

Taxi Licensing Policy and Licence Conditions 2025

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1 Foreword by Councillor Ian Fordham, Cabinet Member

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

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

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

- The safety and health of drivers and the public.
- Vehicle safety, comfort and access.
- To prevent crime and disorder and to protect the public.
- To encourage environmental sustainability through improved air quality and aiming for carbon neutrality by setting vehicle emission standards.
- Equality and accessibility in service provision.
- To ensure a professional and courteous Hackney Carriage and Private Hire vehicle service.

Public safety is paramount. Stafford Borough Council seeks to ensure, through its licensing regime, that all Hackney Carriages and Private Hire Vehicles are fit for purpose and that drivers and/or operators are fit and proper (safe and suitable) persons.

This Policy provides information and guidance to licence applicants, clarity for licensed vehicle owners, drivers and operators and the public as to the way that the Council will undertake its licensing functions.

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



Councillor I Fordham
Cabinet Member for Environment

2 Background

Why we have a policy

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

3 Introduction

Public Protection

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

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

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

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

www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england

The Policy should also be read in conjunction with:

Suitability Guidance Institute of Licensing 2024 - files.constantcontact.com/809c3e67001/2f21c49d-85de-4b61-9aab-ca69743f2ed7.pdf

Relationship to the Council's Corporate Priorities

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

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

In 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. Provision of essential local transport within the Borough, supporting the night-time economy; implementing risk-based, proportionate controls; ensuring all licence holders are treated equitably; ensuring non-compliance does not lead to unfair competitive advantage.

Health and Well-being of residents and visitors has been factored into this policy by requiring that vehicles comply with the emission regulations and ensuring that the fleet is at minimum Euro 6 compliant, that those vehicles solely fuelled by petrol or diesel are phased out. This will contribute towards the Borough's aim for carbon neutrality. The Policy also provides for relevant safeguarding training thus ensuring our drivers, private hire operators and those working within any operator's base are all fit and proper persons.

The Council's Core Licensing Functions

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

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

Policy Objectives

3.6 The Council's Policy objectives are:-

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

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

Promoting High Vehicle Standards - Ensuring that vehicles are clean and in good condition, comfortable and accessible for all passengers. Ensuring, that vehicles 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.

Improving Air Quality and aim for Carbon Neutrality - Ensuring that vehicles which are new to licensing with the Council meet a minimum of Euro 6 Emission Standard by 2028 and ensuring that by 2030 all vehicles are hybrid, electric or Hydrogen fuelled only.

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

Consultation

- 3.8 The Council carried out a consultation from 24 January - 14 March 2025 and shared the revised policy with the following:

Staffordshire County Council, Transport for England, Stafford Borough Council's Planning Section, Stafford Borough Council's Environmental Health Section, Stafford Borough Council's Corporate Business Section, Stafford Borough Council's Licensing Public Appeals Committee Chairperson and Members. The Hackney Carriage and Private Hire trade including all licensed Operators and drivers within the Borough. Staffordshire Police, Staffordshire Police and Crime Commissioner, Staffordshire County Council Trading Standards, Staffordshire Safeguarding Board, Stafford and District Access Group, Town Centre Partnership and Staffordshire Fire and Rescue Service, to seek contributions, feedback and comments.

- 3.9 The Policy will be placed on the Licensing page on the Council's web site.
- 3.10 A Community Impact Assessment for this policy has been carried out.

Commencement

- 3.11 This policy, if approved by Council on 9 September 2025, will be implemented from 16 September 2025.

Future Changes

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

- 3.13 Stafford Borough Council are aiming for Decarbonisation within the trade by 2030 to reduce the impact on the environment, in line with the Council's objectives - please see Appendix 10
- 3.14 Drivers are advised to keep themselves appraised of His Majesty's Revenue and Customs (HMRC) tax conditional requirements, which introduced from 4 April 2022 a tax check into the licensing process for applications/renewals for taxi, private hire drivers and private hire vehicle operators.

Information Sharing

- 3.15 The Council shares information with partner organisations including the Police, Environmental Health, Home Office, Department of the Environment, Food and Rural Affairs (DEFRA), The National Anti-Fraud Network (NAFN) Staffordshire County Council, Driver and Vehicle Standards Agency (DVSA) and the National Fraud Initiative (NFI) in the interests of crime prevention and enforcement.
- 3.16 Council officers meet regularly with these other organisations in order to ensure effective regulation of the hackney carriage and private hire trade. The Police have powers to disclose information about relevant investigations even before an arrest or conviction is made.

Data Protection

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

Equality and Inclusion

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

Section 17 Crime and Disorder Act

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

Area of Primary Use to be Stafford Borough

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

- 3.27 All drivers of Stafford Borough Council licensed hackney carriages and private hire vehicles ('Drivers') must hold a Hackney Carriage/Private Hire Drivers' (Dual Badge) Licence issued by Stafford Borough Council.
- 3.28 Private Hire Operators must be licensed by the Council as must the driver and the Private Hire Vehicle. The Operator must have a base within Stafford Borough and must be responsible for taking the bookings. All three licences must be issued by the same Council.
- 3.29 Hackney Carriages (Taxis) must be licensed with the Council as must the driver, therefore both to be licensed with the same Council.

Contact Us

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

4 Basics of Taxi Licensing

Hackney Carriages and Private Hire Vehicles - Differences

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

| Differences | Hackneys | Private Hire |
|-----------------------|----------|--------------|
| Ply for hire | ✓ | × |
| Pre booked | ✓ | ✓ |
| Operating from a rank | ✓ | × |

| Differences | Hackneys | Private Hire |
|--|----------|--------------|
| Fare meter required | ✓ | × |
| Fare tariff set by council | ✓ | × |
| Number of vehicles may be restricted by councils | ✓ | × |

Hackneys require two types of licence:

- Hackney carriage proprietor's (vehicle) licence
- Hackney carriage driver's licence

The provision of a private hire service requires three types of licence:

- Private hire Operator's licence
- Private hire vehicle licence
- Private hire driver's licence

Number of Passengers

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

Dual Badges for Licensed Drivers

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

Fit and Proper Person

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

5 Vehicle Emissions and Carbon Neutrality

Note; The Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances and/or factors beyond the Council's control.

- 5.1 To promote public safety, reduce environmental impact, improve quality and increase public confidence, diesel or petrol vehicles must be less than 6 years old when they are first licensed with the Council and at minimum Euro 6 Compliant.
- 5.2 London cab-style vehicles and Wheelchair Accessible Vehicles (WAV's) that are diesel or petrol, which are new to licensing with the Council must be less than 8 years old and at minimum Euro 6 Compliant.
- 5.3 All Electric and Hybrid saloon type vehicles which are presented, as new to licensing, will be no more than 6 years old.
- 5.4 All Electric or Hybrid wheelchair accessible type vehicles, which are presented as new to licensing, will be no more than 8 years old.
- 5.5 With effect from 1 April 2026 the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquefied petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 5.6 From 1 April 2026 until 31 March 2027 the Council will accept renewal applications for the last time in connection with vehicles which are of Euro 5 emissions standard and are powered solely by petrol, diesel or liquefied petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel
- 5.7 From 1 April 2028 the Council will stop accepting new licensing applications for vehicles which are powered solely by petrol diesel or liquefied petroleum gas internal combustion engines (ICE). This will not affect the renewal of ICE vehicles already licensed by the Council. Further it will not affect new applications or renewals for electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 5.8 From 31 March 2030, the Council will stop the licensing of all vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

- 5.9 Summary of key dates in proposed transition to end licensing of ICE only powered vehicles.

| | |
|--------------------------|--|
| April 2026 | Stop licensing Euro 4 ICE vehicles |
| April 2026 to March 2027 | Transition period to end licensing of Euro 5 |
| April 2027 | Stop licensing Euro 5 ICE vehicles |
| April 2028 | Stop licensing ICE vehicles presented for the first time |
| April 2030 | Stop licensing all vehicles powered only by ICE |

6 New Applicants for Dual Badge Drivers' Licences

Application Process

- 6.1 To apply for a Hackney Carriage/Private Hire Driver's Licence contact ehlicensing@staffordbc.gov.uk.
- 6.2 Applicants are expected to complete the application process expediently and normally within three months of the initial application being submitted. Where applications are withdrawn a partial refund will be considered.

Drivers Must Be "Fit and Proper Persons"

- 6.3 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. In order to assess the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsafe or unsuitable people who are not 'fit and proper' Licence Holders must ensure they remain 'fit and proper' at all times to ensure that they retain their licence. The applicant is assessed as per the criteria set out in Section 7.

Ages of Drivers

- 6.4 A licence to drive a Hackney Carriage or Private Hire vehicle can only be issued to persons over 21 years of age and who have held a full UK (not provisional) driving licence for at least 12 months. The Council issues Driver Licences for applicants, that are valid, for three years from the date of grant. For any applicants over 65 the licence will be issued for 3 years but an enhanced regime of medical assessment is operated therefore the driver is required to have a medical every 12 months on the grounds of public safety.

Right to Work in UK

- 6.5 The Council requires all applicants to provide documents to prove that they may legally work in the UK. The Council will also verify an applicant's right to work in the UK by making the relevant checks.

Medical Examination

- 6.6 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 Equality Act 2010 should make this issue known to the Occupational Health Unit and the Licensing Section at the earliest stage and provide supporting information/documentation from your GP. Giving false information on any medical form could lead to prosecution.
- 6.7 Where a medical certificate has been produced or not, applicants may be required to arrange a further medical with the Council's approved medical provider to assess their fitness as a driver. The Council to bear the cost.

Training

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

Knowledge Test

- 6.9 All new applicants must pass the Council's written and verbal 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

- 6.10 Where an applicant fails three tests then a period of at least 1 month must elapse before another test is taken. If the applicant fails the fourth test, then they will not be able to make a further application for a licence for 12 months from the date of the last knowledge test.

Future Changes to the Knowledge Test

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

Photographs

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

DVLA Driving Licence

- 6.13 Applicants will be required to provide their DVLA Driving Licence to the Licensing Section, this must be valid and in good condition. It must be legible and bear the applicant's current address. Applicants are required to sign an agreement mandate, valid for the duration of their license with Stafford Borough Council which will allow the Council to check, their DVLA Licence status whenever necessary.
- 6.14 Those who hold a European Economic Area (EEA) member state driving licence should note that as a result of the UK leaving the EU, the driving licence requirement has now changed and a full (not provisional) UK licence must now have been held for a period of at least one year. Further information on this can be found online at www.gov.uk/exchange-foreign-driving-licence

Previous Licence at another Council

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

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 regardless of whether there is any history of non-compliance will lead to consideration of suspension or revocation of a licence that is granted. Applicants must also disclose, at application stage, any previous refusals/suspensions/revocations by any other Local Authority.

Disclosure and Barring Service

- 6.16 An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application. Applicants are required to sign up to the DBS Update Service within 30 days of receipt of their DBS Certificate, and must remain subscribed to the service for the duration of their licence. The Council will check the online DBS, routinely for new information, at 6 monthly intervals, in line with the statutory standards, or at any time where deemed necessary to ensure public safety. If applicants do not sign up to the update service, or allow the subscription to lapse, they will still be subject to completing a full DBS application form every 6 months at their own cost and action will also be taken for being in breach of this Policy which may result in suspension or revocation of the new licence.
- 6.17 It is the applicant's responsibility to ensure that all bank and contact details are current and updated with the DBS directly. Every lapse in the subscription will result in an assessment of being a fit and proper person and result in suspension or revocation of licence.
- 6.18 It should be noted that the DBS service cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed, therefore a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas: the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK therefore applicants are required to provide criminal records information and a 'Certificate of Good Character' from overseas, in these circumstances, to properly assess risk and support the decision making process. Each case will be considered on its own merits.

For information on applying for overseas criminal record information and 'Certificates of Good Character' please use the following link
www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Human Trafficking and Child Sexual Exploitation

- 6.19 All new applicants must inform the Council, in writing, including on 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

- 6.20 The Council will not grant a Driver Licence unless it is satisfied that the applicant is a "fit and proper person" - see Section 7.3 - 7.11 below, the paramount consideration is the protection of the public.

7 Requirements for All Dual Badge Drivers

Application and Renewal Processes

- 7.1 An application form for new applicants can be requested from ehlicensing@staffordbc.gov.uk. Licences are granted for three years. For any applicants over 65 the dual badge licence will be issued for 3 years but an enhanced regime of medical assessment is operated therefore the driver is required to have a medical every 12 months on the grounds of public safety.
- 7.2 For renewals the application form will be sent out a month in advance of the licence expiry date and electronic documents are acceptable, by return, excluding a driving licence, hard copy, and current passport photo.

Drivers Must Be "Fit and Proper Persons"

- 7.3 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."

- 7.4 The Council will not process a licence application unless it is satisfied that a driver is a “fit and proper person”. The Council will use the National Anti-Fraud Network (NAFN) register of drivers (NR3) which holds records of drivers who have been refused or had revoked a taxi or PHV driver licence. Suspensions for certain allegations in relation to safeguarding or road traffic concerns will also be added. We will record any cases within Stafford Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal or revocation and upon appropriate request, we will provide those details to other authorities on a confidential basis.
- 7.5 The key reason for applying the “fit and proper” test is the protection of the public. If the Council is not satisfied that a driver is a “fit and proper person” then it must not grant a driver licence. All decisions on the suitability of an applicant or licensee will be made on the balance of probability which means that a border line case applicant or a border line case licensee will not be ‘given the benefit of doubt’ the licence will either be refused or revoked.

Consideration of the “Fit and Proper Person” test

- 7.6 Factors that are considered include: -
- The right to work in this country
 - Criminal record (both current and spent convictions) which includes overseas convictions.
 - Mental and physical fitness.
 - Valid DVLA Licence
 - Conduct, attitude and behaviour.
 - Driving record, experience and endorsements.
 - Complaints about conduct or customer service.
 - Previous breaches of licence conditions.
 - Sobriety.
 - Knowledge test, including Safeguarding.
 - Ability to read, write and speak English.
 - NR3 NAFN register of suspensions, refusals and revocations
 - Any other information the Council considers relevant.

- 7.7 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.
- 7.8 In order to assess the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers appropriate to ensure that licences are not issued to or used by people who are not fit and proper.
- 7.9 The onus is on the applicant to satisfy the Council that they are ‘fit and proper’ at the time of application. Simply being free from convictions is not enough. Licence holders must ensure that they remain ‘fit and proper’ for the duration of their licence. Failure to do so may result in sanctions and the likelihood that the licence will be reviewed and may be subsequently suspended or revoked.

In making the assessment of a driver’s fitness and propriety, the Council will pose the following question.

“Without prejudice and based on the information available, would you allow someone for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

If on the balance of probabilities, the answer to the question is “no” the individual should not be given the benefit of the doubt and should not hold a licence.

- 7.10 Applicants are referred to the Council’s Guidance on Determining the Suitability of Applicants and Licensees in Hackney Carriage and Private Hire trades see **Appendix 8**.
- 7.11 The determination of applications will be made by licensing officers under delegated powers unless they cannot be satisfied as to the applicant’s ‘fitness and propriety’. If this is in question, the application will be referred to the Council’s Public Appeal’s Committee for their determination

Disclosure and Barring Service Enhanced Disclosure

- 7.12 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 manual DBS Enhanced Disclosure, the sign up is required, to be done, within 30 days of receipt of the certificate, this is mandatory and all must remain subscribed to the service for the duration of their licence. The Council will check the online DBS, routinely for new information at 6 monthly intervals, in line with the statutory standards, or at any time where deemed necessary to ensure public safety. If there are no changes recorded on the DBS certificate, then a full DBS check will not be required on renewal. If drivers do not sign up to the Update Service, on application or upon renewal, they will be required to submit a further DBS at their own cost every 6 months, and further action will be taken for being in breach of this Policy which may lead to suspension/revocation of their licence. The Council has a policy which provides guidance on the relevance of convictions which are not spent under the Rehabilitation of Offenders Act 1974. Refer to **Appendix 8** of this document.
- 7.13 It should be noted that the DBS service cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed, therefore a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas: the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK therefore applicants are required to provide criminal records information and a 'Certificate of Good Character' from overseas, in these circumstances, to properly assess risk and support the decision making process. Each case will be considered on its own merits. For information on applying for overseas criminal record information and 'Certificates of Good Character' please use the following link www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants. A full written explanation must be provided to the Licensing Unit if no such information or certificate can be obtained.
- 7.14 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 8** of this document.

DVLA Licences

- 7.15 Drivers are required to sign an agreement mandate, valid for the duration of their licence, which will allow the Council to check their DVLA Licence status whenever necessary.
- 7.16 Any driver who permits their DVLA licence to expire or does not keep it updated with a current address may have their Driver's Licence suspended or revoked if the Council is not satisfied that the driver has a valid DVLA licence.
- 7.17 A licence to drive a hackney carriage or private hire vehicle cannot be granted to a person who is under 21 years of age. In addition, a licence cannot be granted to anyone over 21 who does not hold a full UK driving licence or has not held such a licence for a minimum of 12 months.
- 7.18 Those who hold a European Economic Area (EEA) member state driving licence should note that as a result of the UK leaving the EU, the driving licence requirement has now changed and a full (not provisional) UK licence must now be held. Further information on this can be found online at www.gov.uk/exchange-foreign-driving-licence

DVLA Licences and Changes of Address

- 7.19 Drivers must notify the Council of any change of address within **7 days** and then either present their DVLA Driving Licence to the Council or send it in electronically 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

- 7.20 Any driver who, at any time, has 7 or more 'live' points upon their DVLA Driving Licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention will be required to undertake a driving assessment with a relevant provider. This assessment must be undertaken at the driver's own expense but the initial process and contact with the relevant service provider will be facilitated by the Council's Licensing Section. If concerns are raised by the Driving Assessor about the proficiency of the driver during the driving assessment, the Council may require additional training or further assessments to be carried out. Multiple motoring convictions are strong indicator that a driver may not be a fit and proper person to drive professionally, especially where any convictions have been incurred whilst driving in a professional capacity. The driver may have their Dual Badge Licence revoked if their driving is deemed dangerous.

- 7.21 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.
- 7.22 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.

Up to Date Contact Information.

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

Assessment of Medical Fitness

- 7.24 Drivers shall submit to a medical examination when they make their first application and also on every renewal date (usually every three years) up to the age of 65 years. Giving false information on any medical form could lead to prosecution.
- 7.25 On reaching the age of 65 drivers are required to have an annual medical.
- 7.26 In addition to the above the Council requires more frequent medicals for drivers with certain medical conditions, such as diabetes, which will require a subsequent diabetology report to confirm medical fitness, this will usually be required annually and must be done before the medical appointment at the Council's Occupational Health Unit, the result must then be taken by the driver to their medical appointment in Cannock. The cost of which will be incurred by the driver.
- 7.27 Applicants must pay the medical fee before being able to book the medical examination. The Licensing Section will issue the applicant with the application form upon receipt of payment. The current fee can be found at www.staffordbc.gov.uk/licensing1 (click onto Fees)

- 7.28 If the Council is concerned as to an applicant's medical fitness, which includes suspected drug use, 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 cost of which will be incurred by the driver.

Medical Conditions Affecting Ability to Drive

- 7.29 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.
- 7.30 The Council may suspend a driver where it considers it is in the interests of Public Safety to do so.
- 7.31 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 merits. The Licensing Officers may decide to refer the driver to the Public Appeals Committee for determination.

Medical Exemption from Carrying Assistance Dogs

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

Medical Exemption from Assisting Wheelchair Passengers

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

Training

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

Disclosure of Convictions, Cautions, Fixed Penalties Etc.

- 7.36 Failure to notify the Council of any arrest and release, charge, conviction, caution or fixed penalty may result in the suspension or revocation of the licence
- 7.37 All licensed drivers are required to give written notification to the Licensing Section within 48 hours of any of the following: -

- Being questioned, arrested, released, and/or charged or convicted in connection with any sexual offence.
- Being questioned, arrested or charged with any offence involving dishonesty or violence.
- any other offence with which they are charged.
- any pending court appearances.
- all convictions which postdate the most recent renewal of licence.
- the acceptance of a fixed penalty notice for any offence.
- 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.

7.38 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.

7.39 All hackney/private hire drivers must inform the Licensing Section as soon as possible and in any event **within 24 hours**, if they have been questioned, interviewed, arrested and/or released or charged in connection with: -

- touching a child or young person unnecessarily or inappropriately
- making offensive or inappropriate comments
- misusing or attempting to misuse personal details obtained as part of a fare or booking
- sexual activity with a child or vulnerable person
- inappropriate relationship with a child or vulnerable person
- violence, coercion or intimidation of a child or vulnerable person
- trafficking a child or vulnerable person.

Notification to Insurers

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

Conditions

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

Surrender of Licence

- 7.42 The licence badge always remains the property of the Council and upon revocation, suspension, expiry or surrender of the licence, the driver must return the badge, immediately, to the Council.

8 Private Hire Operators

Public Safety

- 8.1 The objective in licensing private hire operators is ensuring the safety of the public who may be using operators' premises, vehicles and drivers arranged for them. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator's licence also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted with customers' personal details and sensitive information and expected to ensure that their vehicles and drivers are appropriately licensed maintaining the safety benefits of the licensing regime.
- 8.2 Any person(s) wishing to apply for an Operator's licence within Stafford Borough must have sought the relevant planning permissions, have a base within the geographical area of the Borough with a minimum of one car and driver to also be licensed by Stafford Borough Council.

Sub-contracting

- 8.3 Sections 55A and 55B of the Local Government (Miscellaneous Provisions) Act 1976 allow a Private Hire operator to sub-contract bookings to another licensed operator.

If this practice is operated, it is mandatory that operators must:

- Keep records of any jobs that are subcontracted to another Private Hire operator in a separate register with that operator's licence number and issuing authority.

- Furthermore, operators are required to notify passengers clearly if their driver and vehicle are not licensed by Stafford Borough Council. The notification must also include a specific statement that the council has no authority to take licensing action against the driver or vehicle in the event of a complaint, directing customers instead to the authority that issued the licence.
- No sub-contracted vehicles are permitted to sit on any of Stafford Borough Council's taxi ranks.

8.4 In relation to an Operator's Licence section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the suspension and revocation of an operator's licence for:

Section 62(1)(c) any material change since the licence was granted in any of the circumstances of the Operator on the basis of which the licence was granted

If the operator's licence is issued to a person or company and there is then a sale of that business then that would amount to a material change of who the licence was issued to, therefore there is no right to transfer the operator's licence.

All private hire operator licences are issued to an individual, partnership or company once all those named on the application have been vetted through the strict application process. As a result, private hire operator's licences are not transferable if the owner(s) of the business change.

Application Process

8.5 To apply for a Private Hire Operator's Licence please apply to ehlicensing@staffordbc.gov.uk.

Period of Licence

8.6 A private hire operator licence will normally be valid for five years from the date of issue though the Council reserves the right to issue such licences for shorter periods where it is deemed appropriate to do so.

8.7 Private hire operators will be licensed to operate vehicles within the following bandings: -

- one to four vehicles
- five to fifteen vehicles; or,
- over fifteen vehicles.

This will allow for greater flexibility in adding vehicles to the Operator's Licence at any time.

Full year reimbursement of private hire operator fees may be considered where an operator stops trading or operating for business reasons. Fees will not be reimbursed where an operator's licence is revoked.

- 8.8 Operators must ensure that they provide the Licensing Section, on a quarterly basis, with an up-to-date list of their drivers and vehicles.

Operators to Be Fit and Proper Persons

- 8.9 The Council will not grant a licence for a Private Hire Operator unless satisfied that the applicant is a fit and proper person.
- 8.10 Applicants for a Private Hire Operator's licence must provide Disclosure from the Disclosure and Barring Service (DBS) see paragraphs 8.13 and 8.14 below.

Consideration of the "Fit and Proper Person" test

- 8.11 Factors that are considered include:-

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

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

Disclosure and Barring Service Enhanced Disclosure

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

Criminal Record and Convictions

- 8.14 Applicants are referred to the Council's Guidance on Determining the Suitability of Applicants and Licensees and Relevance of Convictions, see **Appendix 8**.
- 8.15 All licensed operators must give written notification to the Licensing Section as soon as possible of:-
- any offence with which they are charged.

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

Duties of Operators to Ensure Drivers are Fit and Proper

- 8.18 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

- 8.19 Operators must ensure that all support staff, whether directly employed by the company or not, are properly trained and suitable persons to undertake work which requires dealing with sensitive personal information and the maintaining of customer confidentiality.
- 8.20 Operators must keep a register for dispatch staff and are required to evidence that they have had sight of a Basic DBS check on all individuals listed on that register.

Online applications can be made at

www.gov.uk/government/organisations/disclosure-and-barring-service

- 8.21 Operators must provide a policy on the employment of ex-offenders and ensure that Basic DBS checks are conducted on any individual added to the register and that the result of the Basic DBS check is compatible with their own policy on employing ex-offenders.

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

Duties to Ensure Vehicles are Safe and Insured

- 8.23 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.
- 8.24 The Operator must ensure that the Base and vehicles are properly insured for private hire work. This includes ensuring so far as possible that private hire vehicles do not ply for hire. Public Liability Insurance for £5,000,000 as well as Employer Liability Insurance for a minimum of £5,000,000 is required.
- 8.25 Operators must ensure that all staff, themselves included, whether directly employed or not, are suitably trained regarding how to recognise and report child sexual exploitation.
- 8.26 Private hire vehicle operators must accept bookings for, or on behalf of, any disabled person if a suitable vehicle is available, Operators/Proprietors are strongly encouraged to make provision for the legal transportation of a minimum of one wheelchair at all times.

Disability Equalities Training

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

Child Sexual Exploitation (CSE) Training

- 7.43 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 (CSE). www.bltdrivertraining.co.uk/taxi-private-hire-drivers/
- 8.28 Operator licences may be suspended or revoked in cases where the operator's conduct falls short of the conduct expected of a fit and proper person. This would include cases where operators were convicted of offences relating to sexual exploitation, dishonesty and violence. It would also include breaches of licensing conditions and failure to keep accurate records.

Conditions

- 8.29 Operators must always comply with the conditions attached at Appendix 5.

9 Vehicle Licences

Two Types of Vehicle Licence

- 9.1 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 vehicles.

Hackney Carriages

These shall be White or Black in colour only and must be Wheelchair Accessible.

- 9.2 Proprietors of wheelchair accessible Hackney Carriages (WAVs) will, once the vehicle has been licensed by Stafford Borough Council for a period of eight consecutive years to that proprietor, be permitted to license a saloon vehicle as an HCV if they wish to do so.
- 9.3 In order to qualify for licensing as a Hackney Carriage, the vehicle **must** be **white or black** and wheelchair accessible. The Vehicle Registration Document (V5) must outline WHITE or BLACK 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.
- 9.4 The Policy regarding licensed vehicles and wheelchair accessibility is set out in Section 10, below.

Private Hire Vehicles - Not White or Black

- 9.5 Private Hire Vehicles (PHVs) must not be white or black. There will be a gradual phasing out of black PHVs meaning that once the age limit of the current car has been reached and needs replacing the drivers next vehicle should not be black nor white.

Main Location for Use of Hackney Carriages

- 9.6 When the Council considers Hackney Carriage Licence applications it will have regard to where the vehicle 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

- 9.7 To apply for and renew Vehicle Licences contact ehlicensing@staffordbc.gov.uk.
- 9.8 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.
- 9.9 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.
- 9.10 The Council requires Applicants/Licence Holders to have arranged, and provide evidence of, sufficient motor vehicle insurance for the vehicle they propose to licence, prior to application, failing which the Council may refuse the application.
- 9.11 The Council requires Applicants to produce a valid MOT Certificate plus the Compliance Checklist provided by the MOT provider(s) unless it will be provided electronically by the garage. New vehicles shall be subject to the requirement for an MOT 12 months after date of first registration.

Vehicle Specifications

- 9.12 The Council requires vehicles new to licensing to have engines rated at not less than 999 cc, and at minimum to be Euro 6 compliant, to have at least four doors and to be capable of carrying four passengers and equal amount of luggage, or a folded wheelchair. The vehicle must be a saloon or hatchback type vehicle so is large enough to meet the criteria.
- 9.13 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.

Vehicle Registration Marks (Number Plates)

- 9.14 The content and layout of vehicle registration marks is set out by The Road Vehicles (Display of Registration Marks) Regulations 2001 (as amended). A failure to comply with the requirements results in the vehicle registration mark being illegal and subject to an MOT failure and in breach of the terms of your hackney carriage/private hire licence which will result in immediate suspension and you will be put before the Public Appeals Committee.

Regulation 11 of the Road Vehicles (Display of Registration Marks) Regulations 2001 imposes further requirements for registration plates therefore stating that the appearance of the characters should not be altered.

11(1) No reflex-reflecting material may be applied to any part of a registration plate and the plate must not be treated in such a way that the characters of the registration mark become, or are caused to act as, retroreflective characters.

11(1A) The surface of a registration plate must not comprise or incorporate any design, pattern or texture, or be treated in any way which gives to any part of the plate the appearance of a design, pattern or texture.

11(2) A registration plate must not be treated in any other way which renders the characters of the registration mark less easily distinguishable to the eye or which would prevent or impair the making of a true photographic image of the plate through the medium of camera and film or any other device.

11(3) A registration plate must not be fixed to a vehicle;

- (a) by means of a screw, bolt or other fixing device of any type or colour,
- (b) by the placing of a screw, bolt or other fixing device in any position, or
- (c) in any other manner;

which has the effect of changing the appearance or legibility of any of the characters of the registration mark, which renders the characters of the registration mark less easily distinguishable to the eye or which prevents or impairs the making of a true photographic image of the plate through the medium of camera and film or any other device.

Period of Licence

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

Disclosure and Barring Service Enhanced Disclosure

9.16 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 the Disclosure Barring Service prior to any licence being issued. Online applications can be made at www.gov.uk/request-copy-criminal-record or phone 03000 200 190.

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

Vetting of Applications

- 9.18 The Council will need to be satisfied as to the applicant's good character before granting a vehicle licence. The Council will have regard to the disclosure from the Disclosure and Barring Service when it considers such applications. If the Council is not satisfied as to the Applicant's good character, then the application will be refused. Applicants are referred to the Council's Guidance on Determining the Suitability of Applicants and Licensees and the Relevance of Convictions, **See Appendix 8**
- 9.19 Bankrupt persons are prohibited from becoming or remaining proprietors of licensed vehicles.
- 9.20 The Council retains the complete discretion to refuse to grant a vehicle licence.

Ages of Vehicles

- 9.21 When licensing a vehicle for the first time the Council encourages proprietors to review the Euro NCAP safety rating of the proposed vehicle to consider the safety benefits to passengers, drivers, pedestrians and drivers of other vehicles by licensing a higher rated vehicle. More details can be found at: www.euroncap.com/en
- 9.22 In order to promote public safety, environmental impact, improve quality and increase public confidence, diesel or petrol vehicles must be less than 6 years old when they are first licensed with the Council and at minimum Euro 6 compliant. All vehicles fuelled only by petrol or diesel will cease to be licensed after 12 years, from date of first registration, or from 2030 whichever date is soonest. **Refer to Section 5.**

- 9.23 London cab-style vehicles and Wheelchair Accessible Vehicles (WAVs) that are fuelled only by diesel or petrol, which are new to licensing with the Council must be less than 8 years old and at minimum Euro 6 compliant. All such vehicles will cease to be licensed after 14 years, from date of first registration or from 2030 whichever date is soonest. **Refer to Section 5**
- 9.24 All Electric and Hybrid saloon type vehicles which are presented, as new to licensing, will be no more than 6 years old. **Refer to Section 5**
- 9.25 All Electric and Hybrid wheelchair accessible type vehicles, which are presented as new to licensing, will be no more than 8 years old. **Refer to Section 5.**
- 9.26 **Electric/Hybrid and Hydrogen fuel vehicles will have no end date providing the vehicle fits policy standards and remains safe and fit for purpose under the licensing regime.**

Inspection and Testing of Vehicles

- 9.27 All vehicles must only be tested at one of the Council's approved testing facilities prior to first licensing unless the vehicle is new from purchase. New vehicles shall be subject to the requirement for an MOT 12 months after date for first registration with the DVLA.

Petrol or diesel only vehicles will be required to have 2 MOT tests per year (every 6 months) when they are 9 years old from the date of registration. (Refer to Section 5)

All Electric/Hybrid or Hydrogen fuel vehicles are required to have 2 MOT tests per year (every 6 months) when they are 9 years old from the date of registration and from 14 years old 3 MOTs a year (every 4 months).

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.

A Compliance test pass certificate will also be required each time, from one of the approved testing facilities, (such a Certificate should normally be dated no more than 28 days old at the time that the application is made to the Licensing Authority).

- 9.28 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.

- 9.29 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 any of the approved MOT testing stations for the work to be inspected. Any costs to be incurred by the driver. A Taxi Vehicle Endorsement form will be completed by any of the approved MOT testing stations; this must be returned to the Licensing Section for inspection before the plates will be returned.

Safety Screens

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

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

If any driver wishes to fit a protective screen, they must first notify the Licensing Authority in writing, either by email or by letter, including confirmation that the vehicle's insurance will be amended to include the protective screen as fitted. These must be genuine screens and should be fitted by a professional in accordance with the manufacturer's instructions. Please access this link for all information www.staffordbc.gov.uk/use-partitions-or-screens-taxis-and-private-hire-vehicles

Wheels and Tyres

- 9.31 Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.
- 9.32 The tread pattern shall be a minimum of 1.6mm in depth throughout the complete circumference and breadth of the tyre.
- 9.33 The replacement of using part worn tyres is not allowed and prohibited as protection of the public is paramount.
- 9.34 The fitting of tyres which are more than 10 years old is prohibited.
- 9.35 A spare wheel and tyre in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same shall be provided unless the proprietor can comply with the following: -

The proprietor or operator of the vehicle shall take all reasonable steps to ensure, in the event of vehicle breakdown, that appropriate contingency arrangements are in place to enable passengers to complete their journeys safely and in good time to anywhere in the UK. Such steps may include carrying and use of a spare wheel and tools; if the vehicle is not designed to carry a spare, fitting run flat tyres all round or carrying puncture repair/inflation kit; vehicle breakdown cover which includes taking the passengers and their luggage to their intended destination anywhere in the UK; agreements with other proprietors/operators to provide assistance in emergencies etc. In any event, responsibility for ensuring the safety and welfare of passengers in such circumstances rests with the said proprietor or operator.

Insurance Write-Offs

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

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

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

Category S (formerly Category C) - www.rac.co.uk/drive/advice/known-how/what-does-cat-c-car-insurance-mean

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

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

Category N (formerly Category D)

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

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

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

- 9.33 When undertaking the MOT and Taxi Test at one of our approved MOT providers you need to inform the garage that the car is within one of these categories and highlight the damaged area(s) to the mechanic before its inspection.
- 9.34 It must be demonstrated that the vehicle is safe for use as a licensed vehicle before the application will be considered. A category S or N vehicle may only be presented to licensing with written evidence that the vehicle is safe. Such evidence must include a written damage and repair engineers report from the insurance company or its agent and must be provided to Licensing before the vehicle is presented for inspection and test.
- 9.35 The vehicle will also need to comply with our age and type of vehicle requirements as detailed within this Licensing Policy before consideration of it being licensed.

Other Safety Issues

- 9.36 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.
- 9.37 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.
- 9.38 Children should not be transported in pushchairs or prams placed within Wheelchair Accessible Vehicles (WAV's). It is the driver's responsibility to ensure that all passengers use seatbelts/restraints in line with current legislation. With respect to persons under 18 it will be the parent/responsible person's responsibility to ensure that child seats, if used, are fitted correctly. If a driver is not satisfied as to the safety of a child being transported without a child seat, they may lawfully refuse the carriage of that child/ young person.

Tinted Windows/Privacy Glass

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

Signage and Advertising

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

CCTV in Licensed Vehicles

- 9.41 Stafford Borough Council encourages the use of CCTV systems within licensed vehicles. CCTV can help to reduce crime and can provide evidence to support prosecution. This approach benefits both passengers and drivers, who can equally be the subjects of assaults, abuse or fraud. **Dashcams are not suitable for this purpose; they will not be classed as a CCTV system.**
- 9.42 No installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Section. Notwithstanding the above, CCTV systems should only be installed with the prior and ongoing agreement of vehicles' insurers.
- 9.43 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images. For all information on installing and using CCTV refer to ico.org.uk and www.staffordbc.gov.uk/licensing1.

Conditions

- 9.44 Licence holders must comply with the conditions attached at **Appendix 2** (Hackney Vehicles) and **Appendix 3** (Private Hire Vehicles) and **Appendix 4** (General Conditions) at all times.

Suspension and Revocation of Licences

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

Transfer of Vehicle Licences

- 9.46 There are two types of transfer, that might take place in accordance with Council Policy.
- 9.47 A licence holder may transfer their Vehicle Licence from their current vehicle to a new vehicle providing it meets the council's criteria for licensing as above.
- 9.48 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.
- 9.49 Grandfather (this is a recognised term) Rights. Generally, Hackney Carriage Vehicles (HCVs) will not be licensed by the Council unless they are wheelchair accessible vehicles. An exception to this rule is that a named holder of a "Grandfather (this is a recognised term) Rights" plate may apply to license a vehicle that is not wheelchair accessible.
- 9.50 The holders of "Grandfather Rights" plates are not permitted to give away, bequeath, swap, transfer or sell such plates to other persons.
- 9.51 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".
- 9.52 For the avoidance of doubt, Grandfather Rights apply to a named individual vehicle licence holder, who held the relevant vehicle plate number at the time the Policy was updated to specify Hackney Carriages must be wheelchair accessible from January 1992. There is no facility for such plates to be transferred to other named individuals save for the circumstances set out in Clause 9.51 above.

Wedding Cars and Funeral Cars

- 9.53 Vehicles that are being used for Weddings or Funeral are not required to be licensed as a hackney carriage or private hire vehicle while they are being used in connection with a wedding, for the purposes of carrying passengers to the wedding venue and reception, or funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, however if a vehicle is already licensed as either a Hackney Carriage or Private Hire, and is being used for weddings or funerals, then the licensed plate must remain on the vehicle.

Limousines and Novelty/Vintage Vehicles

- 9.54 Any type of vehicle may be considered for licensing by the Council however the overarching principle will be the safety of the vehicle and to ensure that public safety will not be compromised if the vehicle is licensed. Any additional testing and inspection costs must be funded by the applicant.
- 9.55 Novelty or Vintage vehicles are an exception within this policy for vehicle emissions, due to the age of these types of vehicles, referred to in Section 5 and **Appendix 10**.
- 9.56 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) www.gov.uk/government/publications/guidance-for-operators-of-stretch-limousines
- 9.57 Such types of vehicles 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 1, 3 and 4**)
- 9.58 On application for a Novelty or Vintage vehicle the Licensing Section must be provided with written proposals detailing how the vehicle will comply with this policy, safety, and passenger comfort requirements.
- 9.59 The decision to licence any limousines and novelty/vintage vehicles will be put before the Licensing and Public Appeals Committee for consideration.

10 Equality Act 2010

Wheelchair Access

- 10.1 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.
- 10.2 The Council wants to ensure that there are more wheelchair accessible vehicles in use by the local licensed taxi trade.

- 10.3 The Council will consider licensing wheelchair accessible vehicles where they are capable of rear, as well as side loading. The safety and comfort of the passenger must be of paramount importance. 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.
- 10.4 Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured from front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
- 10.5 A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.
- 10.6 A suitable safety restraint must be available to the occupant of the wheelchair.
- 10.7 A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.
- 10.8 Any lifting device fitted must be regularly tested in accordance with any applicable Health and Safety Regulations (e.g., Lifting Operations and Lifting Equipment Regulations 1998) (LOLER) for such devices and maintained in good working order.

Designated Vehicles

- 10.9 After consultation with the trade the Council has published and continues to maintain a list of “Designated Vehicles”. The drivers of designated vehicles will be required to transport wheelchair passengers unless a driver holds a valid exemption certificate.
- 10.10 Drivers of vehicles designated under the Equality Act 2010 to carry a passenger seated in a wheelchair have several duties under the Act which are:
- To carry a passenger while in the wheelchair;
 - Not to make any additional charge for doing so;

- To carry the wheelchair in the vehicle if the passenger chooses to sit in a passenger seat;
- To ensure the passenger is carried in safety and comfort;
- To provide appropriate mobility assistance to enter or exit the vehicle including to load any luggage and/or wheelchair.

11 Executive Hire Vehicles

Legislation for Executive Hire Vehicles

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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

- 11.6 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

- 11.7 Executive Hire Vehicles are licensed separately from Hackney Carriage Vehicles and Private Hire Vehicles. Executive Hire vehicles are a special class of private hire vehicles. They are high value, prestige vehicles that predominantly should be used for purposes such as corporate bookings to transport employees and clients on business related journeys, or for transporting special guests where customers have asked to book a vehicle without obvious private hire plates or signage. Executive Hire vehicles are styled more as chauffeur driven vehicles than standard private vehicles.
- 11.8 Licensing of an Executive Hire vehicle is at the discretion of the Licensing Section and will be inspected in order to ensure it is a high-quality suitable vehicle.

Features of Executive Hire Vehicles

- 11.9 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 - refer to Section 5
 - Automatic transmission
 - Minimum specification of air conditioning/climate control to front and rear seats, all electric windows, central locking and suitable front and rear headrests for all passengers

Strict Use of Executive Hire Vehicles

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

Executive Hire Plates

- 11.11 On the grant of an Executive Hire Licence the Council will issue an Executive Hire Plate and the Authority's identifying badge which must be placed inside the windscreen, on the nearside of the vehicle. These are to be displayed as per Condition 10, **Appendix 7**.

Exemption from Requirement to Display Private Hire Plates

- 11.12 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

- 11.13 Licenced holders of Executive Hire plates must always comply with the conditions attached at **Appendix 7**.

12 Decision Making and Enforcement

Decision Making

- 12.1 This Policy is to be considered when the Council makes decisions relating to the licensing of drivers, vehicles and operators although the Council will also have regard to legislation and government guidance. This policy is intended to show how decision making will be approached, and how the Council will work with others to ensure the protection of the public. The policy is to be considered when decisions are made by the Council, the Public Appeals Committee and Authorised Officers. Each application or case is to be considered on its own merits.
- 12.2 Fees setting and decisions regarding taxi ranks are matters usually decided by The 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

- 12.3 In order to ensure the protection of the public the Council carries out enforcement activity to ensure compliance with primary legislation and licensing conditions.
- 12.4 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
- 12.5 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.
- 12.6 Enforcement in cases other than prosecutions includes cases where the Council decides to suspend or revoke drivers, operators and vehicle licences. Enforcement action also includes lesser sanctions such as formal written warnings.
- 12.7 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.
- 12.8 The Council may suspend or revoke vehicle licences in cases relating to unsafe vehicles or breaches of licensing conditions.
- 12.9 A guidance matrix of suspension and other penalties for offences committed by drivers over a two-year rolling period is attached as **Appendix 9** to this document.
- 12.10 Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their driver's licence.
- 12.11 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.

- 12.12 Private hire and hackney carriage drivers are professional drivers and must always be aware of the safety of their passengers and the safety of their vehicles. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving. The Council expects licence holders to adhere to 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.
- 12.13 Applicants are referred to the Council's Guidance on Determining the Suitability of Applicants and licensees in Hackney Carriage and Private Hire Trades, **see Appendix 8.**

APPENDIX 1: Hackney Carriage/Private Hire Driver Conditions

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

- Local Government (Miscellaneous Provisions) Act 1976
 - Town Police Clauses Act 1847
 - Transport Act 1980
1. The driver shall within **7 days** notify the Council of any change of their name or home address.
 2. All drivers must inform their licensing authority within **48 hours** if they are arrested, questioned, or interviewed voluntarily under caution by the police in respect of a criminal offence. For full requirements refer to Page 24 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 for any reason they must inform the Licensing Department within 7 days.
 5. The driver shall notify the Council of any accidents or damage caused to the vehicle as soon as is practicable but, in any case, **within 72 hours**.
 6. The driver shall, always, when the vehicle is available or being driven for hire, be clean and respectable in their appearance and dress in accordance with the Council's approved Dress Code.
 7. The Council's Dress Code for drivers of both hackney carriages and private hire vehicles is attached as **Appendix 6** to this document.
 8. Licensed drivers shall not conduct themselves in any way, or act in a manner, which might be perceived as discriminatory or infringes equality legislation. For the avoidance of doubt, no driver shall discriminate against fellow drivers, passengers, members of the public or Council employee's contrary to the Equality Act 2010.
 9. Licensed drivers must comply with the Rules of the Rank, always. (See **Appendix 12**)

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 Equality Act 2010, and ensure they assist wheelchair passengers.
12. The driver shall not use or hold any handheld device or eat or drink in the vehicle whilst it is moving.
13. The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
14. The driver shall not allow or permit their vehicle to carry a greater number of passengers than the number prescribed on the licence.
15. The driver shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside of the vehicle.
16. The driver of the vehicle should attend punctually at the time and place appointed for hire unless delayed or prevented by some reasonable cause.
17. The driver / proprietor must have the facility to take payment by debit or credit card within the vehicle, with no minimum limit, this is mandatory and should be used as necessary.
18. The driver / proprietor shall ensure the vehicle always has a receipt book.
19. The driver shall, if requested by the hirer, provide them with a written or electronic receipt for the fare paid specifying the driver's name, badge number and plate number.
20. 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.

21. Daily checks must be undertaken before the first use of the vehicle each day. All daily checks should be recorded on a pre-printed form or electronic “app” specifically designed for such purposes. These checks should be retained for a minimum of 6 months. Any defect rectification should also be recorded and evidenced. Daily checks should include all items recommended by the DVSA in their Guide to Maintaining Roadworthiness. The driver shall also ensure that the tyres are not worn below the legal limit and that the licence plates are properly positioned, secured permanently and can be clearly seen from the front and rear of the vehicle.
22. The driver shall, always, when a vehicle is hired take all reasonable steps to ensure the safety of passengers when entering and alighting from the vehicle.
23. **Smoking in the vehicle and the use of electronic/vape cigarettes are strictly prohibited**, at any time, this applies to both drivers and passengers.
24. Drivers shall not at any time sound the vehicle’s horn to attract the attention of customers, e.g., where they are waiting for the hirer outside a public house etc.
25. 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.
26. The driver must not carry any animal in the vehicle, whilst the vehicle is in the course of trade, including their own or the operator’s/proprietor’s animal **except that:**

The driver may at their discretion carry the animal of a fare paying passenger, but the animal must be carried in the rear of the vehicle.
27. 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.
28. 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.

29. The licence badge always remains the property of the Council, and upon revocation, suspension, expiry or surrender of the licence, the driver shall immediately return the badge to the Council.
30. The Driver must deposit their Private Hire/Hackney carriage driver's licence with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicle is being used during the time it is being used for that person's business.
31. 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.
32. The driver must report any items found to the Operator (if applicable), then take any lost property left in the vehicle to the Reception at Stafford Borough Council as soon as possible but within 72 hours. You will be required to complete the details on the evidence bag provided and place any items within.
33. The driver shall undertake appropriate training as required by the Head of Regulatory Services which will also include Child Sexual Exploitation (CSE), Safeguarding and Wheelchair Access Vehicle (WAV) where appropriate.
34. The driver must 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.
35. Drivers must turn off their engines whilst stationary. This is to reduce any potential pollution as well as to save money on fuel costs. Vehicle idling is an offence under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
36. The driver must ensure that the 'Compliments/Comments/Complaints' sticker, provided by the Council, is permanently affixed on the inside of each of the rear passenger windows.

Whilst driving a private hire vehicle

37. It is illegal to ply for hire with a Private Hire Vehicle and to do so is an offence which may invalidate 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.
38. Drivers cannot sub-contract to another private hire driver a booked journey that has been dispatched to them by the Private Hire Operator. If a driver cannot fulfil the journey, they must refer it back to the Private Hire Operator who will decide how to fulfil the booking.

39. 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.
40. The driver shall only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle Licence and Plate.
41. Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:
- Permit the vehicle to stand or park in a manner which might suggest that the driver is plying for hire.
 - Solicit on a road or other public place any person to hire or to be carried for hire and reward in their PHV (or any PHV under their control or responsibility); or,
 - Cause or procure any other person to solicit or procure on a road or other public place any person to hire or to be carried for hire and reward in any PHV under their control or responsibility.
 - Overcharge passengers at any time.
 - Seek to charge additional rates to wheelchair/disabled passengers or refuse to take them without an exceptional reason.

Whilst driving a licensed hackney carriage vehicle

42. 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.
43. The taxi meter must always be used in a Hackney Carriage Vehicle, including when using the vehicle in a Private Hire capacity, unless a set price has been agreed.
44. Ensure that the Table of Fares can be clearly seen by passengers.
45. 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.
46. Obey the Rules of the Rank given at **Appendix 12** of this document.

47. Fulfil bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
48. 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.

APPENDIX 2: Hackney Carriage Vehicle Conditions (also see Appendix 4 for General 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 OR BLACK**. 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 or BLACK** as the vehicle colour.
3. The vehicle must be Wheelchair Accessible, unless Grandfather (a recognised term) Rights apply, capable of conveying a wheelchair with the occupant in it or London Cab style - the driver must know how to strap the wheelchair and the occupant within it into the vehicle and fit both with the seatbelts.
4. If a V5 in the Licence Holder's name was not provided on application then the Licence Holder must either bring the V5 to the Licensing Section for inspection or send in electronically, within 7 days of receiving the V5.
5. The Licence Holder shall produce all insurance documents either in person or electronically for inspection by the Council on demand.

Signage and Notices

6. The roof of the vehicle shall be fitted with an illuminated sign bearing only the word **TAXI**, the light of which is capable of being extinguished when the taxi meter is switched on. This should be at the **FRONT** of the vehicle roof and permanently affixed. **Panoramic roofs will only be accepted if you can correctly permanently affix the illuminated taxi sign. It is not acceptable for the Taxi sign to be in the window.**
7. During the hours of darkness, the taxi sign shall be illuminated only when the carriage is standing or plying for hire within the Borough and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition 'the hours of darkness' shall be the hours of lighting up time.

8. It is mandatory for Hackney Carriages to have door signage on the front body panel, in the middle of each door, on each side of the vehicle, these are adhesive stickers, magnetic signs are not allowed and will display your plate number. These are provided, once only, by Stafford Borough Council, if any further ones are required, they can be obtained at a cost to the driver. If any further information, by owner/operator, is required then it must be pre-approved. Stafford Borough Council will only allow the following information with the regulation maximum size of 600 x 300 mm (24" Width x 12" Deep) and must be fixed onto the body panel on each side of the vehicle.
 - (a) Telephone number
 - (b) Email address or website of the proprietor's taxi business (where applicable)

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

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

Taxi Meters and Fares

12. An approved, sealed, calibrated, and illuminated taximeter must be used to calculate and display the maximum fare for all journeys inside the Borough of Stafford in all hackney carriages. It must not be operated until the passenger is seated in the vehicle and the driver is seated and ready to move the vehicle to commence the journey. Once the journey is concluded by reaching the destination requested by the customer or passenger the fare displayed on the taximeter should be stated to the passenger and they or the customer should be requested to pay no more than the fare displayed. The Council will support licensed drivers who have reasonable cause to request payment of the appropriate fare prior to the journey taking place.

13. The Council's is the only tariff permitted on the meter. It must state the maximum fare that can be charged by drivers for journeys within the Borough. Lesser fares can be negotiated. The hirer may also agree a fare for a journey which ends outside the Borough.
14. A table of fares will be provided to each Hackney Carriage Proprietor, which must then be clearly displayed in each vehicle so that it is visible to all hirers.
15. The Council reserves the right to inspect a licensed vehicle's taxi meter and carry out spot checks at any time.
16. 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.

Grandfather (this is a recognised term) Rights

17. 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.
18. The holders of "Grandfather Rights" plates are not permitted to give away, bequeath, swap, transfer or sell such plates to other persons.
19. 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".
20. For the avoidance of doubt. Grandfather Rights apply to a named individual vehicle licence holder, who held the relevant vehicle plate number at the time the Policy was updated to specify Hackney Carriages must be wheelchair accessible from January 1992. There is no facility for such plates to be transferred to other named individuals save for the circumstances set out in Clause 19 above

APPENDIX 3: Private Hire Vehicle Conditions (also see Appendix 4 for General Vehicle Conditions)

1. All Private Hire Vehicles must **NOT** be **WHITE** or **BLACK**.

There will be a gradual phasing out of black PHVs meaning that once the age limit of the current car has been reached and needs replacing the next vehicle must not be black or 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 should always keep a valid certificate of motor vehicle insurance for production to an authorised officer when necessary and once expired the Licence Holder must retain for inspection by the Council for 12 months after its expiry date.

Signs and Notices

4. 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.
5. 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) Operator Name
 - (c) the words "ADVANCED BOOKINGS ONLY".
 - (d) the telephone number of the vehicle operator (**fixed landline**).
6. The words "PRIVATE HIRE", "OPERATOR NAME", "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator shall: -
 - (a) be clearly and permanently affixed (subject to prior written permission from the Council, the signs could be (magnetic or of other removable signage) and displayed in a clearly contrasting colour in letters and numbers not less than 65mm in height and not less than 8mm width and,
 - (b) be positioned together in a manner previously approved in writing by the Council.

7. In addition to the above private hire vehicles must also display a plate identification number adhesive sign, magnetics are not allowed, which will be provided by Stafford Borough Council detailing that the vehicle is licensed by the Council. These must be placed in the middle of the rear passenger doors of the vehicle where practicable.
8. If this door signage is damaged, ripped, washed off or lost then they must be replaced, at a cost, within 7 days by applying to the Council.
9. All signage and plates need to remain affixed to the vehicle whether on duty or off unless you are going on holiday for a week or more then the signage maybe removed, not the plates, however you must seek approval from the Licensing Section first before removal.
10. Private Hire Vehicles shall not have the word "Taxi" displayed anywhere on the vehicle.
11. 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.
12. 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, 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

13. All petrol or diesel only vehicles shall be tested at one of the Council's approved testing facilities prior to first licensing unless the vehicle is new, any new registered vehicle is required to produce an MOT certificate after 12 months from date of registration.

Vehicles will be required to have 2 MOT tests per year (every 6 months) when they are 9 years old from the date of registration

All Electric/Hybrid vehicles are required to have 2 MOT tests per year (every 6 months) when they are 9 years old from the date of registration and from 14 years old 3 MOT's a year (every 4 months).

14. 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).

Additional Conditions for Limousines, Novelty Vehicles Only:

- 49 The tyres must be of an appropriate weight loading for the limousine, novelty vehicle.
- 50 Any type of vehicle may be considered for licensing by the Council however the applicant must demonstrate to the Council that the overarching principle of public safety will not be compromised if the vehicle is licensed. The applicant must fund any additional testing and inspection costs.
- 51 Exemption from the requirement to display private hire licence plates and livery will not be granted to some novelty vehicles such as old fire engines etc.
- 52 The sale of alcohol in the vehicle must be covered by a separate licence in accordance with the Licensing Act 2003.

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

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

APPENDIX 4: General Vehicle Conditions

Safety Equipment

1. Provide an efficient 1 Kg 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.
2. The fire extinguisher will be inspected annually and shall be marked with the date of its last test. You will be asked to replace it if it is too old for efficiency reasons.
3. The container for the first aid kit and the fire extinguisher shall be marked with the vehicle plate number and registration number with an indelible ink or a form of permanent tamperproof mark.
4. It is not expected that the driver will administer any First Aid unless they hold the relevant training and are competent to do so.

Plate and Identification of Vehicle

5. All vehicles shall always clearly display the one licence plate, issued, on the exterior of the vehicle supplied by the Council, the form and content of which shall also be prescribed by the Council.
6. For reasons of security, the printed licence plate issued by the Council must be placed within the backing plate provided by the Council and at all times be fixed securely to the rear of the vehicle on the offside or centre of the vehicle at bumper height. The licence plate must be horizontal. The use of magnets to fix the plate to the licensed vehicle is not acceptable.
7. The plate shall not be affixed to any vehicle other than the one identified in the vehicle licence application form.
8. The plate shall always remain the property of the Council, and the vehicle proprietor shall not cause or permit the information displayed upon the plate to be altered, removed or obscured in any way. The plate must 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).
9. The plate number must not obscure the registration plate of the vehicle.

10. The vehicle shall, always, display the identification stickers supplied by the Council. These stickers shall be displayed on the inside of the windscreen, at the bottom, on the nearside, so that the sticker is visible to the passengers within the vehicle.
11. The Council must be notified, within 14 days, when the licensed vehicle is sold to a non-licensed driver or is taken off the road/out of the taxi business and the plates returned to the Council.

Accidents or Damage to Vehicle

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

Condition and Maintenance of The Vehicle

13. 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.
14. That the roof, any sunroof or soft top is watertight.
15. The exterior of the vehicle shall be clean, free from unrepaired damage and finished to a high standard.
16. 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.
17. 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.
18. 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 Information Commissioner's Office.
19. All glazing shall comply with the Road Vehicle (construction and use) Regulations 1986 as amended. Vehicles fitted with tinted glass at manufacture, are permitted, however they must allow 70% of light through the front and two front side windows therefore this excludes manufactured tints of more than 30% on all windows. Passengers must not be obscured.

20. 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.
21. 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.
22. The Licence holder shall produce the licence upon request to any Officer authorised by the council or any Police Officer for inspection.
23. 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. **See also point 9.32.**
24. 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.
25. 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.
26. 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.
27. That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.
28. Any repairs to the vehicle must be carried out with replacement parts which meet the manufacturer's original specification.
29. 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.

30. The Licence Holder of more than 1 vehicle shall keep comprehensive written records of day-to-day fares and bookings, e.g., date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or Police Officer in any investigation they may need to undertake. These records must also be stored and kept securely for 18 months.
31. A vehicle that fails the MOT test, due to serious faults, may have its Licence revoked, and the plates removed, until such time the Council is satisfied that it meets the standards of the MOT test.
32. 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.
33. A licence may be revoked, suspended, or not renewed in accordance with statutory provisions.

Renewal of Licence

34. It is the driver's responsibility to ensure that a renewal application is made in good time, before expiry of the current licence. Failure to renew licenses in good time without reasonable excuse will result in the expiry of the existing licence and will require a new application to be made. No application will be prioritised because it is late. Under no circumstances will a renewal be issued without satisfactory completion of all required checks.

Transfer of Vehicle Licences

35. There are 2 types of transfer, with one exception, that might take place in accordance with Council Policy.
36. A licence holder may transfer their Vehicle Licence from their current vehicle to a new vehicle providing it meets the council's criteria for licensing as above.
37. 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.

38. 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.
39. 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
40. Where the named individual licence holder has Grandfather Rights, a non-wheelchair accessible vehicle **CANNOT** be transferred **at any time**. The Hackney Carriage Plate must remain in the current licence holder's name.

APPENDIX 5: Private Hire Operators' Licence Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

12. The Operator shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that:-
 - (a) every private hire vehicle, whether the Operator provides the vehicle or not, is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
 - (b) every private hire driver is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
13. The Operator shall not operate any Private Hire Vehicle of such design and appearance as to lead any person to believe that the vehicle is a licensed hackney carriage.
14. The Operator shall produce the licence upon request to any Officer authorised by the Council or any Police Officer for inspection. The Operator shall ensure that the licence is displayed in a prominent public position within the Operator's Base.
15. The Operator shall ensure that records of bookings taken and of vehicles and drivers carrying out the bookings are to be kept available for inspection for not less than a period of 12 months.

16. **Sub-contracting**

Sections 55A and 55B of the Local Government (Miscellaneous Provisions) Act 1976 allow a Private Hire operator to sub-contract bookings to another licensed operator.

If this practice is operated, it is mandatory that operators must:

- Keep records of any jobs that are subcontracted to another Private Hire operator in a separate register with that operator's licence number and issuing authority.
- Furthermore, operators are required to notify passengers clearly if their driver and vehicle are not licensed by Stafford Borough Council. The notification must also include a specific statement that the council has no authority to take licensing action against the driver or vehicle in the event of a complaint, directing customers instead to the authority that issued the licence.

17. Any Operator that is sub-contracting and using licensed vehicles from another area to undertake fares within Stafford Borough shall ensure that the driver of the vehicle, who is working for them, is displaying livery of the Stafford licensed operator on the vehicle.
18. The Operator shall comply with all the requirements of the Council's Taxi Licensing Policy.

APPENDIX 6: Dress Code

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

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

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

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

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

APPENDIX 7: (also refer to Appendix 4 for General Vehicle Conditions) 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 to ascertain whether the vehicle meets the relevant standards.
2. New applications will not be accepted for vehicles over 6 years old.
3. Executive Hire Vehicles that are solely petrol or diesel will not be licensed once they are 12 years old or by 2030 whichever is sooner (see Section 5 and Appendix 10)
4. Executive Hire Vehicles that are Electric/Hybrid will no longer be licensed once they are 16 years old.
5. Electric or Hydrogen fuel Executive Hire Vehicles can operate for as long as they are roadworthy, safe and fit for purpose and compliant with the licensing criteria within this Policy.
6. Executive Hire Vehicles must not ply for hire.
7. Executive Hire Vehicles must not park on any of the Council's taxi ranks.
8. Executive Hire Cars to be used only for Executive Hire and must not be used for any home to school transport.
9. 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.
10. Customers who wish to travel in an Executive Hire Vehicle must make a prior booking with the Operator.
11. The Licence Holder shall keep comprehensive written records of day-to-day bookings, including name and address of hirer, date, time, pick up and drop off locations, so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or Police Officer in any investigation they may need to undertake. All records must be retained for not less than 18 months.

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 identifying badge, inside the windscreen, on the nearside of the vehicle, at all times that the vehicle is transporting passengers.
13. Executive Hire Vehicles do not have to display any external markings, such as advertisements, unless they wish to do so, or give any indication that it is a Private Hire Vehicle other than the Authority's identifying badge 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. The driver shall always, when hired, have their drivers badge available to identify them to the hirer.
16. All other private hire conditions and General Vehicle Conditions as per **Appendices 3 and 4** including the cost of licensing the vehicle, shall apply to Executive Hire Licences, save that Executive Hire Vehicles can be white if required.

APPENDIX 8: Guidance on Determining the Suitability of Applicants and Licensees in Hackney Carriage and Private Hire trades

This guidance must be read in conjunction with the Department for Transport (“DfT”) Statutory Taxi and Private Hire Vehicle Standards and the Institute of Licensing (“IoL”) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.

Applicants

All applicants for Hackney Carriage/Private Hire driver licences and/or an Operator’s Licence 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 and Operators are required to inform the Council in writing and within 48 hours of any offence with which they are charged; any pending court appearances; any convictions; the acceptance of a fixed penalty notice; any endorsements for motoring offences; the acceptance of a speed or other awareness course and all cautions imposed on them since the grant of the Licence. In addition, Drivers or Operators are required to inform the Council in writing and within 48 hours of becoming aware of any pending criminal investigation that concerns them.

Consideration of Applications

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

Public Safety is the Primary Concern

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

Drivers

1. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver’s licence are identical to the criteria for a private hire driver’s licence, the two are considered together.
2. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
3. As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
4. In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed before a licence will be granted).
5. As stated above, the categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred Lists

6. A licence will not be granted to a person who is on any barred list.

Offences resulting in death

7. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Offences involving Exploitation and Criminal Harassment

8. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence, against persons, property animals or the State

9. Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This guidance does not differentiate between different levels of violence.

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

10. Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

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

Offences involving Sex, indecency or obscene materials

11. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

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

Offences involving Alcohol abuse, Misuse or Dependency

13. Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant is found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse, Misuse or Dependency

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

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

If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse of dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant is found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

- 15 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

- 16 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration will be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

- 17 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence and/or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a hand-held mobile telephone or handheld device whilst driving, a licence will not be granted until at least 3 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in **Penalty points (endorsements)** www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence. They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of conviction, or the date of the offence depending on the type of offence. (see link above)

By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority will assess their suitability.

Any driver who gets 7 DVLA points will be asked to undertake the driving assessment test to continue to drive or be issued a driver's licence, otherwise they will be referred to the Public Appeals Committee.

If any driver accrues 9 penalty points on their DVLA driving licence they will be referred to the Public Appeals Committee for a review of their driver's licence.

Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments will not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

Any driver who has been disqualified as a result of "totting up" which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

- 18 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invading their personal space
- Inappropriate conversations, questions or behaviour

This is more serious if the passenger is a lone vulnerable individual.

Except in the most serious of cases, drivers will be given a warning in the first instance. If appropriate they will be sent on refresher safeguarding training to be made aware of how the behaviour may be perceived by a vulnerable passenger.

If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then the driver's licence will be revoked.

Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

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

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

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

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

Vehicle proprietors

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

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

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

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

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

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 for life, public protection sentence, preventive detention, sentence at HM pleasure, sentences for specified offences. | Never spent |
| Prison sentence over 48 months (not for a Schedule 18 offence) | 7 years from the end of the sentence (inc. time on licence) |
| Prison sentence more than 1 year and up to, or consisting of 4 years | 4 years from the end of the sentence (inc. time on licence) |
| Prison sentence of 1 year or less. | 12 months from end of sentence (inc. time on licence) |
| Probation Order, Supervision Order | The end of the order, or where the last such day is not specified, 2 years from the date of conviction. |
| Community order | 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, Community and Rehabilitation Order, Care Order, Bind Over, Hospital Order, Reparation Order, earlier Statutory Order and any Order imposing a disqualification, disability prohibition, penalty requirement or restriction or is otherwise intended to regulate the behaviour of the person convicted. | The end date given by the Order or, if no date given, 2 years from the date of conviction unless the Order states 'unlimited' 'indefinitely' or 'until further Order' as in these cases it will remain unspent. |

| Sentence | Rehabilitation Period |
|---------------------|--|
| Compensation Order | The date on which the payment is made in full |
| Simple Caution | No rehabilitation period. |
| Conditional Caution | 3 months or when caution ceases to have effect if earlier. |
| Absolute Discharge | No rehabilitation period |

This table has been amended to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Police, Crime Sentencing and Courts Act 2022.

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

This means that:

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

Those 17 or under on the date of conviction:

| Sentence | Rehabilitation Period |
|--|---|
| Prison sentence for life, public protection sentence, preventive detention, sentence at HM pleasure, sentences for specified offences. | Never spent |
| Prison sentence: over 48 months (not for a Schedule 18 offence) | 3 and a half years from the end of the complete sentence (inc. time spent on licence) |
| Prison sentence of more than 1 year and, up to, or consisting of 4 years | 2 years from the end of the complete sentence (inc. time spent on licence) |
| Prison sentence of 1 year or less. | 6 months from the end of the complete sentence (inc. time spent on licence) |

| Sentence | Rehabilitation Period |
|--|--|
| Community Order/Youth Rehabilitation Order | The end date 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 | 6 months from the date of conviction |
| Conditional Discharge Order, Reparation Order, Engagement and Support Order, Action Plan Order, Supervision Order, Bind Over Order, Hospital Order, Remand (Home) Order or Relevant Order. | The last day on which the order has effect where the Order does not specify the last day, 2 years from the date of conviction. |
| Compensation | Once the compensation is paid in full |
| Simple Caution | No rehabilitation period |
| Conditional Caution, Diversionary Caution, Youth Conditional Caution | 3 months or when caution ceases to have effect if earlier |
| Absolute Discharge | No rehabilitation period |

This table has been amended to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Police, Crime Sentencing and Courts Act 2022.

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1974, as amended by Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, Part III of Schedule 1, Paragraph 9.

This means that:

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

Minor Traffic Offences

CU10 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 telephone 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.

MW10 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.

Major Traffic Offences

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of the court
- BA30 Attempting to drive while disqualified by order of the court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death through careless driving when unfit through drugs
- CD60 Causing death through careless driving with alcohol above limit
- CD70 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

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle

DD80 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 Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive

DR70 Failing to provide specimen for breath test

DR80 Driving or attempting to drive when unfit through drugs

DR90 In charge of a vehicle when unfit through drugs

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.

APPENDIX 9: Guidance Matrix of Penalties for Licence Contraventions Within a Period of Two Rolling Licence Years

| Type of Offence | First offence following warnings (where appropriate) | Second offence | Third and subsequent offences | Comments |
|--|--|----------------------|-------------------------------|---|
| Failure to wear badge so as to be plainly and distinctly visible | 1-3 days suspension | 4-10 days suspension | Referral to the PAC* | Additional days may be added if the badge is not being worn at night and/or is not in the vehicle and immediately available for wearing |
| Breach of dress code | 1-3 days suspension | 4-7 days suspension | Referral to the PAC* | The penalty may be increased if the breach of dress code compromises public safety. (e.g., unsuitable footwear) |
| Improper use of rank/leaving vehicles unattended | 1-3 days suspension | 7 days suspension | Referral to the PAC* | |
| Uncivil behaviour | 1-3 days suspension | 7 days suspension | Referral to the PAC* | |

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

| Type of Offence | First offence following warnings (where appropriate) | Second offence | Third and subsequent offences | Comments |
|--|--|--|--------------------------------------|--|
| Failure to pick up passengers on time | 3-21 days suspension depending upon circumstances | 3-21 days suspension depending upon circumstances or revocation | Referral to the PAC* | Each case will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable |
| Refusal to take a fare without reasonable cause (includes refusal of a guide/assisted dog and wheelchair user) | 3-21 days suspension depending upon circumstances | 3-21 days suspension depending upon circumstances or revocation | Referral to the PAC* | Each case will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature |
| Failure to maintain subscription to DBS Online Update Service | Suspension/ Revocation / Referral to the PAC* depending upon circumstances | Suspension/ Revocation / Referral to the PAC* depending upon circumstances | | It is essential that the Licensing Authority is kept fully informed and updated to all licence holders' DBS status to ensure public safety |
| Use of part worn tyres or driving with tyres below the legal limit. | 7 days suspension | 14 days suspension | Referral to the PAC* | Public safety. |

| Type of Offence | First offence following warnings (where appropriate) | Second offence | Third and subsequent offences | Comments |
|---|--|----------------|-------------------------------|--|
| Using Stealth/Ghost Plates on a licensed vehicle. | Immediate Suspension and Referral to the PAC* | | | It is illegal for these plates to be used and questions whether the Driver/Proprietor/Operator is a 'Fit and Proper' person to hold a licence. |

*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 for 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.

APPENDIX 10: Vehicle Emissions and Carbon Neutrality

Note: The Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances and/or factors beyond the Council's control.

Electric and Hybrid Vehicles:

All Electric and Hybrid saloon type vehicles which are presented as new to licensing, will be no more than 6 years old. The Council will however, rely on other aspects of their taxi policy to ensure that all such vehicles which are presented as new to licensing, are of a sufficiently high standard.

With immediate effect, all Electric and Hybrid wheelchair accessible type vehicles which are presented as new to licensing, will be no more than 8 years old. The Council will however, rely on other aspects of their taxi policy to ensure that all such vehicles which new to licensing are of a sufficiently high standard.

These vehicles will be required to have 2 MOT and Compliance inspections per year (every 6 months) when they are 9 years old from date of first registration.

All vehicles will be required to have 3 MOT and Compliance inspections per year (every 4 months) when they are 14 years old from date of first registration.

Vehicle Emissions and Carbon Neutrality

With effect from 1 April 2026 the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles/hybrid vehicles or those using hydrogen fuel.

From 1 April 2026 until 31 March 2027 the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric/hybrid vehicles or those using hydrogen fuel.

From 1 April 2028 the Council will stop accepting new licensing applications for vehicles which are powered solely by petrol diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further it will not affect new applications or renewals for electric vehicles, hybrid vehicles or those using hydrogen fuel.

From 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

Summary of key dates in proposed transition to end licensing of ICE only powered vehicles.

| | |
|--------------------------|--|
| April 2026 | Stop licensing Euro 4 ICE vehicles |
| April 2026 to March 2027 | Transition period to end licensing of Euro 5 |
| April 2027 | Stop licensing Euro 5 ICE vehicles |
| April 2028 | Stop licensing ICE vehicles presented for the first time |
| April 2030 | Stop licensing all vehicles powered only by ICE |

APPENDIX 11: Idling Vehicles Contribute to Air Pollution

Put a stop to idling engines.

Running your engine unnecessarily while your vehicle is stationary pollutes the environment. And it is against the law on public highways.

What are the problems?

An idling engine can produce up to twice as many exhaust emissions as an engine in motion.

Exhaust emissions contain a range of air pollutants such as carbon monoxide, nitrogen dioxide, and particulate matter. These can affect the air quality of the surrounding environment and the air we breathe.

Why is idling illegal?

Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The law states that it is an offence to idle your engine unnecessarily when stationary. If you fail to turn your engine off after being spoken to you may be issued with a fixed penalty notice.

Who does the legislation affect?

The legislation covers all vehicles on public roads including buses, taxis, and private cars. It does NOT apply to vehicles moving slowly due to road works or congestion; vehicles stopped at traffic lights; vehicles under test or repair; or defrosting a windscreen.

What can you do?

- You can do your bit by switching off the engine if it looks like you could be waiting for more than a minute or two. Modern cars use virtually no extra fuel when they are re-started without pressing the accelerator, so you will not waste lots of fuel switching the engine back on.
- Turn off your engine when stationary, for example - on a road at a shop, school, taxi rank and stands, whilst unloading/loading or when parked.
- Avoid idling whilst waiting in car parks, petrol stations, lay-bys, “set down” and “pick up points.”

What are the benefits?

- By turning off your engine you improve air quality, reduce fuels costs, and comply with the law.
- Reducing air pollutants can help cut heart disease, reduce lung cancer, and prevent asthma attacks.

Does starting an engine cause more pollution than idling?

No. Turning off an engine and restarting it after a minute or two (or longer) causes less pollution than keeping the engine idling and uses less fuel.

Does the engine need to stay on to keep the battery fully charged?

No. Modern batteries need less engine running time.

When it is cold I need to keep my vehicle warm or warm up my engine?

It can take up to an hour for an engine to cool down. Turning off your engine but keeping the ignition and the fan blowing will provide warm air for some time. If you are concerned about passenger comfort, keep the engine idling to an absolute minimum in warm and cold weather.

Don't catalytic converters need to be hot to work properly?

Yes, but an idling engine does not keep a catalytic converter warm. They retain their heat for about 25 minutes after an engine is switched off anyway.

Tips for fuel-efficient driving can be found in the low-carbon travel section at www.energysavingtrust.org.uk

APPENDIX 12: Rules of The Rank

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

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

Guidance for Drivers on the use of Taxi Ranks

Standing or plying for hire from the taxi ranks helps maintain order and public safety. Proper ranking of vehicles allows for both customers and taxis to queue up in an orderly fashion so that public hiring's can take place safely.

Standing and plying for hire on public highway near to taxi ranks is not encouraged and may be construed as queue jumping and gaining an unfair advantage over other hackney carriages. Furthermore, it confuses members of the public as to where the official taxi ranks are and this may encourage unlicensed taxis to operate in those areas.

There is nothing to stop a member of the public flagging down a passing hackney carriage where the roof sign is illuminated.

Engines on licensed vehicles must be stopped whilst standing still on the taxi ranks. Failure to do so may result in action being taken in accordance with the Matrix of Penalties for Offences given as Appendix 8 to this policy.

APPENDIX 13: Fares for Hackney Carriage Journeys

For hackney carriage vehicles (taxis) the law requires that:

- 1) For all journeys which start and finish within the boundaries of Stafford Borough, the fare charged must be no more than the fee displayed on the meter. In consequence, the meter must be used for all journeys which start and finish within the boundaries of Stafford Borough. This is the case even if they are pre-booked journeys. To charge a passenger more than is displayed on the meter is an offence.
- 2) For journeys ending outside of Stafford Borough, the law does not permit a taxi driver to charge more than the fare shown on the meter (which is calculated on the Fare Scale Card provided in each Taxi) unless the journey ends outside the boundary of Stafford Borough and the passenger and the driver have agreed a different fare BEFORE the journey commences. It remains good practice to turn the meter on, even for this type of journey.
- 3) Where hackney carriage vehicles act as private hire vehicles because the journey starts and finishes outside of Stafford Borough, the fare for that Journey can be agreed in advance. Under these circumstances, it is not necessary for a hackney carriage vehicle acting as a private hire vehicle to use the meter. A receipt for any of the above journeys must always be provided if it is asked for by the passenger.

