



Civic Centre
Riverside
Stafford
ST16 3AQ

11 September 2017

Dear Members

Council Meeting

I hereby give notice that a meeting of the Council will be held in the Council Chamber, County Buildings, Martin Street, Stafford on **Tuesday 19 September 2017 at 7.00pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

A handwritten signature in black ink that reads "Tim Clegg".

Tim Clegg
Chief Executive

**COUNCIL MEETING - 19 SEPTEMBER 2017
MAYOR, COUNCILLOR AIDAN GODFREY**

A G E N D A

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|----|--|-----------------|------|
| 1 | Approval of the Minutes of the last Meeting of the Council held on 25 July 2017 as published in Digest No 234 on 4 August 2017 | | |
| 2 | Apologies for Absence | | |
| 3 | Declarations of Interest | | |
| 4 | Announcements (paragraph 3.2(iii) of the Council Procedure rules) | | |
| 5 | Public Question Time - Nil | | |
| 6 | Councillor Session - Nil | | |
| 7 | Notice of Motion - Nil | | |
| | | Page Nos | |
| 8 | Taxi Licensing Policy and Licence Conditions 2017 | 3 | - 8 |
| 9 | Restoration and Enhancement of Victoria Park, Stafford | 9 | - 11 |
| 10 | Any Items Referred from Scrutiny Committee(s) | - | |

Chief Executive

Civic Centre
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ST16 3AQ

ITEM NO 8

ITEM NO 8

Report of:	Head of Environment
Contact Officer:	Julie Wallace
Telephone No:	01785 619605
Ward Interest:	Nil
Report Track:	Council 19/09/17 (Only)

<p>COUNCIL</p> <p>19 SEPTEMBER 2017</p> <p>Taxi Licensing Policy and Licence Conditions 2017</p>

1 Purpose of Report

- 1.1 To seek approval for adoption of the new Taxi Licensing Policy and Licensing Conditions (“the Policy”) and for the Head of Environment to 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.
- 1.2 This report sets out the results of the formal consultation with the Hackney Carriage and Private Hire trade including all licensed Operators and drivers within the Borough, Staffordshire County Council Transport, SBC’s Planning Section, SBC’s Environmental Health Section, 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 team, Staffordshire Safeguarding Board and Staffordshire Fire Service which commenced on the 12 June 2017 and closed on the 24 July 2017. The formal consultation outlined the development of a new Taxi Licensing Policy and Licensing Conditions which brings all policies and procedures in line with current legislation.

2 Recommendation

- 2.1 That Council approves the implementation of the Policy and Licensed Conditions attached as a **SEPERATE BOOKLET**.
- 2.2 That Council approves the associated delegated functions to the Head of Environment.

3 Key Issues and Reasons for Recommendation

- 3.1 The new Taxi Licensing Policy and Licensed Conditions brings together all policies and conditions into one integrated document that can be used to promote excellent standards of customer service and also ensure that taxi customers can be confident that they can travel safely.
- 3.2 The revised Taxi Licensing Conditions for Drivers, Vehicles and Operators will ensure that they are compliant with recent legislative changes, that they encompass guidance and embrace industry best practice.
- 3.3 The new Taxi Licensing Policy and new Conditions will ensure that the taxi trade is regulated effectively, and that sufficient safeguards are put in place to ensure that all licensed drivers are “fit and proper persons”. They will also introduce recommended additional controls to help the Council detect, disrupt or enforce against any safeguarding issues including the sexual exploitation of children.
- 3.4 The Policy has been updated in order to reflect changes required by new legislation such as the Equalities Act 2010, and to integrate policies from a number of areas including Safeguarding, Prevent and the Policy of Convictions.
- 3.5 It is intended that the Policy and Conditions will be reviewed every five years. The Council will monitor the effectiveness of the Policy and Conditions in terms of promoting public safety and public confidence. The Council will also have to consider the Policy and Conditions in the light of any further developments in the law and changes in government policy and guidance. The Council will consult with stakeholders at the time it is considering substantial changes to this Policy and Conditions.

4 Relationship to Corporate Priorities

- 4.1 The Policy and Conditions supports the Council’s Corporate Priorities as follows:-
- 4.2 Clean, Green and Safe - 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.
- 4.3 Prosperity - we encourage businesses operating through the taxi hire trade by providing training, efficient processing and ease of access to applications, working with businesses to help develop policies and conditions, fare setting and providing equality throughout the trade.
- 4.4 Health and Well-being of visitors and residents has been factored into this Policy and Conditions 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.

5 Report Detail

- 5.1 In the Borough of Stafford the Council has the responsibility for ensuring the public travel in safe, well maintained licensed 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 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.
- 5.4 The Policy and Conditions were finalised and formal consultation began on 12 June 2017 and closed on the 24 July 2017.
- 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, SBC's Planning Section, SBC's Environmental Health Section, 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 team, Staffordshire Safeguarding Board and Staffordshire Fire Service. The consultation commenced on 12 June 2017 and closed on 24 July 2017. The formal consultation outlined the development of a new Taxi Licensing Policy and Licensing Conditions which brings all policies and procedures in line with current legislation, and brings existing policies from a number of different areas together into one document.
- 5.6 Prior to the formal consultation, the Licensing Officer liaised with trade representatives, by forming a Focus Group to discuss areas to be reviewed and the introduction of new concepts such as a Dress Code for Drivers and an Executive Hire Scheme. Informal consultation with the taxi trade commenced on 20 December 2016 and concluded on the 29 March 2017.
- 5.7 There were 49 responses received from the consultation, 35 of which were from Stafford Taxi Association. Additional responses were also received from Stafford and District Access Group, The Guide Dogs for the Blind Association, Staffs County Council, Jeremy Lefroy MP, and other individual licensed

drivers.

- 5.8 From the responses received and noted, two of the Conditions, Appendix 1, Condition 30 and Appendix 2, Condition 5 have been removed due to misinterpretation. Conditions to the Dress Code, Appendix 5 have been streamlined. Executive Hire Vehicles, Section 9, List Price of the vehicle has been reduced and Appendix 6 has been abridged with Conditions 9, 10 & 11 being combined.
- 5.9 Other amendments relate to the strengthening of requirements for Child Sexual Exploitation (CSE) and Safeguarding which have now been addressed and reflected in the training package for taxi drivers as endorsed by Staffordshire Police.
- 5.10 The Policy and Conditions introduce a number of key requirements that have not been included previously, these include:-
- Equalities Act 2010 and duties of drivers to assist wheelchair passengers
 - Executive Hire scheme
 - Updated Convictions Policy
 - A guidance matrix for penalties to be imposed following contraventions of conditions and other breaches
 - Training requirements for Safeguarding and Child Sexual Exploitation (CSE) and for Wheelchair Accessible Vehicles (WAV)
 - New driver's assessment
- 5.11 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 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
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6.1	Financial	No financial implications associated with the report.
	Legal	In January 2016 Central Government published a guide to consultation principles that applies to central government and to local Councils. This revised set of principles does not specify timescales for consultation, but recommends that departments consult for a 'proportionate amount of time' taking into account legal advice and the nature and impact of the proposal. The consultation for the draft Taxi Licensing Policy and Conditions was open for six weeks, which was

	<p>considered a reasonable time period to allow those affected or interested in the draft Policy to respond. Changes were made to the Policy and Licensed Conditions as a result of the consultation responses received.</p> <p>The consultation principles can be found at: https://www.gov.uk/government/uploads/attachment_data/file/492132/20160111Consulation_principles_final.pdf</p> <p>When the finalised Policy is adopted it will apply to all new applicants immediately. In the case of persons already holding a licence covered by the new Policy, the new Policy will apply to them immediately, although the new Conditions will not attach to licences until they are renewed.</p>
Human Resources	No Human Resources implications are associated with the new Taxi Licensing Policy and Licensing Conditions.
Human Rights Act	There are no Human Rights Act implications.
Data Protection	No Data Protection implications associated with the report.
Risk Management	The report ensures that our Taxi Policy is up to date and encompasses guidance, Licensing and Licensing Conditions

6.2 Equality and Diversity	<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>A Community Impact Assessment has been completed and headlines are contained below:-</p> <ul style="list-style-type: none"> • Age has been considered with different lengths of licences for applicants of various ages. • Disability - Wheelchair Accessibility for customers and the Equalities Act 2010, Regulations 2017. • 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. • Religion or belief has also been considered. • Sex and sexual orientation has been considered.
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	<ul style="list-style-type: none">• Licences are available to all as long as the applicant passes the Fit and Proper rules and licensing process.
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Previous Consideration - Nil

Background Papers – File available in Environment Services



Draft

Taxi Licensing Policy and Licence Conditions 2017

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Appendix 3 - Private Hire Vehicle Conditions

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1. Foreword by Councillor Frank Finlay, Cabinet Member

This Policy sets out how the Council administers its licensing functions under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, and how decision making will be approached.

The Policy will be subject to regular review and subject to further consultation with stakeholders prior to any substantial changes.

The Council recognises that the licensed taxi is vital for the community. Many people rely on taxis that have no other way to travel across Stafford Borough. It is critical that people who rely on taxis can put their trust in licensed drivers. In other areas of the UK there have been recent examples of licensed vehicle drivers and/or operators being involved in the sexual exploitation of children. In order to ensure public safety it is therefore more important than ever that the taxi trade is regulated effectively, and that sufficient safeguards are put in place to ensure that all licensed drivers are “fit and proper persons”. It is intended that this Policy brings together all policies and conditions into an integrated document that can be used to promote excellent standards of customer service and to ensure that taxi customers can be confident that they can travel safely.



Cllr F Finlay
Cabinet Member for Environment and Health

2. Introduction

Public Protection

- 2.1 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.
- 2.2 The protection of the public is the paramount consideration of the Council in terms of taxi licensing.

Relationship to the Council's Corporate Priorities

- 2.3 This Policy supports the Council's Corporate Priorities as follows:-
- (i) Clean, Green and Safe - 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) Prosperity – we encourage businesses operating through the taxi hire trade by providing training, efficient processing and ease of access to applications. By working with businesses to help develop policies, fare setting and provide equality throughout the trade.
 - (iii) 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

- 2.4 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

2.5 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.

Consultation

2.6 The Council has carried out a consultation and shared the draft 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 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, seeking contributions, feedback and comments. The consultation lasted six weeks, 12 June - 24 July 2017.

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

2.8 A Community Impact Assessment for this policy was also carried out.

Commencement

- 2.9 It is intended that this policy will come into force on 19 September 2017

Future Changes

- 2.10 The Council will monitor the effectiveness of the policy in terms of promoting public safety and public confidence. 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.
- 2.11 The Council will consult with stakeholders at the time it is considering substantial changes to this Policy.

Information Sharing

- 2.12 The Council shares information with partner organisations including the Police, Environmental Health, the County Council, DVSA and the National Fraud Initiative in the interests of crime prevention and enforcement.
- 2.13 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

- 2.14 When an individual or an organisation provides information to the Council, this data is held in accordance with the Data Protection Act 1998. Data that is provided to the Council is used for processing applications, recording details of successful applicants, and for enforcement and crime prevention purposes.
- 2.15 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.
- 2.16 While certain information may be disclosed under the Freedom of Information Act, personal data will be protected unless it is also official business data (eg a licensee whose registered business address is also his home).

Equality and Diversity

- 2.17 Through the Council's policies and service delivery the Council's main aims for equality and diversity are to:-

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities

2.18 A link to the Council's Equalities and Diversities Policy can be found here <http://www.staffordbc.gov.uk/equalities-and-diversity1>

2.19 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

2.20 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. This Policy will contribute to this objective.

Enforcement Concordat

2.21 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. Enforcement Officers received further training in the application of the revised Enforcement Policy in December 2016.

Area of Primary Use to be Stafford Borough

2.22 Licensed drivers and licensed vehicles are expected to operate primarily within Stafford Borough. A map of Stafford Borough can be viewed at <http://www.staffordbc.gov.uk/where-is-stafford-borough>

2.23 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.

Contact Us

2.24 The Licensing Section can be contacted at ehlicensing@staffordbc.gov.uk
Telephone: 01785 619745

Postal Address: Environmental and Health Services, Stafford Borough Council, Civic Centre, Riverside, Stafford, ST16 3AQ

3. Basics of Taxi Licensing

Hackney Carriages and Private Hire Vehicles - Differences

- 3.1 Hackney carriages are permitted to park on taxi ranks to wait for customers and can be hailed. Hackneys can also be booked in advance.
- 3.2 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.
- 3.3 Vehicles will be licensed either as hackney carriages or private hire vehicles – vehicles cannot be licensed under both regimes.
- 3.4 The term “Taxis” is used throughout this Policy to refer to both Hackney Carriages and Private Hire Vehicles.
- 3.5 The table below is a quick reference guide to the differences between hackney carriages and private hire vehicles.

	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
Hackney’s require two types of licence:	Hackney carriage proprietors (vehicle) licence Hackney carriage drivers Licence	
The provision of a private hire service requires three types of licence:	Private hire Operators licence Private vehicle licence Private hire drivers licence	

Number of Passengers

- 3.6 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

- 3.7 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

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

4. New Applicants for Dual Badge Drivers Licences

Application Process

- 4.1 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”

- 4.2 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

- 4.3 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

- 4.4 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 checking with the Home Office (See flow chart at **Table 13**).

Medical Examination

- 4.5 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.
- 4.6 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 in order to assess their fitness as a driver. The Council to bear the cost.

Driving Assessment

- 4.7 The Council requires all new applicants to pass a driving assessment carried out by the Council's nominated Assessors. During the driving assessment Applicants 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**)
- 4.8 The Council will require the 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.
- 4.9 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

- 4.10 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) and the prevention of terrorism (Prevent). Training may also include Wheelchair Accessible Vehicle (WAV) training.

Knowledge Test

- 4.11 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

- 4.12 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 s/he 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

- 4.13 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 & Disability, Safeguarding, CSE and the prevention of terrorism (Prevent).

Photographs

- 4.14 Photographs provided for new applications must meet the criteria required by the Passport Office in respect of the background, colour, quality and size. It is recommended that photographs should be obtained from photograph machines or photographic retailers.

DVLA Driving Licence

- 4.15 Applicants will be required to provide their DVLA Driving Licence to the Licensing Section in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. The cost associated with this process will be included in the application fee for a dual badge licence. Applicants are required to sign an agreement mandate which will be valid for 3 years. Applicants are required to submit their DVLA licence for inspection upon renewal to the Licensing Section.

Previous Licence at another Council

- 4.16 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.

Disclosure and Barring Service

- 4.17 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 at the same time as they make their application for a DBS Disclosure and must remain subscribed to the service for the duration of their licence. The Council will check the online DBS at 3 yearly intervals or at any time where deemed necessary in order to ensure public safety. The flow chart at **Table 3** shows how to apply for the DBS update service.

Human Trafficking and Child Sexual Exploitation

- 4.18 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

- 4.19 The Council will not grant a Driver Licence unless it is satisfied that the applicant is a “fit and proper person” - see Section 5.2 - 5.5 below. The paramount consideration is the protection of the public.

5. Requirements for All Dual Badge Drivers

Application Process

- 5.1 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, see paragraph 5.16 below.

Drivers Must Be “Fit and Proper Persons”

- 5.2 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.
- 5.3 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.

Consideration of the “Fit and Proper Person” test

- 5.4 Factors that are considered include:-
- Immigration Status
 - Criminal record (both current and spent convictions).
 - Mental and physical fitness.
 - 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.
- 5.5 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.
- 5.6 Applicants are referred to the Council's Policy Statement on the Relevance of Convictions, see **Appendix 7**.

Fit and Proper Person

Valid DVLA Licence.

No adverse issues regarding alcohol or drug use.

Passed medical for DVLA group 2.

Good driving record.

Passed knowledge test - including safeguarding and English test.

Legally entitled to work in the UK.

Completed wheelchair training
if using a vehicle that carries wheelchairs.

No relevant convictions.

Good customer service record.

Friendly and helpful.

Complies with conditions on driving licence.

Passed driving assessment.



Disclosure and Barring Service Enhanced Disclosure

- 5.7 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. 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 at 3 yearly intervals or at any time where deemed necessary in order 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. 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.
- 5.8 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

- 5.9 Drivers will be required to provide their DVLA Licence to the Licensing Section in order that details of it can be referred to an outside agency for further scrutiny and verification with the DVLA. The cost of this process will be included within the application fee. Drivers will be required to sign an agreement mandate which will be valid for 3 years.
- 5.10 A Driver's DVLA Licence must be valid, in good condition and bear the driver's current home address.
- 5.11 A full European Community and European Economic Area Driving Licence will be accepted on the same basis as a UK DVLA Licence and counted as evidence of the requirement for applicants to have held a driving licence for more than 12 months.
- 5.12 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.

DVLA Licences and Changes of Address

- 5.13 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

- 5.14 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 may 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. The driver may have their Dual Badge Licence revoked if their driving is deemed dangerous.
- 5.15 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.
- 5.16 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

- 5.17 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 license plates will be returned.

Assessment of Medical Fitness

- 5.18 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.

- 5.19 On reaching 65 years of age drivers are required to have an annual medical.
- 5.20 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, and this will usually be required annually. The cost of which will be incurred by the driver.
- 5.21 Applicants must make payment of the fee before booking the medical examination. The Licensing section will issue the applicant with the application form once the applicant has paid the fee. The current fee can be found at <http://www.staffordbc.gov.uk/licensing1> (Click onto Fees)
- 5.22 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

- 5.23 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.
- 5.24 The Council may suspend a driver where it considers it is in the interests of Public Safety to do so.
- 5.25 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

- 5.26 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 the earliest possible stage. Evidence must be supplied by a medical professional and produced 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

5.27 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 the earliest possible stage. 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. Evidence of this must be supplied and produced to the Licensing section before any exemption will be allowed. The Council reserves the right to verify any such evidence.

Training

5.28 All applicants 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) and the prevention of terrorism (Prevent). 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.

5.29 Drivers of Wheelchair Accessible Vehicles (WAV) must be competent in assisting wheelchair passengers at all times 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.

5.30 Failure to notify the Council of any conviction, caution or fixed penalty may result in the suspension or revocation of the licence

5.31 All licensed drivers are required to give written notification to the Licensing Section as soon as possible of:-

- any offence with which s/he is 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.

- 5.32 The driver shall notify the Council's Licensing Section by e-mail or letter within **7 days** of accepting one of the above or receiving one of the above at court.
- 5.33 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.
- 5.34 All hackney/private hire drivers must inform the Council as soon as possible and in any event **within 72 hours**, if they have been questioned, interviewed, arrested 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

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

Conditions

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

Surrender of Licence

- 5.37 If a driver wishes to give up his dual driver's licence he or she should follow the process set out at **Table 12**.

6. Private Hire Operators

Public Safety

- 6.1 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.
- 6.2 A private hire operator 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.

Application Process

- 6.3 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

- 6.4 A private hire operator licence is renewable annually.

Operators to Be Fit and Proper Persons

- 6.5 The Council will not grant a licence for a Private Hire Operator unless satisfied that the applicant is a fit and proper person.
- 6.6 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

- 6.7 Factors that are considered include:-
- Immigration status
 - Criminal record (both current and spent 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 him or her 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

- 6.8 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 Scotland prior to any licence being issued and then every three years thereafter. Online applications can be made at www.disclosurescotland.co.uk or Phone 0870 609 6006.

Criminal Record and Convictions

- 6.9 Applicants are referred to the Council's Policy Statement on the Relevance of Convictions, see **Appendix 7**.
- 6.10 All licensed operators must give written notification to the Licensing Section as soon as possible of:-
- any offence with which s/he is 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.
- 6.11 The operator shall notify the Council's Licensing Section by e-mail or letter within **7 days** of accepting one of the above or receiving one of the above at court.
- 6.12 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.

Duties of Operators to Ensure Drivers are Fit and Proper

- 6.10 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

- 6.11 Operators must ensure that all support 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 Standard Disclosure for all of their support staff from Disclosure Scotland.

Customer Information

- 6.12 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 Data Protection Act 1998.

Duties to Ensure Vehicles are Safe and Insured

- 6.13 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.
- 6.14 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.

Disability Equalities Training

- 6.15 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

- 6.16 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.

Conditions

- 6.17 Operators must comply with the conditions attached at **Appendix 4** at all times.

7. Vehicle Licences

Two Types of Vehicle Licence

- 7.1 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

- 7.2 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.
- 7.3 The Policy regarding licensed vehicles and wheelchair accessibility is set out in Section 8, below.

Private Hire Vehicles - Not White

- 7.4 Private Hire Vehicles must not be white.

Main Location for Use of Hackney Carriages

- 7.5 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

- 7.6 The flow charts at **Tables 5, 6, 7 and 8** illustrate how to apply for and renew Vehicle Licences.
- 7.7 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.
- 7.8 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.

- 7.9 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.
- 7.10 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.

- 7.11 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

- 7.12 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.
- 7.13 The Council will also consider applications for licensing hybrid vehicles and electric vehicles.
- 7.14 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

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

Disclosure and Barring Service Enhanced Disclosure

- 7.16 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 Scotland prior to any licence being issued. Online applications can be made at www.disclosurescotland.co.uk or Phone 0870 609 6006.

Vetting of Applications

- 7.17 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.
- 7.18 Bankrupt persons are prohibited from becoming or remaining proprietors of licensed vehicles.
- 7.19 The Council retains the complete discretion to refuse to grant a vehicle licence.

Age of Vehicles

- 7.20 In order to promote public safety, environmental impact, improve quality and increase public confidence, all vehicles must be less than 4 years old when they are first licensed with the Council.
- 7.21 London cab-style vehicles which are new to licensing with the Council will be no more than 5 years old.
- 7.22 All vehicles will not be re-licensed after 8 years from date of registration. London Cab style vehicles will not be re-licensed after 12 years from the date of registration.

Inspection and Testing of Vehicles

- 7.23 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 6 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.
- 7.24 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.
- 7.25 The flow chart for MOT renewals is set out at **Table 9**.

Other Safety Issues

- 7.26 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.

- 7.27 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.
- 7.28 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, he or she may lawfully refuse the carriage of that child/ young person.

Tinted Windows / Privacy Glass

- 7.29 All glazing shall comply with the Road Vehicle (construction & use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted.

Signage and Advertising

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

CCTV in Licensed Vehicles

- 7.31 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.
- 7.32 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.
- 7.33 No installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Section.
- 7.34 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.

- 7.35 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998. 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

- 7.36 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

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

Transfer of Vehicle Licences

- 7.37 There are two types of transfer that might take place in accordance with Council Policy.
- 7.38 A licence holder may transfer their Vehicle Licence from his/her current vehicle to a new vehicle providing it meets the council's criteria for licensing as above – see flow chart at **Table 15**.
- 7.39 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**.

Wedding Cars and Funeral Cars

- 7.40 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 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

- 7.41 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.
- 7.42 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)

- 7.43 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 & 1**)

8. Equalities Act 2010

Wheelchair Access

- 8.1 The Council will consult with the local taxi trade to give effect to the provisions of the Equality Act 2010.
- 8.2 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.
- 8.3 The Council wants to ensure that there are more wheelchair accessible vehicles in use by the local licensed taxi trade.
- 8.4 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.

Designated Vehicles

- 8.5 After consultation with the trade the Council intends to publish and 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 Rights

- 8.6 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 Rights” plate may apply to license a vehicle that is not wheelchair accessible.
- 8.7 The holders of “Grandfather Rights” plates are not permitted to give away, bequeath, swap, transfer or sell such plates to other persons.
- 8.8 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”.

9. Executive Hire Vehicles

Legislation for Executive Hire Vehicles

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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

- 9.6 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

- 9.7 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 are used by companies for transporting special guests or senior members of staff in luxury. Executive Hire vehicles are styled more as chauffeur driven vehicles than standard private vehicles.
- 9.8 Executive Hire Vehicles must be licensed with the Council, specifically as Executive Hire Vehicles.

Features of Executive Hire Vehicles

9.9 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

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

Executive Hire Plates

9.11 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

9.12 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

9.13 Licenced holders of Executive Hire plates must comply with the conditions attached at **Appendix 6** at all times.

10. Decision Making and Enforcement

Decision Making

- 10.1 This Policy is to be taken into account 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 taken into account 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.
- 10.2 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

- 10.3 In order to ensure the protection of the public the Council carries out enforcement activity to ensure compliance with primary legislation and licensing conditions.
- 10.4 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 night time economy
- 10.5 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.
- 10.6 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.
- 10.7 The Council will consider suspension or revocation of driver, operator and vehicle licences.

- 10.8 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.
- 10.9 The Council may suspend or revoke vehicle licences in cases relating to unsafe vehicles or breaches of licensing conditions.
- 10.10 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.
- 10.11 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 drivers licence.
- 10.12 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.
- 10.13 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving. 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.

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 **72 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 **7 days**.
- 6 The driver shall at all times, when the vehicle is available or being driven for hire, be clean and respectable in his/her 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 employees contrary to the Equality Act 2010.
- 9 Licensed drivers must comply with the Rules of the Rank at all times. (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 a hand held mobile phone, 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 his/her 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 at all times.
- 18 The driver shall, if requested by the hirer, provide him/her 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 Before undertaking any journey, the driver shall ensure that the vehicle is roadworthy and that as far as reasonably practicable, ensure that all lights and indicators are working correctly. 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 at all times 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 all times; this applies to both drivers and passengers.
- 23 Drivers shall not at any time sound the vehicle's horn in order 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 his/her own or the operator's/proprietor's animal **except that:**
- The driver may at his/her 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 remains the property of the Council at all times 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 his/her Private Hire/Hackney carriage driver's licence with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicles 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 it to the Operator (if applicable), then take any property left in the vehicle to a police station, wherever possible within 24 hours and in any event within 48 hours, and obtain a receipt for the property.
- 32 The driver shall notify the Council of the whereabouts of the property and whenever possible details of the hirer, the journey and the date found.
- 33 The driver shall undertake appropriate training as required by the Head of Environmental Health which will also include Child Sexual Exploitation (CSE) and Wheelchair Access Vehicle (WAV).
- 34 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.

Whilst driving a private hire vehicle

- 35 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.
- 36 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.
- 37 The driver shall only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle License and Plate.
- 38 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 his/her PHV (or any PHV under his/her 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 his/her control or responsibility.

Whilst driving a licensed hackney carriage vehicle

- 39 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.
- 40 Ensure that the Table of Fares can be clearly seen by passengers.
- 41 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.
- 42 Obey the Rules of the Rank given at **Appendix 9** of this document.
- 43 Fulfil bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
- 44 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.*

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 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.
- 6 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

- 7 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. **It is not acceptable for the Taxi sign to be in the window.**
- 8 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.
- 9 There is no requirement for any door signage to be placed on the vehicle, however if signage is preferred by owner/operator then it must be pre-approved by the Council with the regulation maximum size of 600 x 300 mm (24" Width x 12" Deep) and fixed onto the body panel on each side of the vehicle. Stafford Borough Council will only allow the following information;
 - (a) The business name/or logo
 - (b) Business Address or telephone number (where applicable).
 - (c) Email address or website of the proprietor's taxi business (where applicable)

- 10 No other advertisements, 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 6 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 of the first aid kit and the fire extinguisher shall be marked with the vehicle plate number with an indelible ink or a form of permanent tamperproof mark.
- 17 The first aid kit shall contain as a minimum the following items which should be within the manufacturer’s expiry date: It is not expected that the driver will administer any First Aid unless they hold the relevant training, and are competent to do so.
 - (a) 10 x non-alcoholic wipes
 - (b) 1 bandage 7.5cm x 4.5cm
 - (c) 2 x non-woven triangular bandages 96cm x 96cm
 - (d) 3 x large dressings 18cm x 18cm
 - (e) 30 x plasters of assorted sizes

PLATES AND IDENTIFICATION OF VEHICLE

- 18 The vehicle shall at all times 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 at all times 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 vehicle shall at all times 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.
- 23 The Council must be notified 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.

TAXI METERS

- 24 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.
- 25 The vehicle taximeter shall be brought into operation at the commencement of the journey 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.
- 26 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.
- 27 The taxi meter shall be sufficiently illuminated that when in use it is visible to all passengers.
- 28 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.
- 29 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.
- 30 The Council must be notified of any damage to the taximeter, and repair it and any seals as soon as possible after any damage.

- 31 The Council reserves the right to inspect a licensed vehicle's taxi meter and carry out spot checks at any time.
- 32 The driver must ensure that the fare or charge will be calculated from the point in the borough in which the hirer commences his/her journey and shall not exceed that displayed on the taximeter at the completion of his/her journey.
- 33 The driver must ensure that the taximeter is only switched on at the start of the hirer's journey.
- 34 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

- 35 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 **7** days.

CONDITION AND MAINTENANCE OF THE VEHICLE

- 36 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.
- 37 That the roof, any sunroof or soft top is watertight.
- 38 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
- 39 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.
- 40 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.
- 41 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.
- 42 All glazing shall comply with the Road Vehicle (construction & use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted.
- 43 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.

- 44 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.
- 45 The Licence holder shall produce the licence upon request to any Officer authorised by the council or any Police Constable for inspection.
- 46 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.
- 47 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
- 48 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.
- 49 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.
- 50 That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.
- 51 Any repairs to the vehicle must be carried out with replacement parts which meet the manufacturer's original specification.
- 52 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.
- 53 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.
- 54 A vehicle that fails the MOT test, may have its Licence revoked, and the plates removed, until such time the Council is satisfied that its meets the

standards of the MOT test.

- 55 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.
- 56 A licence may be revoked, suspended or not renewed in accordance with statutory provisions.

GRANDFATHER RIGHTS

- 57 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.
- 58 The holders of "Grandfather Rights" plates are not permitted to give away, bequeath, swap, transfer or sell such plates to other persons.
- 59 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

- 60 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.
- 61 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

- 62 There are 2 types of transfer that might take place in accordance with Council Policy.
- 63 A licence holder may transfer their Vehicle Licence from his/her current vehicle to a new vehicle providing it meets the council's criteria for licensing as above
- 64 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.

- 65 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.
- 66 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
- 67 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.*

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):-
 - (a) the words "PRIVATE HIRE".
 - (b) the words "ADVANCED BOOKINGS ONLY".
 - (c) the telephone number of the vehicle operator (fixed landline).
- 7 The words "PRIVATE HIRE", "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 Private Hire Vehicles shall not have the word "Taxi" displayed anywhere on the vehicle.
- 9 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.

- 10 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

- 11 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 6 years old from the date of registration
- 12 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

- 13 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.
- 14 The fire extinguisher will be inspected annually and shall be marked with the date of its last test.
- 15 The container of the first aid kit and the fire extinguisher shall be marked with the vehicle plate number with an indelible ink or a form of permanent tamperproof mark.
- 16 The first aid kit shall contain as a minimum the following items which should be within the manufacturer's expiry date: It is not expected that the driver will administer any First Aid unless they hold the relevant training, and are competent to do so.

- (a) 10 x non-alcoholic wipes
- (b) 1 bandage 7.5cm x 4.5cm
- (c) 2 x non-woven triangular bandages 96cm x 96cm
- (d) 3 x large dressings 18cm x 18cm
- (e) 30 x plasters of assorted sizes

PLATES AND IDENTIFICATION OF VEHICLE

- 17 The vehicle shall at all times 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.

- 18 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.
- 19 The plates shall not be affixed to any vehicle other than the one identified in the vehicle licence application form.
- 20 The plates shall at all times 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).
- 21 The vehicle shall at all times 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.
- 22 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

- 23 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 **7** days.

CONDITION AND MAINTENANCE OF THE VEHICLE

- 24 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 Councils mechanical inspection at all times.
- 25 That the roof, any sunroof or soft top is watertight.
- 26 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
- 27 The interior of the vehicle shall be clean, tidy and free from litter and the upholstery, carpets and fittings free from rips and tears.
- 28 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.

29 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.

30 All glazing shall comply with the Road Vehicle (construction & use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted.

VEHICLE PROPRIETOR

31 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.

32 The licence holder shall immediately notify the Council of any accidents or damage caused to the vehicle, within 7 days.

33 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.

34 The holder of the licence shall produce the licence upon request to any Officer authorised by the council or any Police Constable for inspection.

35 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.

36 That at least three doors are provided for the use of passengers other than the driver's door.

37 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.

38 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.

39 That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.

40 Any repairs to the vehicle must be carried out with new parts which meet the manufacturer's original specification. Reconditioned or salvaged parts must not be used.

- 41 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.
- 42 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.
- 43 Vehicles that fail the MOT test, will have its Licence revoked, and the plates removed, until such time the Council is satisfied that its meets the standards of the MOT test.
- 44 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.
- 45 A licence may be revoked, suspended or not renewed in accordance with statutory provisions.

Additional Conditions for Limousines, Novelty Vehicles Only:

- 46 The tyres must be of an appropriate weight loading for the limousine, novelty vehicle.
- 47 All front passenger seats must be removed.
- 48 Standard Council plates must be displayed.
- 49 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:

- 50 Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
- 51 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.

- 52 Documentation recording the overall weight of the vehicle (as displayed on the vehicle)

RENEWAL OF LICENCE

- 53 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
- 54 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

- 55 There are 2 types of transfer that might take place in accordance with Council Policy.
- 56 A licence holder may transfer their Vehicle Licence from his/her current vehicle to a new vehicle providing it meets the council's criteria for licensing as above.
- 57 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.
- 58 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.
- 59 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.*

PRIVATE HIRE OPERATORS' LICENCE CONDITIONS

- 1 The Operator must operate from the address identified and specified on the Operator's licence, referred to as the "Operator's Base". This means that the day to day business of the Operator must be carried out there including the taking and recording of bookings.
- 2 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.
- 3 The Operator shall check the DVLA licences for drivers at least three monthly on line, 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.
- 4 All licensed operators must give written notification to the Licensing Section as soon as possible of:-
 - any offence with which s/he is 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 **7 days** 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.

2. The Operator shall ensure that before the commencement of each journey the following is recorded:-
 - (i) Date and time of booking;
 - (ii) Name and address of hirer or passenger;
 - (iii) Details of journey;
 - (iv) Name of proprietor of vehicle;
 - (v) Name and Licence Number of driver.
3. The Operator shall retain this record of private hire journeys and shall produce the same upon request to any Officer authorised by the Council or to any constable for inspection.
4. The Operator shall keep a record of any private hire vehicle operated by him 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 constable for inspection. These details must be kept up to date.

5. The Operator shall record particulars of any property accidentally left in a vehicle that was reported to him by the driver of such vehicle before the driver delivers the property to a police station in the Borough.
6. The Operator shall not assign or in any way part with the benefit of this Licence.
7. 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.
8. 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 or not the Operator provides the vehicle, 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.
9. 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.
10. The Operator shall produce the licence upon request to any Officer authorised by the Council or any Police Constable for inspection. The Operator shall ensure that the licence is displayed in a prominent public position within the Operator's Base.

11. 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.
12. 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.
13. 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.
14. The Operator shall comply with all of 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.*

DRESS CODE

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

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

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

- The dress code for female drivers shall be as for male drivers with a substitution of “blouse” for “shirt” and the addition of “skirt” to “shorts or trousers”.
- 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.

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 10 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 undertake standard private hire work.
- 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 constable in any investigation they may need to undertake. All records must be retained for not less than 18 months.
- 12 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.
- 13 Executive Hire Vehicles must not display any external markings, advertisements 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.
- 14 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.

- 15 Male drivers are required to wear a suit or jacket and trousers plus a shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code must be followed at all times the vehicle is being used to undertake a booking. Jackets may be removed where weather conditions require it.
- 16 The driver shall at all times, when hired, have his/her drivers badge available to identify him/her to the hirer.

Testing of Executive Hire Vehicles

- 17 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 8 years old from the date of registration
- 18 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

- 19 The vehicle is to be maintained in a sound mechanical and structural condition at all times.
- 20 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.
- 21 That the roof, any sunroof or soft top is watertight
- 22 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
- 23 The interior of the vehicle shall be clean, tidy and free from litter and the upholstery, carpets and fittings free from rips and tears.
- 24 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.
- 25 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.

- 26 All glazing shall comply with the Road Vehicle (construction & use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted.
- 27 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*

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 7 days of any offence with which s/he is 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 7 days of becoming aware of any pending criminal investigation that concerns them.

Consideration of Applications

Each and every case will be decided on its own merits and 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 has to consider whether Drivers are fit and proper when they apply for licences, and it also has to consider whether they remain fit and proper throughout the time that the licence remains in force.

If a driver has any convictions, cautions, warnings or Fixed Penalty Notices ("Convictions") for various offences this may mean that such a Driver is not a fit and proper person, and that the Driver should not be licenced. The Council can consider current convictions and spent convictions.

A person with a conviction for a serious crime need not be automatically barred from obtaining a licence but would normally be expected to:-

- Remain free from convictions from three to five years
- Show sufficient evidence that they are a "fit and proper person" to hold a Licence
- Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a "fit and proper person" to hold a Licence

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

Offences of Dishonesty

Drivers are expected to be persons of trust. It is comparatively easy for a dishonest Driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of Drivers for their own safety and are expected to be dealt with fairly. The Council will take a serious view of any convictions involving dishonesty. In general a period of three to five years free of convictions should be required before considering an application. In particular, an application will normally be refused where an applicant has a conviction for:-

- Theft
- Burglary
- Fraud including benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Similar offences of dishonesty where the conviction is less than three years prior to the date of application

After three years have elapsed, consideration can be given to the circumstances of the offence and any evidence that the applicant has mended his/her ways and can be considered a "fit and proper person".

Violence

Drivers have close contact with the public - a firm line should be taken with applicants who have convictions for this type of offence. When the commission of an offence involves loss of life, a Licence will normally be refused. In other cases, a period of three to ten years free from offences involving violence (dependent on the seriousness of the offence) will be required before an application is likely to be considered.

An application will normally be refused where the applicant has a conviction for:-

- Murder
- Manslaughter
- Manslaughter or culpable homicide whilst driving
- Similar offences which may have replaced the ones listed

An application will normally be refused for a period of five years from the date of conviction where the applicant has convictions for:-

- Arson
- Malicious wounding or grievous bodily harm
- Any of the above which are racially aggravated
- Grievous bodily harm (GBH) with intent
- Wounding with intent
- Robbery
- Racially aggravated offences of criminal damage
- Racially aggravated public order offences (e.g. aggravated fear or provocation of violence, aggravated intentional harassment alarm of distress, aggravated fear of violence)
- Riot
- Violent disorder
- Assaulting a police officer in execution of duty
- Possession of offensive weapon or firearm
- Similar offences where the conviction is less than five years prior to the date of application

An application will normally be refused for a period of three years from the date of conviction where an applicant has convictions for:-

- Common assault including racially aggravated assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated public order offence (harassment, alarm or distress)
- Obstruction
- Criminal damage
- Resisting arrest
- Similar offences when the conviction is less than three years prior to the date of application

Supply of Drugs

An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than five to ten years prior to the date of application. After five years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a “fit and proper person”.

Possession of Drugs

An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the conviction is less than five years prior to the date of application. An application from an applicant who has an isolated conviction for possession of drugs within the last three to five years will require serious consideration before a decision is made regarding their suitability.

Sexual and Indecency Offences

As drivers often carry unaccompanied passengers, applicants with convictions for rape, child sexual exploitation, indecent assault or similar offences under the Sexual Offences Act will normally be refused a licence. Applicants with convictions for soliciting or prostitution importuning indecent exposure or like offences under the Sexual Offences Act will normally be refused a licence until they can show a period of five to ten years free from such a conviction. After five years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a “fit and proper person”.

Minor Traffic Convictions - see Table 1

Convictions for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has six live penalty points on their DVLA licence for such offences then the applications may be granted subject to a strong written warning. If an applicant has between six and nine penalty points on their DVLA licence then the applications will be referred to the Public Appeals Committee who may decide to refuse the application or at the very least issue a severe warning that further convictions could lead to revocation

Where an applicant has more than nine penalty points on their DVLA licence they must normally show a period of 12 months free from convictions before their application is considered. A driver with 12 penalty points is likely to have their licence revoked. An isolated conviction for a minor traffic offence should normally merit a warning as to future driving standards expected of drivers. More than one conviction for this type of offence within the last two years is likely to merit refusal and the decision that no other application should be considered until a period of one to three years free from convictions have elapsed.

In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the Council may still refuse applications because different criteria apply.

Major Traffic Offences - see Table 2

If an applicant has live endorsements or has been disqualified from driving in respect of major traffic offences then the application will be referred to the Licensing and Public Protection Committee and will normally be refused until at least five years after the most recent such convictions. In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the Council may still refuse applications because different criteria apply.

Drink Driving / Driving Under the Influence of Drugs

A serious view should be taken of a person who has been convicted of driving or being in charge of a vehicle while under the influence of alcohol and / or drugs. Applicants must show at least three years free from convictions after the restoration of their DVLA driving licence before their application will be considered. More than one “live” conviction for this type of offence would require a period of at least five years free from convictions before the application would be considered. Such an applicant would also be required to pass a further medical examination, and if found to be addicted to alcohol/drugs a further period of five years should elapse after treatment is complete before an application is considered.

Alcohol Related Offences Other than Drink Driving

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating medical examination.

Offences by Licensed Drivers

Any conviction which results from an offence committed by any person whilst working as a driver (especially the offence of illegally plying for hire) is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused. More than one conviction for the above would certainly lead to the licence being revoked. This included any offences against the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation.

Convictions of any description listed below committed by drivers during the duration of their licence must be declared to the Licensing Unit in writing within seven days of the conviction date.

Spent convictions

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below -

Those 18 or over on the date of conviction	
Sentence	Rehabilitation Period
Prison sentence over 48 months	Never spent
Prison sentence between 30 and 48 months	7 years from the end of the sentence (including time on licence)
Prison sentence between 6 and 30 months	4 years from the end of the sentence (including time on licence)
Prison sentence less than 6 months	2 years from the end of the sentence (including time on licence)
Probation order	12 months from the end of the order
Community order	12 months from the end of the order, or where the last such day is not specified, 2 years from the date of conviction
Fine	1 year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect

Those 18 or over on the date of conviction	
Sentence	Rehabilitation Period
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 Exemptions (Amendment) Order 2002, Part 1 of Schedule 1 Paragraph 12(e). **are exempt from (Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1.**

This means that:

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

Spent convictions

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below -

Those 17 or under on the date of conviction	
Sentence	Rehabilitation Period
Custodial sentence over 48 months	Never spent
Custodial sentence between 30 and 48 months	3 and a half years from the end of the complete sentence (including time on licence)
Custodial sentence between 6 and 30 months	2 years from the end of the complete sentence (including time on licence)
Custodial sentence 6 months or less	1 and a half years from the end of the complete sentence (including time on licence)
Community order / Youth Rehabilitation order	6 months from the end of the order, and where the order does not specify the last day, 2 years from the date of conviction
Referral order	The last day on which the order has effect
Fine	1 year from the conviction date
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect

Those 17 or under on the date of conviction	
Sentence	Rehabilitation Period
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

This table was amended in April 2014 to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

This means that:

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

Table 1: Minor Traffic Offences

- GUI 0 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

- CU30 Using a vehicle with defective tyres
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Breach of requirements as to control of the vehicle, mobile telephones etc.

- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Exceeding speed limit offence

- MS10 Leaving a vehicle in a dangerous position
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc.

- MVV10 Contravention of special road regulations (excluding speed limit)

- PC10 Undefined contravention of pedestrian crossing regulations
- PC20 Contravention of pedestrian crossing regulations with moving vehicle
- PC30 Contravention of pedestrian crossing regulations with stationary vehicle

- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a „stop" sign

- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding 'stop' sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign
 - Aiding, abetting, counselling or procuring offences as coded above.
 - Causing or permitting offences as coded above.
 - Inciting offences as coded above

Table 2: Major Traffic Offences

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BRIO Driving while disqualified by order of the court
- BA30 Attempting to drive while disqualified by order of the court

- 0010 Driving without due care and attention

- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink

- 0050 Causing death through careless driving when unfit through drugs
- 0060 Causing death through careless driving with alcohol above limit
- 0070 Causing death by careless driving then failing to supply a specimen for analysis

- CD71 Causing death by careless driving then failing to supply a specimen for drug analysis

- 0040 Dangerous driving

- DD60 Manslaughter or culpable homicide while driving a vehicle

- 0080 Causing death by dangerous driving

- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR31 Driving or attempting to drive then failing to supply a specimen for drug analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to supply drug specimen for analysis in circumstances driving or to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

IN10 Using a vehicle uninsured against third-party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

- Aiding, abetting, counselling or procuring offences as coded above.
- Causing or permitting offences as coded above.
- Inciting offences as coded above.

GUIDANCE MATRIX OF PENALTIES FOR OFFENCES COMMITTED WITHIN TWO ROLLING LICENCE YEARS

	1st Offence following warnings (where appropriate)	2nd Offence	3rd & Subsequent Offences	Comments
Failure to wear badge so as to be plainly and distinctly visible	1-3 day suspension	7-10 day 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 day suspension	7 day 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 day suspension	7 day suspension	Referral to the PAC*	
Uncivil behaviour	3 day suspension	7 day suspension	Referral to the PAC*	
Eating, drinking or using an electronic smoking device whilst driving a licenced vehicle	3 day suspension	7 day suspension	Referral to the PAC*	This includes any devices which are similar to electronic smoking devices

	1st Offence following warnings (where appropriate)	2nd Offence	3rd & Subsequent Offences	Comments
Failure to notify of change of address	3 day suspension	7 day suspension	Referral to the PAC*	
Use of mobile phone whilst driving a licenced vehicle	7 day suspension	14 day suspension	Referral to the PAC*	
Breach of road safety legislation	7 day suspension	14 day suspension	Referral to the PAC*	
Overcharging	7 day suspension	14 day suspension	Referral to the PAC*	
Failure to notify a Conviction, Caution or Fixed Penalty Notice or other policy notification requirements	14 day suspension/ Referral to the PAC*	Referral to the PAC*		This includes all convictions, cautions and fixed penalty notification requirements save change of address notifications
Failure to pick up passengers on time	3-21 days suspension depending upon circumstances	3-21 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

	1st Offence following warnings (where appropriate)	2nd Offence	3rd & Subsequent Offences	Comments
Refusal to take a fare without reasonable cause	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
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

*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.

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 driver's 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.

Record of Amendments

<u>Amendment Number</u>	<u>Date</u>	<u>Revision</u>

ITEM NO 9**ITEM NO 9**

Report of:	Joint report of Head of Environment and Head of Finance
Contact Officer:	Howard Thomas Bob Kean
Telephone No:	01785 619358 01785 619241
Ward Interest:	Forebridge
Report Track:	Council 19/09/17 (Only)

<p>COUNCIL</p> <p>19 SEPTEMBER 2017</p> <p>Restoration and Enhancement of Victoria Park Stafford</p>

1 Purpose of Report

- 1.1 To seek Council approval for the inclusion of the Restoration and Enhancement of Victoria Park, Stafford, in the Capital Programme 2017/18 to 2019/20 at a cost of £2,223,590.

2 Recommendation

- 2.1 That Council approve the inclusion of the Restoration and Enhancement of Victoria Park, Stafford, in the Capital Programme 2017/18 to 2019/20 at a total cost of £2,223,590.

3 Key Issues and Reasons for Recommendation
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- 3.1 Cabinet, at the meeting held on 6 October 2016, CAB41 refers, considered the grant aid application to the Heritage Lottery Fund (HLF) for the Restoration and Enhancement of Victoria Park. Cabinet allocated a contribution of £800,000 within the Capital Programme subject to the grant aid application being successful.
- 3.2 The Heritage Lottery Fund notified the Council in July 2017 that the application had been successful. In accordance with Financial Regulations provision needs to be made in the Capital Programme for the gross cost of the project inclusive of Heritage Lottery Grant Funding.

4 Relationship to Corporate Priorities

4.1 This project is linked to the following priorities included in the Corporate Plan for Stafford Borough 2016 - 2020.

- Priority One: Prosperity
- Priority Two: Clean, Green and Safe
- Priority Three: Health and Wellbeing
- Priority Four: Leading and Delivering for our Communities

5 Report Detail

5.1 The aim of the HLF bid is targeted at the enhancement and conservation of Victoria Park and is focused on ensuring the legacy of Stafford's flagship formal Park for future generations. The project will see the enhancement of an historic park in Stafford Town Centre which will provide an important visitor attraction for residents and visitors alike.

The scheme also provides for:-

- Commercial opportunities to finance the employment of a Parks Liaison Officer
- Supporting horticultural apprentices for two years.
- Providing training in conservation and restoration skills in historic buildings, structures, landscape and horticulture.
- Delivering a programme of community activities.

5.2 Project costs, relating to the HLF application, total £2,658,170 and consists of both capital and revenue items. This will be funded through the HLF Grant of £1,716,300 a £800,000 capital contribution from the Council, revenue budget provision relating to activity and maintenance programmes and "In Kind" volunteer support.

5.3 Cabinet, at the meeting to be held on 5 October 2017, will receive a detailed report on the proposed scheme in order to obtain permission to spend.

6 Implications

6.1 Financial	<p>The total project costs are £2,658,170 of which HLF has offered to fund £1,716,300, (approximately 65%).</p> <p>The project is a mixture of capital, revenue expenditure and “In Kind” support.</p> <p>The capital programme element of the project for the Restoration and Enhancement of Victoria Park amounts to £2,223,590 and approval for the inclusion of this amount in the Capital Programme is now requested. Provision of £800,000 currently exists within the Programme for the Council’s match funding element only.</p>
Legal	The HLF grant offer will be subject to formal acceptance of the grant conditions.
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Risks have been formally assessed as a part of the overall Project Management.
6.2 Equality and Diversity	<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>

<p>Previous Consideration - Cabinet - 4 July 2013 - Minute No CAB13/13 Cabinet 6 October 2016 - Minute No CAB41</p>
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<p>Background Papers - File available in Environment Services</p>
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