within the vehicle.
- 25 The driver must not carry any animal in the vehicle, whilst the vehicle is in the course of trade, including their own or the operator's/proprietor's animal **except that:**
- The driver may at their discretion carry the animal of a fare paying passenger, but the animal must be carried in the rear of the vehicle.
- 26 The Council shall issue a badge to all drivers detailing their name and driver number. This badge shall remain the property of the Council and shall be immediately returned to the Council should the driver cease to hold either a Hackney or Private Hire driving licence.
- 27 **The driver shall at all times, when working, wear the driver's Identification badge, issued by the Council, in such a position and manner so that it is plainly and distinctly visible.** If any driver contravenes this provision, they shall be guilty of an offence.
- 28 The licence badge always remains the property of the Council, and upon revocation, suspension, expiry or surrender of the licence, the driver shall immediately return the badge to the Council.
- 29 The Driver must deposit their Private Hire/Hackney carriage driver's licence with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicle is being used during the time it is being used for that person's business.
- 30 The driver shall, as soon as is practicable, after the termination of any hiring, search the vehicle for any property which may have been left behind.
- 31 The driver must report any items found to the Operator (if applicable), then take any lost property left in the vehicle to the Reception at Stafford Borough Council as soon as possible but within 72 hours. You will be required to complete the details on the evidence bag provided and place any items within.
-

- 32 The driver shall undertake appropriate training as required by the Head of Operations which will also include Child Sexual Exploitation (CSE), Safeguarding and Wheelchair Access Vehicle (WAV).
- 33 The driver shall subscribe to the DBS Online Update Service and set up automatic renewals when first joining the service and must remain subscribed to the service for the duration of their licence.
- 34 Excessive idling of a vehicle is prohibited. Drivers should always switch engines off whilst parked or waiting to load.
- 35 The driver must ensure that the 'Compliments/Comments/Complaints' sticker, provided by the Council, is permanently affixed on the inside of each of the rear passenger windows.

Whilst driving a private hire vehicle

- 36 It is illegal to ply for hire with a Private Hire Vehicle to do so is an offence and may also negate insurance cover. Every passenger journey must be pre-booked through and recorded by a person separately licensed by the Borough Council as a Private Hire Operator.
- 37 Drivers cannot sub-contract a booked journey that has been dispatched to them by the Private Hire Operator to another private hire driver, therefore if a driver cannot fulfil the journey, they must refer it back to the Private Hire Operator who will decide how to fulfil the booking.
- 38 For the avoidance of doubt; if there is no prior booking, there can be no 'ride' for the passenger. A booking cannot be taken by the driver at the point of hiring.
- 39 The driver shall only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle License and Plate.
- 40 Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:
- Permit the vehicle to stand or park in a manner which might suggest that the driver is plying for hire.
 - Solicit on a road or other public place any person to hire or to be carried for hire and reward in their PHV (or any PHV under their control or responsibility); or
 - Cause or procure any other person to solicit or procure on a road or other public place any person to hire or to be carried for hire and reward in any PHV under their control or responsibility.
 - Overcharge passengers at any time.
-

- Seek to charge additional rates to wheelchair/disabled passengers or refuse to take them without an exceptional reason.

Whilst driving a licensed hackney carriage vehicle

- 41 The taximeter shall be activated in accordance with current legal requirements and must not be operated until the passenger is seated in the vehicle; the driver is seated and ready to drive off.
- 42 The taxi meter must always be used in a Hackney Carriage Vehicle, including when using the vehicle in a Private Hire capacity, unless a set price has been agreed.
- 43 Ensure that the Table of Fares can be clearly seen by passengers.
- 44 The driver must ensure that passengers are not overcharged at any time. The driver must not seek to charge additional rates to wheelchair/disabled passengers or refuse to take them without an exceptional reason.
- 45 Obey the Rules of the Rank given at **Appendix 9** of this document.
- 46 Fulfil bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
- 47 Only carry up to the maximum permitted number of passengers as specified by the Hackney Carriage Vehicle Licence and Plate.

DO NOT: tamper or allow anyone else to tamper with the taximeter or its fittings or any seal and only demand the authorised fare, giving a receipt if requested.

NOTE: ***The Licensing Authority will only issue reminders for renewal of licences via electronic means where possible.***

APPENDIX 2:

Hackney Carriage Vehicle Conditions

- 1 The Licence Holder shall ensure that the licensed vehicle is used primarily within Stafford Borough and is not used predominantly in another area. The Council may revoke or refuse to grant or renew the vehicle licence if this condition is breached.
- 2 All Hackney Carriage Vehicles must be **WHITE**. No other colour will be permitted unless it's a London style cab which may be of another colour with written permission from the Council. The Vehicle Registration Document (V5) must outline **WHITE** as vehicle colour.
- 3 The vehicle must be Wheelchair Accessible, unless Grandfather (a recognised term) Rights apply, capable of conveying a wheelchair with the occupant in it or London Cab style - the driver must know how to strap the wheelchair and the occupant within it into the vehicle and fit both with the seatbelts.
- 4 If a V5 in the Licence Holder's name was not provided on application then the Licence Holder must bring the V5 to the Licensing Section for inspection, within 7 days of receiving the V5.
- 5 The Licence Holder shall produce all insurance documents for inspection by the Council on demand. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.

Signage and Notices

- 6 The roof of the vehicle shall be fitted with an illuminated sign bearing only the word **TAXI**, the light of which is capable of being extinguished when the taxi meter is switched on. This should be at the **FRONT** of the vehicle and permanently affixed. **Panoramic roofs are not acceptable as they cannot comply with this requirement. It is not acceptable for the Taxi sign to be in the window.**
- 7 During the hours of darkness the taxi sign shall be illuminated only when the carriage is standing or plying for hire within the borough and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition 'the hours of darkness' shall be the hours of lighting up time.
- 8 Hackney Carriages are required to have door signage on the front body panel, **in the middle of each door**, on each side of the vehicle. **These are provided**

by Stafford Borough Council. If any further information, by owner/operator, is required then it must be pre-approved. Stafford Borough Council will only allow the following information with the regulation maximum size of 600 x 300 mm (24" Width x 12" Deep) and must be fixed onto the body panel on each side of the vehicle.

- (a) Telephone number
- (b) Email address or website of the proprietor's taxi business (where applicable)

Please note it is optional to have the further information put onto the vehicle it is the signage provided by Stafford Borough Council that is mandatory.

- 9 If the door signage is damaged, ripped, washed off or lost then they must be replaced, at a cost, within 7 days by applying to the Council.
- 10 No other advertisements, logos, or signs, shall be displayed on, in or from the vehicle without the prior written approval from the Council.
- 11 The vehicle proprietor shall ensure that a copy of the relevant "table of fares" is exhibited in the vehicle in such a position that hirers can see it.

Vehicle Testing

- 12 All vehicles shall be tested at the Council's approved testing facilities prior to first licensing and annually thereafter. Vehicles will be required to have two MOT examinations per year (every six months) when they are 7 years old from the date of registration except for London Cab style vehicles which will be required to have 2 MOT tests per year (every 6 months) when they are 11 years old from the date of registration.
- 13 The age of the vehicle shall be determined by reference to the date of the first registration recorded in the vehicle registration document (form V5).

Safety Equipment

- 14 Provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use and conforms to the British Standard for both pieces of equipment BS8599-2:2014 for First Aid Kits and BS5423/EN3 for Fire Extinguishers.
- 15 The fire extinguisher will be inspected annually and shall be marked with the date of its last test.
- 16 The container for the first aid kit and the fire extinguisher shall be marked with the vehicle plate number and registration number with an indelible ink or a form of permanent tamperproof mark.
- 17 It is not expected that the driver will administer any First Aid unless they hold the relevant training and are competent to do so.

Plates and Identification of Vehicle

- 18 The vehicle shall always clearly display on the exterior of the vehicle two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.
- 19 One licence plate shall be affixed securely to the front of the vehicle and one licence plate affixed securely to the rear of the vehicle. These must be secured permanently to the vehicle. **Magnetic fixings will not** be accepted.
- 20 The plates shall not be affixed to any vehicle other than the one identified in the vehicle licence application form.
- 21 The plates shall always remain the property of the Council and the vehicle proprietor shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way. The plates shall be returned to the Council on the sale or the transfer of the licensed vehicle (or in the event of revocation or suspension of the licence).
- 22 The plate number must not obscure the registration plate of the vehicle.
- 23 The vehicle shall, always, display the identification stickers supplied by the Council. These stickers shall be displayed on the inside of the windscreen, at the bottom, on the nearside, so that the sticker is visible to the passengers within the vehicle.
- 24 The Council must be notified, within 14 days, when the licensed vehicle is sold to a non-licensed driver or is taken off the road/out of the taxi business and the plates returned to the Council.

Taxi Meters

- 25 A meter approved by the authority must be fitted and correctly calibrated, sealed and fully functional in accordance with the authority's current approved fare structure.
- 26 The vehicle taximeter shall be bought into operation at the commencement of the journey, [including when using the vehicle in a private hire capacity](#), and the fare demanded by the driver shall not be greater than fixed by this authority in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the borough there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the authority in connection with the hire of hackney carriages.
- 27 The taxi meter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein.
- 28 The taxi meter shall be sufficiently illuminated that when in use it is visible to all passengers.
- 29 The driver must not cause the fare recorded thereon to be cancelled until the hirer has had reasonably opportunity of examining it and has paid the fare.
- 30 The taxi meter and all its fittings shall be affixed to the vehicle with seals or other means, or it is protected by an approved code so that it is not practicable for any person to tamper with the meter except by breaking, damaging or permanently displacing the seals or using the authorised codes.
- 31 The Council must be notified of any damage to the taxi meter and repair it and any seals as soon as possible after any damage.
- 32 The Council reserves the right to inspect a licensed vehicle's taxi meter and carry out spot checks at any time.
- 33 The driver must ensure that the fare or charge will be calculated from the point in the borough in which the hirer commences their journey and shall not exceed that displayed on the taximeter at the completion of their journey.
- 34 The driver must ensure that the taximeter is only switched on at the start of the hirer's journey.
- 35 You must not allow anyone to drive your vehicle for hire purposes until you are satisfied that they know how to properly use the taxi meter.

Accidents or Damage to Vehicle

- 36 The Licence holder shall notify the Council of any accidents or damage caused to the vehicle as soon as is practicable but, in any case, **within 72 hours**.

Condition and Maintenance of The Vehicle

- 37 The vehicle is to be maintained, in a sound mechanical and structural condition, at all times. The vehicle's fittings and equipment must be maintained in a safe and clean condition, and the fixing and routing or positioning of electric cables and wire looms are such that there is no risk of electrical fire or other accident and must be capable of satisfying the Council's mechanical inspection at all times.
- 38 That the roof, any sunroof or soft top is watertight.
- 39 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
- 40 The interior of the vehicle shall be clean, tidy and free from litter and the upholstery, carpets and fittings free from significant rips and tears.
- 41 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time without the written consent of the Council.
- 42 No video or recording equipment that records passenger's conversations will be permitted in any vehicle without the Council's permission. If approval is given, then it must be registered with the Data Commissioners Office.
- 43 All glazing shall comply with the Road Vehicle (construction and use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted, however they must allow 70% of light through the front and two front side windows therefore this excludes manufactured tints of more than 30% on all windows.
- 44 The Licence Holder shall ensure that the vehicle meets the standard of fitness specified within the latest edition of the Freight Transport Association's (FTA) to Inspection of Hackney Carriage and Private Hire Vehicles.
- 45 The vehicle will have the appropriate level of Insurance at times the vehicle is in use, and the Council will undertake random inspections to ensure compliance with this, and all other aspects of the conditions attached to the Licence.

- 46 The Licence holder shall produce the licence upon request to any Officer authorised by the council or any Police [Officer](#) for inspection.
- 47 That a spare wheel (either full-size or space saver depending upon the manufacturers original equipment) is provided which is readily available for use, together with the tools and equipment required to carry out a wheel replacement. An acceptable alternative is a Foam Kit if issued as either a standard or option from the manufacturer when the vehicle was first registered.
- 48 That at least three doors are provided for the use of passengers other than the driver's door, with the exception, of a London style cab
- 49 That the vehicle is provided with adequate windows and that at least one window on each side is capable of being opened and closed and all opening windows are weatherproof when closed.
- 50 That door hinges, locks and handrails and any grab handles fitted in the vehicle are secure and sound and not liable to injure any passengers or damage or soil their clothing.
- 51 That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.
- 52 Any repairs to the vehicle must be carried out with replacement parts which meet the manufacturer's original specification.
- 53 Proprietors must ensure that nothing within the licensed vehicle must exhibit any of the following: -
- Offensive language
 - References to drunkenness or reference the use of recreational drugs
 - Anything racist, sexist, discriminatory or otherwise offensive.
- 54 The Licence Holder shall keep comprehensive written records of day-to-day fares and bookings, e.g., date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or Police [Officer](#) in any investigation they may need to undertake. [These records must also be stored and kept securely for 18 months.](#)
- 55 A vehicle that fails the MOT test, may have its Licence revoked, and the plates removed, until such time the Council is satisfied that it meets the standards of the MOT test.

- 56 The Licence Holder shall use a suitable complaints procedure through which they will record and investigate all complaints made in relation to any driver or vehicle which is controlled by them. The complaints procedure must also record the outcome of any investigation. The said complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
- 57 A licence may be revoked, suspended, or not renewed in accordance with statutory provisions.

Grandfather (this is a recognised term) Rights

- 58 Generally, vehicles will not be licensed by the Council unless they are wheelchair accessible vehicles. An exception to this rule is that a named holder of a “Grandfather Rights” plate may apply to license a vehicle that is not wheelchair accessible.
- 59 The holders of “Grandfather Rights” plates are not permitted to give away, bequeath, swap, transfer or sell such plates to other persons.
- 60 On the death of the named holder of a “Grandfather Rights” plate, the next of kin and / or beneficiary of a will may continue to operate the non-wheelchair accessible vehicle until the change of the vehicle which is licensed against the plate; at which point the plate will no longer have a “grandfather right”.

Renewal of Licence

- 61 It is the driver’s responsibility to ensure that a renewal application is made in good time, before expiry of the current licence. Under no circumstances will a renewal be issued without satisfactory completion of all required checks.
- 62 Failure to renew within 7 days of expiry will result in the licence being revoked, and a new application for the vehicle will be required.

Transfer of Hackney Carriage Vehicle Licences

- 63 There are 2 types of transfer, with one exception, that might take place in accordance with Council Policy.
- 64 A licence holder may transfer their Vehicle Licence from their current vehicle to a new vehicle providing it meets the council’s criteria for licensing as above.
- 65 A vehicle, already licensed by one licence holder, can be sold and transferred to another licence holder providing the vehicle meets the council’s criteria for licensing as above and that the existing plate number is transferred to the new owner.

- 66 **There is one exception to a transfer**; if the vehicle is 6 years old or over, a transfer will not be allowed to take place between one licensed driver and another licensed driver within Stafford Borough Council's licensing regime.
- 67 Upon application of transfer from one licence holder to another, a transfer document provided by the Council must also be completed by the original licence holder and signed consent given.
- 68 Both types of transfers are subject to a New Vehicle Licence fee and the Vehicle's Licence duration will begin from the date of transfer, but a further MOT inspection may not be required depending on the age of the vehicle
- 69 Where the named individual licence holder has Grandfather Right's, a non-wheelchair accessible vehicle **CANNOT** be transferred **at any time**. The Hackney Carriage Plate must remain in the current licence holder's name.

NOTE: ***The Licensing Authority will only issue reminders for renewal of licences via electronic means where possible.***

APPENDIX 3:

Private Hire Vehicle Conditions

- 1 All Private Hire Vehicles must **NOT** be **WHITE**.
- 2 If a V5 in the Licence Holder's name was not provided on application then the Licence Holder must bring the V5 to the Licensing Section for inspection, within 7 days of receiving the V5.
- 3 The Licence Holder shall keep a valid certificate of motor vehicle insurance, or a true copy of it, in the vehicle at all times and once expired the Licence Holder must retain for inspection by the Council for 12 months after its expiry date.
- 4 The Licence Holder shall produce all insurance documents for inspection by the Council on demand. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.

Signs and Notices

- 5 The vehicle shall not display a roof sign whether illuminated or not, and the vehicle shall not display any illuminated signs on or from within the vehicle.
- 6 The following shall be displayed on each side of a private hire vehicle (on a body panel and not a window): -
the words "PRIVATE HIRE".
Operator Name
 - (c) the words "ADVANCED BOOKINGS ONLY".
 - (d) the telephone number of the vehicle operator (**fixed landline**).
- 7 The words "PRIVATE HIRE", "OPERATOR NAME", "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator shall: -
 - (a) be clearly and permanently affixed (subject to prior written permission from the Council, the signs could be (magnetic or of other removable signage) and displayed in a clearly contrasting colour in letters and numbers not less than 65mm in height and not less than 8mm width and,
 - (b) be positioned together in a manner previously approved in writing by the Council.

- 8 In addition to the above private hire vehicles **must** also display an adhesive sign which will be provided by Stafford Borough Council detailing that the vehicle is licensed by the Council. These must be placed on to the front side panels of the vehicle.
- 9 If this door signage is damaged, ripped, washed off or lost then they must be replaced, at a cost, within 7 days by applying to the Council.
- 10 All signage and plates need to remain affixed to the vehicle whether on duty or off.
- 11 Private Hire Vehicles shall not have the word "Taxi" displayed anywhere on the vehicle.
- 12 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.
- 13 Any advertising on the vehicle shall be restricted to the name or trading name of the private hire operator of the vehicle and the operator's logo or insignia, address, fax number, web site or e-mail address and must have the prior approval of the Council. The advertising of other businesses, products or services is not permitted.

Vehicle Testing

- 14 All vehicles shall be tested at the Council's approved testing facilities prior to first licensing and annually thereafter. Vehicles will be required to have two MOT examinations per year (every six months) when they are 7 years old from the date of registration
- 15 The age of the vehicle shall be determined by reference to the date of the first registration recorded in the vehicle registration document (form V5).

Safety Equipment

- 16 Provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use and conforms to the British Standard for both pieces of equipment BS8599-2:2014 for First Aid Kits and BS5423/EN3 for Fire Extinguishers.
 - 17 The fire extinguisher will be inspected annually and shall be marked with the date of its last test.
 - 18 The container for the first aid kit and the fire extinguisher shall be marked with the vehicle plate number and the registration number with an indelible ink or a form of permanent tamperproof mark.
-

- 19 It is not expected that the driver will administer any First Aid unless they hold the relevant training and are competent to do so.

Plates and Identification of Vehicle

- 20 The vehicle shall always clearly display on the exterior of the vehicle two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.
- 21 One licence plate shall be affixed securely to the front of the vehicle and one licence plate affixed securely to the rear of the vehicle. These must be secured permanently to the vehicle. Magnetic fixings **will not** be accepted.
- 22 The plates shall not be affixed to any vehicle other than the one identified in the vehicle licence application form.
- 23 The plates shall, always, remain the property of the Council and the vehicle proprietor shall not cause or permit the information displayed upon the plates to be altered, removed, or obscured in any way. The plates shall be returned to the Council on the sale or the transfer of the licensed vehicle (or in the event of revocation or suspension of the licence).
- 24 The vehicle shall always display the identification stickers supplied by the Council. These stickers shall be displayed on the inside of the windscreen, at the bottom, on the nearside, so that the sticker is visible to the passengers within the vehicle.
- 25 The Council must be notified, within 14 days, when the licensed vehicle is sold to a non-licensed driver or is taken off the road/out of taxi business and the plates returned to the Council.

Accidents or Damage to Vehicle

- 26 The Licence holder shall notify the Council of any accidents or damage caused to the vehicle as soon as is practicable but, in any case, **within 72 hours**.

Condition and Maintenance of The Vehicle

- 27 The vehicle is always to be maintained in a sound mechanical and structural condition. The vehicle's fittings and equipment must be maintained in a safe and clean condition, and the fixing and routing or positioning of electric cables and wire looms are such that there is no risk of electrical fire or other accident and must be capable of satisfying the Council's mechanical inspection at all times.
- 28 That the roof, any sunroof, or soft top is watertight.
- 29 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
- 30 The interior of the vehicle shall be clean, tidy and free from litter and the upholstery, carpets and fittings free from rips and tears.
- 31 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time without the written consent of the Council.
- 32 No video or recording equipment that records passenger's conversations will be permitted in any vehicle without the Council's permission. If approval is given, then it must be registered with the Data Commissioners Office.
- 33 All glazing shall comply with the Road Vehicle (construction and use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted, provided that passengers are not obscured.

Vehicle Proprietor

- 34 The Proprietor of a Private Hire vehicle shall ensure that the vehicle meets the standard of fitness specified within the latest edition of the Freight Transport Association's (FTA) to Inspection of Hackney Carriage and Private Hire Vehicles.
- 35 The licence holder shall immediately notify the Council of any accidents or damage caused to the vehicle, **within 72 hours**.
- 36 The vehicle will have the appropriate level of Insurance, at all times the vehicle is in use, and the Council will undertake random inspections to ensure compliance with this, and all other aspects of the conditions attached to the Licence.
- 37 The holder of the licence shall produce the licence upon request to any Officer authorised by the council or any Police Officer for inspection.

- 38 That a spare wheel (either full-size or space saver depending upon the manufacturers original equipment) is provided which is readily available for use, together with the tools and equipment required to carry out a wheel replacement. An acceptable alternative is a Foam Kit if issued as either a standard or option from the manufacturer when the vehicle was first registered.
- 39 That at least three doors are provided for the use of passengers other than the driver's door.
- 40 That the vehicle is provided with adequate windows and that at least one window on each side is capable of being opened and closed and all opening windows are weatherproof when closed.
- 41 That door hinges, locks and handrails and any grab handles fitted in the vehicle are secure and sound and not liable to injure any passengers or damage or soil their clothing.
- 42 That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.
- 43 Any repairs to the vehicle must be carried out with replacement parts which meet the manufacturer's original specification.
- 44 The Licence Holder shall keep comprehensive written records of day-to-day fares and bookings e.g., date, time, pick up and drop off locations, fare etc so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the council or police constable in any investigation they may need to undertake. [These records must also be stored and kept securely for 18 months.](#)
- 45 Licence holders must ensure that nothing within the licensed vehicle must exhibit any of the following: -
- Offensive language
 - References to drunkenness or reference the use of recreational drugs
 - Anything racist, sexist, discriminatory or otherwise offensive.
- 46 Vehicles that fail the MOT test, will have its Licence revoked, and the plates removed, until such time the Council is satisfied that it meets the standards of the MOT test.
- 47 The Licence Holder shall use a suitable complaints procedure through which they will record and investigate all complaints made in relation to any driver or vehicle which is controlled by them. The complaints procedure must also record the outcome of any investigation. The said complaints procedure will
-

be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.

- 48 A licence may be revoked, suspended, or not renewed in accordance with statutory provisions.

Additional Conditions for Limousines, Novelty Vehicles Only:

- 49 The tyres must be of an appropriate weight loading for the limousine, novelty vehicle.
- 50 All front passenger seats must be removed.
- 51 Standard Council plates must be displayed.
- 52 The sale of alcohol in the vehicle must be covered by a separate licence in the accordance with the Licensing Act 2003.

Additional Documentation required for Limousines, Novelty Vehicles Prior to Licensing:

- 53 Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
- 54 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 £1,000,000.
- 55 Documentation recording the overall weight of the vehicle (as displayed on the vehicle)

Renewal of Licence

- 56 It is the driver's responsibility to ensure that a renewal application is made in good time, before expiry of the current licence. Under no circumstances will a renewal be issued without satisfactory completion of all required checks.
- 57 Failure to renew within 7 days of expiry will result in the licence being revoked, and a new application for the vehicle will be required.

Transfer of Vehicles

- 58 There are 2 types of transfer, with one exception, that might take place in accordance with Council Policy.
- 59 A licence holder may transfer their Vehicle Licence from their current vehicle to a new vehicle providing it meets the council's criteria for licensing as above.
- 60 A vehicle, already licensed by one licence holder, can be sold and transferred to another licence holder providing the vehicle meets the council's criteria for licensing as above and that the existing plate number is transferred to the new owner.
- 61 There is one exception to a transfer; if the vehicle is **6 years old or over, a transfer will not be allowed to take place between one licensed driver and another licensed driver within Stafford Borough Council's licensing regime.**
- 62 Upon application of transfer from one licence holder to another, a transfer document provided by the Council must also be completed by the original licence holder and signed consent given.
- 63 Both types of transfers are subject to a New Vehicle Licence fee and the Vehicle's Licence duration will begin from the date of transfer, but a further MOT inspection may not be required depending on the age of the vehicle.

Taxi Meters

Where a taxi meter is fitted to a private hire vehicle it shall be of a calendar-controlled type and design approved by the authority.

NOTE: ***The Licensing Authority will only issue reminders for renewal of licences via electronic means where possible.***

APPENDIX 4:

Private Hire Operators' Licence Conditions

- 1 The Operator must operate from only one address which is identified and specified on the Operator's licence, referred to as the "Operator's Base" which must be within the licensable area of Stafford Borough. The Operator's base must have planning consent. The day-to-day business of the Operator must be carried out at the Base. It is a requirement that the base must have a fixed landline number for a customer to call on even if other electronic methods for bookings are also used, for example, an app, website, or email, for the taking and recording of bookings. If using other methods of electronic means, you must be able to produce the booking records on request from an authorised officer.
- 2 All licensed private hire operators must keep a register of all staff that will take bookings or dispatch vehicles and are required to evidence that they have had sight of a Basic DBS check on all individuals listed on that register.
- 3 The Operator shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is operated by them. The complaints procedure must also record the outcome of any investigation. This complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request. These records must be stored and kept securely for a minimum of 18 months.
- 4 The Operator must ensure that vehicles that are booked for private hire work are safe, mechanically sound and maintained in a good and clean condition. Daily checks must be undertaken before the first use of the vehicle each day. Operators must ensure that daily checks are undertaken and recorded on a pre-printed form or electronic "app" specifically designed for such purposes. These checks should be retained for a minimum of 6 months. Any defect rectification should also be recorded and evidenced. Daily checks should include all items recommended by the DVSA in their Guide to Maintaining Roadworthiness.
- 5 The Operator shall check the DVLA licenses for drivers, at least three monthly online, to ensure that their driving entitlement is still valid, and that there are no penalties or driving convictions unreported to the Council. Operators shall inform the Council of any driver convictions.

6 All licensed operators must give written notification to the Licensing Section as soon as possible of: -

- any offence with which they are charged.
- any pending court appearances.
- all convictions.
- all cautions, including those commonly referred to as “simple” “formal” or “police” cautions issued by the police or any other prosecuting authority.

The operator shall notify the Council’s Licensing Section by e-mail or letter within **48 hours** of accepting one of the above or receiving one of the above at court.

Where the operator’s business is a partnership or limited company, the Operator shall inform the Council of any convictions relating to business partners or company directors.

7 The Operator shall ensure that before the commencement of each journey, which includes school contract journeys, the following is recorded in a record book (which may be electronic) the following particulars of every booking of a private hire vehicle invited or accepted by the operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and shall retain and produce such record on request to any Officer authorised by the Council or to any Police Officer for inspection:-

- (i) the name of the driver who undertakes the booking.
- (ii) the driver’s licence number.
- (iii) date and time booking made.
- (iv) date and time booking made for.
- (v) vehicle registration number and private hire vehicle licence number
- (vi) full details of journey (from where and to)
- (vii) name and address of hirer or passenger.
- (viii) name of any individual that responded to the booking request.
- (ix) name of the individual that dispatched the vehicle
- (x) method by which booking communicated to driver

8 The Operator shall keep a record of any private hire vehicle operated by them showing the following details: -

- (a) Name and address of the vehicle owner
- (b) make type and colour of the vehicle.
- (c) model of the vehicle.
- (d) manufacturer of the vehicle.
- (e) registration number of the vehicle.
- (f) private hire vehicle licence number.
- (g) the issuing authority of the licence.
- (h) the date of expiry of the private hire vehicle licence.
- (i) Copy of the current Insurance Certificate.
- (j) Copy of the vehicle licence.
- (k) Copy of MOT certificate
- (l) Confirmation of payment of road tax

and the Operator shall produce this record of private hire vehicles operated upon request to any Officer authorised by the Council's Proper Licensing Officer or to any [Police Officer](#) for inspection. These details must be kept up to date.

9 The Operator shall record particulars of any property accidentally left in a vehicle that was reported to them by the driver of such vehicle before the driver delivers the property to the Reception at Stafford Borough Council offices.

10 The Operator shall not assign or in any way part with the benefit of this Licence.

11 The Operator shall notify the Council of any change of circumstances relating to the business including changes of vehicles and the engaging or discharge of drivers.

12 The Operator shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that: -

- (a) every private hire vehicle, whether the Operator provides the vehicle or not, is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

- (b) every private hire driver is in possession of a current licence granted under the provisions of the said Act of 1976.
- 13 The Operator shall not operate any Private Hire Vehicle of such design and appearance as to lead any person to believe that the vehicle is a licensed hackney carriage.
- 14 The Operator shall produce the licence upon request to any Officer authorised by the Council or any Police Officer for inspection. The Operator shall ensure that the licence is displayed in a prominent public position within the Operator's Base.
- 15 The Operator shall ensure that records of bookings taken and of vehicles and drivers carrying out the bookings are to be kept available for inspection for not less than a period of 12 months.
- 16 Private hire vehicles may be subcontracted by the operator in accordance with the requirements of section 11 of the Deregulation Act 2015 which inserted section 55(A) and (B) into the Local Government (Miscellaneous Provisions Act 1976). The Operator, however, must ensure that the passenger is informed in cases where the booking is sub-contracted to another taxi firm, and give them full details of the same.
- 17 The Operator shall comply with all the requirements of the Council's Taxi Licensing Policy.

NOTE: *The Licensing Authority will only issue reminders for renewal of licences via electronic means where possible.*

APPENDIX 5:

Dress Code

Licensed drivers are required to maintain a high standard of personal hygiene and cleanliness

Drivers shall, as a minimum, wear a shirt, T-shirt or blouse and smart presentable shorts, trousers or denim jeans or skirt. The shirt or T-shirt shall cover the shoulders and be capable of being worn inside the shorts or trousers or skirt.

To avoid any doubt, tracksuits and denim shorts shall not be permitted.

- For safety reasons, footwear for all drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt, mules, or beach “flip flops” shall not be permitted. Trainers are permitted but they must be clean and smart.
- All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.
- Drivers shall not wear any item of clothing or apparel which exhibits any of the following: -
 - Offensive language
 - References to drunkenness or the use of recreational drugs
 - Anything racist, sexist, discriminatory or otherwise offensive
 - Any advertising that does not conform to the relevant codes of advertising practice

Some examples of unacceptable standards of dress would include bare chests or Shoulders, dirty, ripped, or damaged clothing.

APPENDIX 6:

Executive Hire Conditions

Please refer to the policy for the list of factors indicative of an Executive Hire Vehicle.

Conditions

- 1 An Executive Vehicle will be subject to inspection before it is licensed.
- 2 Executive Hire Vehicles will not be licensed once they are 12 years old.
- 3 New applications will not be accepted for vehicles over 4 years old.
- 4 Executive Hire Vehicles must not ply for hire.
- 5 Executive Hire Vehicles must not park on any of the Council's taxi ranks.
- 6 Executive Hire Cars to be used only for Executive Hire and must not be used for any home to school transport.
- 7 When customers make a booking, the Operator must ensure that the customers are given the registration number of the vehicle and the name of the driver.
- 8 Customers who wish to travel in an Executive Hire Vehicle must make a prior booking with the Operator.
- 9 The Licence Holder shall keep comprehensive written records of day-to-day bookings, including name and address of hirer, date, time, pick up and drop off locations, so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or Police [Officer](#) in any investigation they may need to undertake. All records must be retained for not less than 18 months.
- 10 Executive Hire Vehicles are to display the Executive Hire Plate, fixed to the inside of the boot lid of the vehicle, and display the Authority's Credit Card size licence plate, inside the windscreen, on the nearside of the vehicle, at all times that the vehicle is transporting passengers.
- 11 [Executive Hire Vehicles do not have to display any external markings, such as advertisements, unless they wish to do so](#), or give any indication that it is a Private Hire Vehicle other than the Authority's Credit Card Licence plate affixed to the front inside windscreen.

- 12 Executive Hire Vehicles shall carry a copy of their Vehicle Licence, and a copy of the Exemption Notice issued by the Council under 75(3) Local Government (Miscellaneous Provisions) Act 1976, for inspection (or request) by an authorised officer or Police officer, at all times that the vehicle is used for Executive Hire work.
- 13 The driver shall always, when hired, have their drivers badge available to identify them to the hirer.

Testing of Executive Hire Vehicles

- 14 All vehicles shall be tested at the Council's approved testing facilities prior to first licensing and annually thereafter. Vehicles will be required to have two MOT examinations per year (every six months) when they are 9 years old from the date of registration
- 15 The age of the vehicle shall be determined by reference to the date of the first registration recorded in the vehicle registration document (form V5).

Condition and Maintenance of the Vehicle

- 16 The vehicle is always to be maintained in a sound mechanical and structural condition.
 - 17 The vehicle's fittings and equipment must be maintained in a safe and clean condition, and the fixing and routing or positioning of electric cables and wire looms are such that there is no risk of electrical fire or other accident and must be capable of satisfying the Councils mechanical inspection at all times.
 - 18 That the roof, any sunroof, or soft top is watertight
 - 19 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
 - 20 The interior of the vehicle shall be clean, tidy and free from litter and the upholstery, carpets and fittings free from rips and tears.
 - 21 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time without the written consent of the Council.
 - 22 No video or recording equipment that records passenger's conversations will be permitted in any vehicle without the Council's permission. If approval is given, then it must be registered with the Data Commissioners Office.
 - 23 All glazing shall comply with the Road Vehicle (construction and use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted.
-

- 24 All other private hire conditions as per **Appendix 3**, including the cost of licensing the vehicle, shall apply to Executive Hire Licences, save that Executive Hire Vehicles can be white if required and conditions 12, 13, 16 and 17, in this section, apply only to Executive Hire Vehicles.

NOTE: ***The Licensing Authority will only issue reminders for renewal of licences via electronic means where possible***

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APPENDIX 7:

Policy Statement Relating to Relevance of Convictions for Hackney Carriage / Private Hire Drivers and Operators

Applicants

All applicants for Hackney Carriage or Private Hire driver licences are required to declare any convictions or cautions, fixed penalty notices and DVLA licence endorsements - including any pending convictions and investigations. All applicants must also submit to Disclosure and Barring Service checks. The Council will deal with all information provided in strict confidence. Any information will be retained for no longer than is necessary for the purposes of processing the application for the Licence.

Driver's Duty to Inform the Council

Once a Licence has been granted, drivers are required to inform the Council in writing and within 48 hours of any offence with which they are charged; any pending court appearances; any convictions; the acceptance of a fixed penalty notice; any endorsements for motoring offences; the acceptance of a speed or other awareness course and all cautions imposed on them since the grant of the Licence. In addition, Drivers are required to inform the Council in writing and within 48 hours of becoming aware of any pending criminal investigation that concerns them.

Consideration of Applications

Each case will be decided on its own merits and in accordance with this policy.

Public Safety is the Primary Concern

Public safety is the primary concern for the licensing of Hackney Carriage and Private Hire Drivers. The Council has a duty to ensure, so far as possible, that Drivers are "fit and proper" persons to hold licences. The Council must consider whether Drivers are fit and proper when they apply for licences, and it also must consider whether they remain fit and proper throughout the time that the licence remains in force.

Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken

into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.

Drivers

- 1 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 2 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4 In relation to single convictions, 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

- 5 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

- 6 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.

Offences involving violence

- 7 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.

Possession of a weapon

- 8 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.

Sex and indecency offences

- 9 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.

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.

Dishonesty

- 10 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.

Drugs

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.

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.

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.

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. Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held 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.

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

Other motoring offences - Definition of Major and Minor 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 9 or more points on their DVLA licence for minor traffic or similar offences, the applicant will be required to undertake driver assessment training as approved by Stafford Borough Council, each case will be taken on its own merit.

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 years have elapsed since the completion of any sentence imposed.

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.

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.

Private Hire Operators

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard, always.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

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APPENDIX 8:

Guidance Matrix of Penalties for Offences Committed Within Two Rolling Licence Years

Type of Offence	1 st Offence following warnings (where appropriate)	2 nd Offence	3 rd and Subsequent Offences	Comments
Failure to wear badge so as to be plainly and distinctly visible	1-3 days suspension	7-10 days suspension	Referral to the PAC*	Additional days may be added if the badge is not being worn at night and/or is not in the vehicle and immediately available for wearing
Breach of dress code	3 days suspension	7 days suspension	Referral to the PAC*	The penalty may be increased if the breach of dress code compromises public safety. (e.g., unsuitable footwear)
Improper use of rank/leaving vehicles unattended	3 days suspension	7 days suspension	Referral to the PAC*	
Uncivil behaviour	3 days suspension	7 days suspension	Referral to the PAC*	

Type of Offence	1st Offence following warnings (where appropriate)	2nd Offence	3rd and Subsequent Offences	Comments
Eating, drinking or using an electronic smoking device whilst driving a licenced vehicle	3 days suspension	7 days suspension	Referral to the PAC*	This includes any devices which are similar to electronic smoking devices
Failure to notify of change of address	3 days suspension	7 days suspension	Referral to the PAC*	
Use of any hand-held device whilst driving a licenced vehicle	14 days suspension	28 days suspension	Referral to the PAC*	
Breach of road safety legislation	7 days suspension	14 days suspension	Referral to the PAC*	
Overcharging	7 days suspension	14 days suspension	Referral to the PAC*	
Failure to notify a Conviction, Caution or Fixed Penalty Notice or other policy notification requirements	7 days suspension	14 days suspension	Referral to the PAC*	This includes all convictions, cautions and fixed penalty notification requirements save change of address notifications

Type of Offence	1st Offence following warnings (where appropriate)	2nd Offence	3rd and Subsequent Offences	Comments
Failure to pick up passengers on time	3-21 days suspension depending upon circumstances	3-21 days suspension depending upon circumstances or revocation	Referral to the PAC*	Each case will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable
Refusal to take a fare without reasonable cause (includes refusal of a guide/assisted dog and wheelchair user)	3-21 days suspension depending upon circumstances	3-21 days suspension depending upon circumstances or revocation	Referral to the PAC*	Each case will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature

Type of Offence	1 st Offence following warnings (where appropriate)	2 nd Offence	3 rd and Subsequent Offences	Comments
Failure to maintain subscription to DBS Online Update Service	Suspension/ Revocation / Referral to the PAC*	Suspension/ Revocation / Referral to the PAC*		It is essential that the Licensing Authority is kept fully informed and updated to all licence holders' DBS status to ensure public safety
Use of part worn tyres or driving with tyres below the legal limit.	7 days suspension	14 days suspension	Referral to the PAC*	Public safety.

*Public Appeals Committee

Notes:

- In cases of minor contraventions of licence conditions, the Council may decide to issue a verbal or written warning.
- The penalties shown are generally meant to be the maximum penalty for a particular offence. The penalty may be reduced where for example a full and frank admission is made at the earliest opportunity. The penalty may be increased where there are aggravating factors.
- This list of penalties is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Other offences will be dealt with in a manner which is commensurate with the above Penalty Matrix.

- Referral to the Public Appeals Committee (PAC) remains an option at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the Public Appeals Committee upon conviction of that offence.
- Significant matters may result in revocation at any time.
- Legislation allows for prosecution of some offences as an option at any time.
- Officers have delegated powers to suspend or revoke licenses as well as to refer matters to the PAC or for prosecution where appropriate.

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APPENDIX 9:

Rules of The Rank

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

- (a) Proceed with reasonable speed and drive safely and promptly to the Council's taxi ranks.
- (b) If there is no available space to park on the rank, then the driver shall drive to an alternate rank.
- (c) Drivers shall park on the rank by joining the rear of the line of Hackney's already parked there, facing in the same direction.
- (d) As Hackney's drive off the rank all drivers shall move their own Hackney forward to fill the available space.
- (e) For the avoidance of doubt, private hire vehicles must not park on or near a taxi rank; it is an offence to ply for hire in a private hire vehicle.

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ITEM NO 10**ITEM NO 10**

Report of:	Covid Memorial Working Group
Contact Officer:	Tracy Redpath
Telephone No:	01785 619 195
Ward Interest:	Nil
Report Track:	Council 14/09/2021 (Only)

COUNCIL
14 SEPTEMBER 2021
Covid Memorial Proposals

1 Purpose of Report

- 1.1 To consider proposals put forward by the Covid Memorial Working Group.

2 Recommendation

- 2.1 That Members consider and agree the proposals as put forward to commemorate the lives that have been affected by the Covid-19 pandemic.

3 Key Issues and Reasons for Recommendation

- 3.1 The Covid-19 pandemic has had, and continues to have, a huge impact on the lives of residents living in the Borough. The scale and effects of covid are different, the knock-on effects are vast, especially for people who have lost loved ones and for those who are living with long covid.
- 3.2 The Council agreed a notice of motion in April to:
- set up a cross party working group to consider how best to commemorate the lives that have been lost in the Borough
 - report back to Council with suggestions and proposals as to how they could be taken forward
- 3.3 A working group was set up which consists of 8 members, two from each of the three main groups and each of the two Independent councillors. The group has met on two separate occasions and agreed that consideration needed to be given, not only to the lives that have been lost, but also all of the lives that have been affected by Covid.

- 3.4 A number of recommendations were considered and these are set out in section 5 of the report.

4 Relationship to Corporate Business Objectives

- 4.1 This interlinks with all of the corporate business objectives.

5 Report Detail

- 5.1 Many people have been affected by the Covid pandemic and many have lost their lives to it. Nothing can help to alleviate the pain and suffering so many have experienced so members would like to consider how best to commemorate and honour those who have been greatly affected by Covid.

- 5.2 Council agreed a notice of motion in April to set up a cross party working group that would consider suggestions and proposals. A number of recommendations have been put forward that relate to:

- A Book of Memories
- Areas of dedication and reflection across different locations in the Borough
- Memorial Woodland

These are set out below.

- 5.3 **Book of Memories** that can be located on the Borough Council website that residents submit a memory for inclusion. The memories to be sent into a central point and then uploaded into the on-line book. A postcard could be made available for residents who do not have access to the internet or a computer and these can be left in community buildings or handed out by elected members. As part of this proposal, if there are sufficient messages submitted for inclusion then consideration to be given as to whether a printed version of the book could be published after a period of time has passed. This proposal could be implemented within existing resources.
- 5.4 **Areas of dedication and reflection** across the Borough. Proposed that key areas in Stafford and Stone be identified as areas of dedication and reflection. The areas would include seating areas such as benches that could be installed in:
- Stafford Market Square
 - Stone High Street
 - Local Nature Reserves

These areas are currently maintained by Friends of groups or Streetscene. These proposals would require a small amount of funding to purchase and install the benches.

5.5 **Memorial Woodlands** to be identified and used as areas of tranquillity and reflection. Areas proposed are the newly designated Local Nature Reserve at Fairway and at Westbridge Park in Stone. The tree planting at both areas can be achieved within existing resources but additional funding would need to be sourced for the purchase and installation of the benches.

5.6 It is therefore recommended that these proposals be agreed by Council.

6 Implications

6.1 Financial	If the proposals are agreed funding would need to be sourced for the purchase and installation of the benches.
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil

6.2 Community Impact Assessment Recommendations	<p>Public Sector Equality Duty: All proposals will be assessed in terms of accessibility for people with physical disabilities and mobility issues.</p> <p>Wider Community Impact: The proposals proposed provide residents and families who have been affected by Covid with areas of dedication and reflection across the borough, including submitting messages to a book of memories. These areas will be located across the borough in either parks, open spaces or local nature reserves. The memorial woodland is proposed to be part of the newly dedication local nature reserve at Fairway. All areas proposed are either looked after by a Friends of group or colleagues in Streetscene.</p>
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Previous Consideration - Nil

Background Papers - File available in Corporate Business and Partnerships
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ITEM NO 11**ITEM NO 11**

Report of:	Head of Law and Administration
Contact Officer:	Ian Curran
Telephone No:	01785 619220
Ward Interest:	Nil
Report Track:	Standards 7/7/21 Council 14/9/21

COUNCIL
14 SEPTEMBER 2021
LGA Model Code of Conduct

1 Purpose of Report

- 1.1 To consider adoption of the LGA Model Code of Conduct for Members.

2 Recommendation

- 2.1 That Council adopt the LGA Model Code of Conduct as attached in the **APPENDIX**.

3 Key Issues and Reasons for Recommendation

- 3.1 The Council already has a code of conduct for members. However, the adoption of a national model code would ensure consistency across the country and less confusion for those councillors who act for more than one authority.

4 Relationship to Corporate Business Objectives

- 4.1 Leading and delivering for our community.

5 Report Detail

- 5.1 Section 27 of the Localism Act 2011 requires every local authority to promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging that duty the local authority must adopt a code of conduct that is expected by members when they are acting in that capacity.
- 5.2 Following recommendations made by the Committee on Standards in Public Life, the LGA consulted on the introduction of a model code of conduct for members in 2020.

- 5.3 The Councils Standards Committee considered a draft model code at its meeting on 22 July 2020 and agreed a response to the consultation. The LGA published the final version of the model code in December 2020 (see **APPENDIX**).
- 5.4 The model code does not differ greatly from the Councils current code. However, one of the main advantages of adopting a national code is that obligations could be applied consistently at local authorities across the country. This may be particularly useful for those members who may be elected to more than one local authority in the area (County and/or Parish Council). Staffordshire County Council have already decided to adopt the model code at its meeting of 18 March 2021.
- 5.5 It is also envisaged that the LGA will develop, and publish, further guidance to support the model code over time. Some information and guidance has already started to be published on the LGA website at <https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life>. This includes some guidance regarding social media activity, which has been a growing area of interest over the last few years.
- 5.6 The Councils Standards Committee considered the final model code, at its meeting on 7 July 2021, and resolved to recommend adoption of the model code by the Council.
- 5.7 A revised code would need to be adopted by full Council and updated within the Councils constitution.

6 Implications

6.1	Financial	Nil
	Legal	As set out in the report.
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil

6.2	Community Impact Assessment Recommendations	Impact on Public Sector Equality Duty: Nil Wider Community Impact: Nil
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Previous Consideration

Standards Committee, 7 July 2021, Minute No SC7/21
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Background Papers – File available in Legal Services



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

ITEM NO 12**ITEM NO 12**

Report of:	Head of Law and Administration
Contact Officer:	Ian Curran
Telephone No:	01785 619 220
Ward Interest:	Nil
Report Track:	Council 14/09/2021 (Only)

COUNCIL**14 SEPTEMBER 2021****Waiver of 6 Month Councillor Attendance Rule****1 Purpose of Report**

- 1.1 To prevent the disqualification of a member who will be unable to attend a meeting within a 6 month period due to ill-health.

2 Recommendation

- 2.1 That the requirements of section 85 of the Local Government Act 1972 be waived, in respect of Councillor Mark Green, until February 2022.

3 Key Issues and Reasons for Recommendation

- 3.1 Section 85, of the local Government Act 1972, automatically disqualifies a member from office if they fail to attend any meeting of the authority, within a consecutive 6 month period, unless the Council approves the reason for non-attendance.
- 3.2 Due to an ongoing health issue, Councillor Mark Green has been unable to attend any Council/Committee meetings since 25 March 2021. Councillor Green is now recovering well, but is not yet able to give a date on which he will be able to attend physical meetings again.
- 3.3 If the Council does not approve Councillor Green's ill-health as an acceptable reason for not attending meetings, then his term of office will cease automatically on 25 September if he does not attend any meetings before that date.

4 Relationship to Corporate Priorities

4.1 Leading and delivering for our community

5 Report Detail

- 5.1 Section 85 of the Local Government Act 1972 states that, “if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority”.
- 5.2 Subsequent to his attendance at a committee meeting on 25 March 2021, Councillor Green has unfortunately been in ill-health, which has led to him being unable to attend any council meetings since. Councillor Green’s term of office will, therefore, automatically end on 25 September if the Council does not approve his absence for reasons of ill-health.
- 5.3 Councillor Green is now making a good recovery and is keen to attend council meetings again as soon as he is able. However, he is not yet in sufficient health to be able to physically attend any meetings and does not yet have a date upon which he can make a physical return.
- 5.4 The ability of members to attend meetings remotely, ended on 7 May 2021. Since then, all councillors have to physically attend meetings to be recorded as an attendee.
- 5.5 The proposed waiver period to February 2022 would allow further time for Councillor Green to recover, and enable a further review to be undertaken by the date of the January Council meeting.
- 5.6 Should a waiver not be granted, the resulting vacancy would need to proceed to by-election.

6 Implications

6.1	Financial	There would be a cost associated with any by-election held as a result of a members office becoming vacant.
	Legal	As set out in the report
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil

6.2 Community Impact Assessment Recommendations	Impact on Public Sector Equality Duty: Nil Wider Community Impact: Nil
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Previous Consideration - Nil

Background Papers - Nil

ITEM NO 13**ITEM NO 13**

Report of:	Head of Law and Administration
Contact Officer:	Ian Curran
Telephone No:	01785 619220
Ward Interest:	Nil
Report Track:	Council 14/09/21 (Only)

COUNCIL
14 SEPTEMBER 2021
Committee Business Planning Reports

1 Purpose of Report

- 1.1 The purpose of this report is to allow the Council to consider the annual reports from the Scrutiny Committees in accordance with Article 6, paragraph 6.3 of the Council's Constitution.

2 Recommendation

- 2.1 That the annual reports from the various Committees be received.

3 Key Issues and Reasons for Recommendation

- 3.1 The annual reports from the Scrutiny Committees on their past workings and future work programme are submitted for consideration in accordance with Article 6, paragraph 6.3 of the Council's Constitution.

4 Relationship to Corporate Business Objectives

- 4.1 The Committee process supports all of the Council's Corporate Priorities.

5 Report Detail

- 5.1 The following annual reports from the following Committees on their past workings and future work programme are submitted for consideration:-

Scrutiny Committee

Resources

APPENDIX 1

Economic Development and Planning

APPENDIX 2

Community Wellbeing

APPENDIX 3

- 5.2 Due to the fluid situation arising from the continuing Coronavirus pandemic relating to the work of the Audit and Accounts Committee, business planning reports were not submitted during the Year 2020/21.

6	Implications
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6.1	Financial	Nil
	Legal	Nil
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil

6.2	Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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Previous Consideration - Nil

Background Papers - File available in Law and Administration

APPENDIX 1

COUNCIL
14 SEPTEMBER 2021
Committee Business Planning Reports

The following report was approved by the Resources Scrutiny Committee at its meeting held on 8 June 2021 (Minute No RSC6/21).

1 Purpose of Report

- 1.1 To review the programme of business considered by the Resources Scrutiny Committee in 2019/21 with a view to the report being submitted to the Council.

2 Recommendation

- 2.1 The Committee is recommended to approve this report as the Annual Report to the Council.

3 Key Issues and Reasons for Recommendation

- 3.1 During the past Municipal Year (extended due to the COVID-19 Pandemic), the Resources Scrutiny Committee considered a wide variety of issues in support of the Corporate Business Objective to be a well-run, financially sustainable and ambitious organisation responsive to the needs of our customers and communities and focussed on delivering our objectives.
- 3.2 The Committee has completed two Annual Reviews of the Constitution.
- 3.3 The Committee will continue to control its own Work Programme, which is already populated with a range of issues for the forthcoming Municipal Year.

4 Relationship to Corporate Business Objectives

- 4.1 This report is most closely associated with the following Corporate Business Objective 3:-

To be a well-run, financially sustainable and ambitious organisation responsive to the needs of our customers and communities and focussed on delivering our objectives.

5 Report Detail

- 5.1 During the 2019/21 Municipal Year, the Resources Scrutiny Committee considered a wide variety of issues, including Complaints Monitoring and Final Accounts, that supported the Corporate Business Objective to be a well-run, financially sustainable and ambitious organisation responsive to the needs of our customers and communities and focussed on delivering our objectives.
- 5.2 The Committee has undertaken two Task and Finish Reviews relating to the Review of the Constitution, which has led to a number of recommendations being endorsed by Council.
- 5.3 The Committee considered the following an item that was called-in for further scrutiny relating to Financial Support for Freedom Leisure.
- 5.4 The Committee have considered three Members Items related to the following:-
- Staffing
 - Covid-19 Pandemic Essential Actions and Recovery Planning
 - Local Housing Allowance
- 5.5 The Committee considered a Councillor Session Item related to Assistance with Council Tax Arrears.
- 5.6 The Committee considered the following items that were referred to it directly from the Cabinet:-
- Consultation on Local Council Tax Reduction Scheme
 - Recycling and Waste Collection - Future Service Option
 - Financial Plan
 - Fees and Charges Review
 - General Fund Revenue Budget and Capital Programme
 - Resources Portfolio - General Fund Revenue Budget and Capital Programme
- 5.7 The Committee considered the following other reports:-
- COVID19 Pandemic Stafford Borough Council Response and Recovery Programme Updates
 - Freedom Leisure Performance Monitoring Report - Contract Year 2 January - November 2019
 - Local Council Tax Reduction Scheme
 - Gender Pay Gap
 - Corporate Business Plan 2021 - 2024 Consultation
- 5.8 The Committee continues to control its own Work Programme and makes appropriate adjustments as necessary.

- 5.9 Under its Terms of Reference, the Committee received details of the General Fund Budget and Capital Programme for the whole Council and the Resources Portfolio as well as receiving regular reports that monitored both operational and financial performance.
- 5.10 The Resources Scrutiny Committee's Work Programme is already populated for the forthcoming Municipal Year with various items and will again undertake the annual Review of the Constitution early in the New Year.
- 5.11 It is intended that this report, with the addition of any appropriate information concerning the current meeting, be taken to the next available meeting of the Council as the report back from this Scrutiny Committee in accordance with Article 6, Paragraph 6.3 of the Constitution whereby the Committee is required to report annually to the Council on its workings and future Work Programme.

6 Implications		
6.1	Financial	Nil
	Legal	Nil
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil
6.2	Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
Previous Consideration - Nil		
Background Papers - File available in Law and Administration		

COUNCIL
14 SEPTEMBER 2021
Committee Business Planning Reports

The following report was approved by the Economic Development and Planning Scrutiny Committee at its meeting held on 22 June 2021 (Minute No EDP4/21).

1 Purpose of Report

- 1.1 To review the programme of business considered by the Economic Development and Planning Scrutiny Committee in 2019/21 with a view to the report being submitted to the Council.

2 Recommendation

- 2.1 The Committee is recommended to approve this report as the Annual Report to the Council.

3 Key Issues and Reasons for Recommendation

- 3.1 During the past Municipal Year (extended due to the COVID-19 Pandemic), the Economic Development and Planning Scrutiny Committee considered a wide variety of issues that has helped to embrace its continuing role to ensure that the Council delivers sustainable economic and housing growth to provide income and jobs.
- 3.3 The Committee controls its own Work Programme which is already populated with a range of issues for the forthcoming Municipal Year.

4 Relationship to Corporate Business Objectives

- 4.1 This report is most closely associated with the following Corporate Business Objective 1:-

To deliver sustainable economic and housing growth to provide income and jobs.

5 Report Detail

- 5.1 During the 2019/21 Municipal Year, the Economic Development and Planning Scrutiny Committee has considered a wide variety of issues that supported the Council's Business Objective of delivering sustainable economic and housing growth to provide income and jobs.

- 5.2 In order to achieve this, the Committee have received regular updates concerning the economic issues affecting both Stafford Town Centre and the wider Borough, including the following:-
- Town Centre Development Programme Update
 - New Local Plan Introduction
 - Stafford Indoor Market
 - Future High Streets Fund Update
- 5.3 The Committee have considered a Called-in item relating to Delegated Authority for a Gypsy and Traveller Site Acquisition.
- 5.4 The Committee have considered a Councillor Session item relating to a lack of public transportation in some areas of the Borough where there were major developments.
- 5.5 The Committee have considered the following items that were referred to it directly from the Cabinet:-
- Stafford Borough Economic Growth Strategy 2020-2025
 - Parking Orders
 - Government's Planning for the Future Consultation: Stafford Borough response
- 5.6 Other items that the Committee considered included the following:-
- COVID19 Pandemic Recovery Planning
 - Economic Recovery - Progress Update
 - Economic Recovery - Local Restrictions Grant Policy
 - Corporate Business Plan 2021 – 2024 Consultation
- 5.7 The Committee continues to control its own Work Programme and regularly makes appropriate adjustments.
- 5.8 Under its Terms of Reference, the Committee has received details of the General Fund Revenue Budget and Capital Programme for the Economic Development and Planning Portfolio as well as receiving regular reports that monitored both operational and financial performance.
- 5.9 The Committee received details of the Economic Development and Planning Portfolio Final Accounts.
- 5.10 The Work Programme is populated with a variety of issues for the forthcoming Municipal Year.

- 5.11 It is intended that this report, with the addition of any appropriate information concerning the current meeting, be taken to the next available meeting of the Council as the report back from this Scrutiny Committee in accordance with Article 6, Paragraph 6.3 of the Constitution whereby the Committee is required to report annually to the Council on its workings and future Work Programme.

6	Implications
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6.1	Financial	Nil
	Legal	Nil
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil

6.2	Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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Previous Consideration - Nil

Background Papers – File available in Law and Administration

COUNCIL
14 SEPTEMBER 2021
Committee Business Planning Reports

The following report was approved by the Community Wellbeing Scrutiny Committee at its meeting held on 22 July 2021 (Minute No CWB6/21)

1 Purpose of Report

- 1.1 To review the programme of business considered by the Community Wellbeing Scrutiny Committee in 2019/21 with a view to the report being submitted to the Council.

2 Recommendation

- 2.1 The Committee is recommended to approve this report as the Annual Report to the Council.

3 Key Issues and Reasons for Recommendation

- 3.1 During the past Municipal Year (extended due to the COVID-19 Pandemic), , the Community Wellbeing Scrutiny Committee has considered a wide variety of issues supporting the Council's Corporate Business Objective to improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.
- 3.2 The Committee has maintained its close links with the Healthy Staffordshire Select Committee receiving regular updates.
- 3.3 The Committee continues to control its own Work Programme which is populated with a range of issues for the forthcoming Municipal Year.

4 Relationship to Corporate Business Objectives

- 4.1 This report is most closely associated with the following Corporate Business Objective 2:-

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.

5 Report Detail

- 5.1 During the past 2019/21 Municipal Year, the Community Wellbeing Scrutiny Committee considered a wide variety of issues supporting the Council's Corporate Business Objective to improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.
- 5.2 In order to achieve this, the Committee have considered a wide variety of issues, including:-
- Presentation - Managing Local Covid-19 Outbreaks
 - Stafford Borough Council's Housing Allocations Policy
 - Air Quality Annual Status Report 2019
 - Food Safety Annual Report 2018-2019
 - Health and Safety Annual Report 2018-2019
 - COVID19 Pandemic Recovery Planning
 - Community Recovery Update
 - Recovery Programme Update
- 5.3 The Committee considered a number of Members Items related to the following:-
- A Request for a Green project
 - Post Brexit food strategy
 - DBS clearance and has safeguarding training for the Voluntary sector
 - Promotion of Breast feeding in Stafford Borough
 - Suicide Prevention
 - Access to Cannock Chase during COVID
 - Safeguarding in the Borough
 - Bereavement during COVID
 - Assistance with Council Tax Arrears
- 5.4 The Committee have considered a Called-in item relating to the Empty Homes Strategy and Release of Funding.
- 5.5 The Committee considered two Councillor Session items related to the following issues:-
- The number of public toilets closed since 2003
 - Clarification of Public Protection Orders
- 5.6 The Committee sustained its close links with the Healthy Staffordshire Select Committee by receiving regular reports on the work of the Committee, which was accordingly reciprocated.

- 5.7 The Committee have considered the following items that were referred to it directly from the Cabinet:-
- Fees and Charges Review
 - Community - General Fund Revenue Budget and Capital Programme
 - Environment Portfolio - General Fund Revenue Budget and Capital Programme
 - Leisure Portfolio - General Fund Revenue Budget and Capital Programme
- 5.8 Under its Terms of Reference, the Committee has received details of the General Fund Revenue Budget and Capital Programme for the Community, Environment and Leisure Portfolios as well as receiving regular reports that monitored both operational and financial performance.
- 5.9 Other issues considered by the Committee included:-
- Corporate Business Plan 2021 - 2024 Consultation
 - Final Accounts
- 5.10 The Committee continues to control its own Work Programme, regularly making appropriate adjustments and is already populated for the forthcoming Municipal Year with a variety of issues.
- 5.11 It is intended that this report, with the addition of any appropriate information concerning the current meeting, be taken to the next available meeting of the Council as the report back from this Scrutiny Committee in accordance with Article 6, Paragraph 6.3 of the Constitution whereby the Committee is required to report annually to the Council on its workings and future Work Programme.

6 Implications	
6.1 Financial	Nil
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil
6.2 Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
Previous Consideration - Nil	
Background Papers - File available in Law and Administration	