

# Public Document Pack

Your ref  
Our ref  
Ask for Christine Lewis  
Email christine.lewis@lichfielddc.gov.uk



District Council House, Frog Lane  
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000  
Direct Line 01543 308065

Wednesday, 31 October 2018

Dear Sir/Madam

## REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **THURSDAY, 8TH NOVEMBER, 2018 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', written in a cursive style.

Neil Turner BSc (Hons) MSc  
**Director of Transformation & Resources**

**To: Members of Regulatory and Licensing Committee**

Councillors B Yeates (Chairman), O'Hagan (Vice-Chair), Mrs Bacon, Mrs Constable, Drinkwater, Mrs Evans, Miss Fisher, Humphreys, Salter, Miss Shepherd and Mrs Stanhope MBE



[www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)



[/lichfielddc](https://www.facebook.com/lichfielddc)



[lichfield\\_dc](https://twitter.com/lichfield_dc)



MyStaffs App

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 6
4. Work Programme 7 - 8
5. Gambling Act 2005 Draft Statement of Principles 9 - 40
6. Creation of a Hackney Carriage and Private Hire Licensing Policy 41 - 168
7. Standards for Houses in Multiple Occupation 169 - 180



**REGULATORY AND LICENSING COMMITTEE**

**5 JULY 2018**

**PRESENT:**

Councillors B Yeates (Chairman), O'Hagan (Vice-Chair), Mrs Constable, Drinkwater, Mrs Evans, Humphreys, Salter and Miss Shepherd

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Mrs Bacon and Councillor Mrs Stanhope MBE.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interests.

**3 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting held on 6 February 2018, as printed and circulated, were taken as read, approved and signed by the Chairman.

**4 WORK PROGRAMME**

The Work Programme for 2018-19 was considered and it was agreed to add:-

- Review of the Gambling Policy – 4 October 2018;
- Taxi Licensing Policy – 4 October 2018; and
- Street Trading Policy Update – 4 October 2018.

**5 REGISTRATION OF SPECIAL TREATMENTS POLICY**

The committee received the report and draft Registration of Special Treatment Policy. It was noted that this policy was recommended to go out to consultation to Staffordshire Police, Staffordshire County Council and Ward Members and would also be posted on the Lichfield District Council website for consultation. Discussions took place around the need to regulate these treatments and the importance of these procedures being done properly. Minor amendments were discussed at paragraph 3.2 in the Report and 5.1 in the Policy. The committee queried if this would be an opportunity to include face painting as well as previously minuted they were uneasy about the fact that face painting was being carried out at events with no checks and concerns were raised about potential adverse reactions from counterfeit products and some forms of henna used.

**RESOLVED:** (1) The Committee approved the new special treatments policy for consultation subject to the minor amendments discussed and the inclusion of fees being mentioned;  
(2) Susan Bamford to investigate the inclusion of face painting in the policy.

**6 CHARITABLE COLLECTIONS LICENSING POLICY**

The committee received the report and draft Charitable Collections Policy 2018 which was also recommended for consultation. It was agreed that this policy would give Lichfield District Council greater control to regulate house to house collections and street collections and ensure consistency in the decision making. The committee agreed it was a very good idea as a lot of people are being deceived on their own doorstep. A query was raised regarding the reference to the exclusion of Three Spires and whether this also applied to Burntwood Shopping Centre. The committee was advised that this was because permission to collect in the Three Spires Shopping Centre must be sought from Three Spires. The officer confirmed that this would be further investigated.

**RESOLVED:** The Committee approved the new Charitable Collections policy for consultation.

## **7 SCRAP METAL DEALERS LICENSING POLICY**

The committee received the report and draft Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers and was advised that the licensing of Scrap Metal Dealers was a Cabinet function. The policy was therefore presented for the contribution of the committee. The policy outlined the requirements of the Scrap Metal Dealers Act 2013 and also gave guidance to new applicants, existing licence holders, consultees and members of the public as to how the Council will administer and enforce the requirements of the Act.

Discussions took place around the scrap metal dealers and fly tipping and concerns were raised about fly tipping. Mr Twomey advised the committee that the government had just launched a consultation about fixed penalty notices for fly tipping which Environmental Health would be consulted on which meant these comments could be made in due course.

**RESOLVED:** The Committee approved the new Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers for consultation.

## **8 MINOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE CONDITIONS**

The committee received the minor amendment to Hackney Carriage and Private Hire Driver Licence Conditions and members were asked to approve a change to the combined Hackney Carriage and Private Hire Drivers Licence Condition 11 in relation to Assistance Dogs. The committee were informed that the Council's current conditions were outdated in terms of the quoted legislation and it did not follow best practice guidance. Discussions took place and it was agreed to be a very good idea.

**RESOLVED:** The Committee approved a change to the Combined Hackney Carriage and Private Hire Drivers Licence Condition 11 in relation to Assistance Dogs to read:

### **11.0 Guide/Assistance Dogs**

11.1 *The driver may at his/her discretion accept or refuse to carry any animal in the custody of any passenger EXCEPT where the animal is a guide dog or assistance dog.*

11.2 *Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for a written exemption from the duty on medical grounds. The driver must display the Notice of Exemption by affixing it in a prominent position on the dashboard of the vehicle facing upwards, or affixed to the windscreen of the vehicle facing outwards. The Notice of Exemption must be removed from the vehicle when the vehicle is used by other licenced drivers. A further Notice of Exemption will be provided to the Licence holder in braille format and must be offered to any passenger should they be refused a journey and the driver holds an exemption.*

*11.3 No driver shall make an additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person with a disability.*

## **9 ENVIRONMENTAL CRIME STRATEGY FOR LICHFIELD**

The committee received a report on the Environmental Crime Strategy for Lichfield which covers a range of offences, including dog fouling, fly tipping, littering, graffiti and fly posting. A Members Task Group had looked at this previously and considered the need for a new Public Space Protection Order reviewing the current approach to enviro-crime enforcement, identifying areas for improvement in relation to Council policies and practices that impact negatively on the environment and reviewing the level of resources to deal with environmental crime. An internal consultation had taken place and did not reveal any specific issues beyond that of dog fouling. In consideration of this and having looked at what other local authorities were doing across the country the Members Task Group recommended a new PSPO which would require dog walkers to carry an appropriate receptacle so they can pick up any dog waste. Failure to do so would enable fixed penalty notices to be issued and failure to pay the fine would result in a court summons for the original breach of the PSPO.

Discussions took place around the education and enforcement of such environmental crimes and the limited resources available and it was proposed that the Environmental Crime Strategy be given 12 months to bed in along with these efficiencies prior to a further report to this committee to determine if a recommendation is to be made to the relevant Cabinet Members that resources are appropriate.

The Members Task Group had also considered the Council's policies and practices, looking at how we deal with public open space on new developments as if we leave the maintenance with the Developer or a Management Company the areas can sometimes cease to be maintained and end up being a problem to be dealt with by Environmental Health or Planning Enforcement. This matter was being considered in relation to an official council policy within Leisure and Operational Services and Environmental Health would be consulted on their views prior to the formulation of any official council policy.

The Members Task Group had also considered the current fixed penalty notice charges and the group had considered that charges ought to be set at maximum levels to act as a strong deterrent to offenders, but with a significant (40%) discount for early payments. Appendix 2 of the Report refers. Mr Twomey explained that there were only two exceptions to this - the fixed penalty for fly tipping at £400 with no reduction for early payment due to the serious nature of this crime and the fixed penalty for dog fouling which only has a maximum fine permissible of £80, which is less than the discounted amount set for littering of £90 so no early payment discount was felt to be needed.

The Committee were satisfied with the Environmental Crime Strategy and felt it very important to adopt. It was acknowledged that catching the offenders was the problem as people did not want to risk the ramifications and it was suggested the Environmental Health department be informed if certain hot spots were identified and photographs be given as evidence. Members asked if a press release could be issued as well as putting it on to the Lichfield District Council website as it was felt a press release would add more weight to the importance of the Environmental Crime Strategy and get to more people. This was noted.

- RESOLVED:** (1) The Committee agreed the draft Environmental Crime Strategy prior to consultation with the public, businesses and other stakeholders;
- (2) The Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Environmental Crime Strategy, in consultation with the Committee Chairman and Vice-Chairman, should this be necessary following consultation. Changes of a significant nature shall be brought back to this Committee;
- (3) The Committee agreed the proposed new fixed penalty notice charges as outlined in the Report Appendix 2;
- (4) The Committee agreed to enter into a public consultation exercise in relation to the introduction of a new Public Space Protection Order to cover a requirement for dog walkers to carry an appropriate receptacle so they can pick up any dog waste, the results of the consultation to be brought back to this Committee.

## **10 AIR QUALITY ACTION PLAN FOR LICHFIELD**

The committee received a report on the Air Quality Action Plan for Lichfield which seeks to address the concerns of members regarding the initial draft strategy. Mr Twomey explained that the Air Quality Action Plan had been reduced in scope following a late response from Highways England relating to some of the proposals in their power.

Discussions took place around the new Action Plan and the concern that DEFRA may not be happy with it but it was agreed the draft should be consulted upon and then maintained as a living document as new proposals came to the fore.

- RESOLVED:** (1) The Committee agreed the draft 2018 Air Quality Action Plan and the recommendations for reducing nitrogen dioxide levels in preparation for further consultation with relevant stakeholders;
- (2) That the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Air Quality Action Plan, in consultation with the Committee Chairman and Vice-Chairman, should this be necessary following consultation or comments from DEFRA. Changes of a significant nature would be brought back to this committee.

## **11 ANY OTHER BUSINESS**

The Chairman reported that the Members Task Group looking at the Street Trading Policy Consultation had met prior to this meeting. He reported that the new version of the Street Trading Policy had been put out for consultation between 14 May and 4 June 2018 and in total only 23 responses were received. The Members Task Group had therefore reviewed the comments and officer responses and decided on the required amendments to the Street Trading Policy.

(The Meeting closed at 6.55 pm)

CHAIRMAN

**REGULATORY AND LICENSING COMMITTEE  
WORK PROGRAMME FOR 2018-19**

<b>Item</b>	<b>5 JULY 2018</b>	<b>8 NOV 2018</b>	<b>5 FEB 2019</b>	<b>Purpose of the Report</b>	<b>Lead</b>
Air Quality Action Plan	✓			To approve draft Action Plan	JT
Environmental Health 2019/20 Fees & Charges			✓	To agree the schedule of fees and charges for EH functions during 19/20	GD
Licensing Policies	✓			To approve a number updated Licensing Policies	SB
Street Trading Policy - update	✓	✓			GD/JR
Environmental Crime Strategy	✓			To agree draft Strategy	JT
Amendment to Taxi Driver Condition	✓			To approve policy regarding guide and assistance dogs	GD/SB
Food Service Delivery Plan			✓		GD
Standards for Houses of Multiple Occupancy		✓			JT
Review of Gambling Policy		✓			GD/SB
Taxi Licensing Policy Review		✓			SB/SB

This page is intentionally left blank

# Gambling Act 2005 Draft Statement of Principles



Date: 8 November 2018  
 Contact Officer: Sarah Bradley  
 Tel Number: 01543 308138  
 Email: Sarah.bradley@lichfielddc.gov.uk  
 Key Decision? YES NO (delete as appropriate)  
 Local Ward Members n/a

## REGULATORY AND LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 This report seeks approval from committee members for consultation to begin on the draft Statement of Principles 2019 – 2022 attached at Appendix A.
- 1.2 The Statement outlines the principles Lichfield District Council will apply when exercising its functions under the Gambling Act 2005.

### 2. Recommendations

- 2.1 It is recommended that Members approve for consultation the draft Statement of Principles.
- 2.2 That the Chairman of Regulatory and Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing consider any responses to the consultation, before submitting to Full Council for adoption.

### 3. Background

- 3.1 Under the Gambling Act 2005 the Council, as the Licensing Authority, is responsible for issuing and enforcing licences, permits and notifications under the Act.
- 3.2 Section 349 of the Gambling Act 2005 requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Act and they must publish that statement.
- 3.3 Lichfield District Council’s current Statement of Principles has effect until 2019. The draft Statement has been reviewed and updated to produce a draft revised statement of principles. There have been no major changes in the legislation and no issues in Lichfield District since the last review 3 years ago. Therefore only minor revisions have been made to the statement, in line with the current guidance issued by the Gambling Commission.
- 3.4 The Act states that in preparing the Statement, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.
- 3.5 The draft policy is compliant with the requirements of Section 349 of the Gambling Act 2005 and The Gambling Act 2005 (Licensing Authority Policy Statement (England and Wales) Regulations 2005, as well as the statutory guidance.

3.6 Section 154 of the Act provides that the function of revising the Statement may not be delegated to a Committee. This means that the decision to adopt a revised Statement must be made by full Council.

Alternative Options	<ol style="list-style-type: none"> <li>1. The Committee could consider not consulting on the proposed draft policy; however this would not accord with good governance or best practice.</li> </ol>
Consultation	<ol style="list-style-type: none"> <li>1. If approved for consultation, the proposed new policy would be issued to the following agencies as detailed in the draft policy for consideration.</li> <li>2. The policy would also appear on the Lichfield District Council website for public consultation.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. The policy includes details of the fees charged for the issuing of licenses which take into account the cost of processing, administering and compliance costs associated with the licence.</li> <li>2. The fees are set by the Council under guidance issued by the Home Office with the approval of the Treasury and are reviewed annually.</li> </ol>
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. The policy will support objectives contained within the District Council's Strategic Plan 2016 -20. In particular, a vibrant and prosperous economy and healthy and safe communities.</li> </ol>
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. An equality Impact Assessment will be undertaken once the consultation process is complete.</li> </ol>
Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. The policy will assist the Local Authority in exercising its duties and responsibilities under the Gambling Act 2005 together with the Gambling Commission.</li> </ol>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B			
C			
D			
E			

**Background documents**  
Appendix A – Draft Statement of Principles 2019 - 2022

**Relevant web links**  
<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>



# **LICHFIELD DISTRICT COUNCIL**

## **GAMBLING ACT 2005**

### **Gambling policy statement (Statement of principles)**

**2019 – 2022**

**LICHFIELD DISTRICT COUNCIL  
GAMBLING ACT 2005 POLICY STATEMENT**

**CONTENTS**

<b>Item</b>	<b>Page</b>
<b>Part A</b>	
1. The licensing objectives	3
2. Introduction	5
3. Declaration	7
4. Responsible Authorities	7
5. Interested parties	7
6. Exchange of information	8
7. Equality and Diversity	8
8. Crime and Disorder Act 1998	8
9. Enforcement	9
10. Licensing authority functions	10
11. Having regard to the Licensing Objectives	10
<b>Part B - Premises licences</b>	
1. General Principles	12
2. Definition of Premises	12
3. Location	13
4. Duplication with other regulatory regimes	14
5. Conditions	14
6. Door Supervision	14
2. Adult Gaming Centres and Licensed Family Entertainment Centres	15
4. Casinos	16
5. Bingo Premises	16
6. Betting premises	16
7. Tracks	17
8. Travelling fairs	17
9. Provisional Statements	17
10. Reviews	18
<b>Part C - Permits / Temporary &amp; Occasional Use Notices</b>	
1. Unlicensed Family Entertainment Centre gaming machine permits	19
2. (Alcohol) Licensed premises gaming machine permits	19
3. Prize Gaming Permits	20
4. Club Gaming and Club Machines Permits	21
5. Temporary Use Notices	22
6. Occasional Use Notices	22
7. Small society lotteries	23
8. Territorial applications	23
Appendix A – List of responsible authorities	25
Appendix E – Local Risk Assessments and Local Area Profile	27

*Should any regulations/codes of practice or guidance impact upon the content of this document it will need to be amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in September 2015*

## PART A

### 1. The Licensing Objectives

- 1.1. Under the Gambling Act 2005 (the Act) Lichfield District Council is the licensing authority for the District of Lichfield and licenses premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to Lichfield District Council Licensing Authority.
- 1.2. The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operator's licence and personal licence from the Gambling Commission before they approach the Council for a premises licence.
- 1.3. The council is responsible for licensing premises where gambling activities are to take place.
- 1.4. The council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met.

The three licensing objectives are:

- ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime***
  - ***Ensuring that gambling is conducted in a fair and open way***
  - ***Protecting children and other vulnerable persons from being harmed or exploited by gambling***
- 1.5. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the Gambling Commission.
  - 1.6. When making decisions about applications for premises licences, the Council is bound by, and committed to, a statutory aim to permit gambling in so far as it believes that any application made is :
    - in accordance with any relevant code of practice issued by the Gambling Commission
    - in accordance with any relevant guidance issued by the Gambling Commission
    - reasonably consistent with the licensing objectives and in accordance with the authority's statement of gambling policy

- 1.7 Moral or ethical objections to gambling are not valid reasons for the rejection of premises licence applications by the council as the licensing authority.

DRAFT

## 2. Introduction

- 2.1. The District of Lichfield has a population of 103,500 (based on figures from 2017) and covers some 33,000 hectares. The district has two urban centres – the city of Lichfield and town of Burntwood, with a number of surrounding villages.
- 2.2. There are relatively fewer children aged under 16 and working age people compared to England, and more people aged 65 and over. The population is projected to have a small increase overall by 2026 but a much larger growth in people aged 65 and over.
- 2.3. There are a number of wards in Lichfield where families and communities face multiple issues such as unemployment or low incomes, low qualifications, poor housing, social isolation, ill-health (physical and/or mental) and poor quality of life. These wards are: Boney Hay & Central, Chadsmead, Chasetown, and Stowe.
- 2.4. Licensing authorities are required by the Gambling Act 2005 to publish a statement of principles which they propose to apply when exercising their functions in accordance with the legislation. This policy must be published at least every three years. The policy must also be reviewed from “time to time” and any amended parts re-consulted upon. The policy must be then re-published.
- 2.5. Lichfield District Council consulted widely upon this policy before finalising and publishing. A list of those persons consulted is provided below.

List of persons and agencies this authority consulted:

- Staffordshire Police
- Staffordshire Trading Standards
- Staffordshire Social Services
- Existing operators of premises requiring licences under the Gambling Act 2005
- Representatives of existing licence holders
- National bodies representing the Gambling industry
- Local member of parliament
- Companies in the area who provide gaming machines
- Parish Councils
- Organisations dealing with gambling addiction and gambling problems
- The general public via the Council’s website
- Elected members, LDC
- Community Safety Teams
- Director of Public Health
- Gambling Commission

Our consultation took place between 9 November 2018 and 7 December 2018.

The council then intends to approve and adopt this Statement of Principles at full Council. The finalised document will be published via the Council's website at [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

Should you have any comments on this statement of principles please contact:

Name: The Licensing Team

Address: Lichfield District Council, District Council House, Frog Lane,  
Lichfield, Staffordshire, WS13 6YU.

E-mail: [licensing@lichfielddc.gov.uk](mailto:licensing@lichfielddc.gov.uk)

DRAFT

### **3. Declaration**

- 3.1. This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits according to the statutory requirements of the Gambling Act 2005.
- 3.2. In producing the final policy, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy.

### **4. Responsible Authorities**

- 4.1. The Act allows certain agencies to act as responsible authorities. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 4.2. The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 4.3. In accordance with the regulations the Staffordshire Safeguarding Children Board is the designated authority for this purpose.
- 4.4. The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed at APPENDIX D of this document.

### **5. Interested parties**

- 5.1. Interested parties are people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

For the purposes of this Part a person is an interested party in opinion of the licensing authority which issued the licence or to which the applications is made, the person:

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b. has business interests that might be affected by the authorised

activities, or

- c. Represents persons who satisfy paragraphs a. or b.

5.2. The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits and the Council will apply this policy flexibly in its decision making. It will consider the examples of considerations provided in the Gambling Commission: Guidance to local authorities.

In order to determine if an interested party lives or has business interests, sufficiently close to the premises that are likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

## **6. Exchange of Information**

6.1. Licensing authorities are required to include in their policy statement the principles which are to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act. It may also share information with other bodies responsible for auditing or administering public funds for these purposes e.g. UK National Fraud initiative.

6.2. The information that is provided will be used by Lichfield District Council, who are the data controller, to allow it to carry out our statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District. It will only share information with agencies involved in licence processing or licensing enforcement where the law requires or permits it to do so.

## **7. Equality and Diversity**

7.1 Through policies and service delivery, the Council's main aims for ensuing equality and diversity are to:

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

## **8. Crime and Disorder Act 1998**

8.1 Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the use of licensed premises for criminal activity, for example money laundering and drug dealing.

8.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives.

## 9. Enforcement

9.1. The council will work closely with other agencies in targeting known high risk premises. In doing so we will follow government guidance on better regulation.

9.2. In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act.

The council will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

9.3. The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

9.4. The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licence conditions and other permissions. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premise requires a premises licence for gambling activities and no such licence is in force, the council will notify the Gambling Commission.

9.5. The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

9.6. The council's enforcement policy will be available upon request from the

Environmental Health Team section by telephoning 01543 308000.

## **10. Licensing Authority functions**

10.1. Licensing Authorities are responsible under the Act for :

- Licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue of Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing of Club Machine Permits to Commercial Clubs
- Granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or less gaming machines
- Granting of Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Registering of small society lotteries below prescribed thresholds
- Issuing of Prize Gaming Permits
- Receiving and Endorsing Temporary Use Notices
- Receiving of Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section on exchange of information)
- Maintaining registers of the permits and licences that are issued under these functions

10.2. The council does not licence remote gambling. This comes under the Gambling Commission.

## **11. The Licensing objectives**

**11.1** The licensing objectives are set out below, together with the respective roles and responsibilities:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

11.2 The Gambling Commission takes the lead role in preventing gambling from being a source of crime. The Gambling Commissions Guidance does however encourage licensing authorities to pay particular attention to the proposed location of gambling premises in terms of this licensing objective.

11.3 Such association with crime may include; money laundering; counterfeiting; drug dealing or any similar involvement in organised crime.

**Ensuring that gambling is conducted in a fair and open way**

11.4 The Gambling Commission takes the lead role in ensuring that gambling is conducted in a fair and open way via operating and personal licences.

11.5 The council will take operator licence conditions into account and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information

**Protecting children and other vulnerable persons from being harmed or exploited by gambling**

11.6 This licensing objective seeks to prevent children from taking part in most types of gambling and where appropriate, the council may require specific measures at particular premises which are designed to ensure that the licensing objectives are met. However, harm in this context is not limited to harm from gambling but includes wider child and adult protection considerations, including the risk of child sexual exploitation.

11.7 Preventative measures may include the supervision of premises and machines and appropriate training for staff with regard to suspected truanting school children and how staff should deal in general with unsupervised children.

11.8 The Council will pay particular attention to any codes of practice within the Gambling Commission issues with respect to this licensing objective.

11.9 The Council does not seek to offer a definition for the term “vulnerable people” but for regulatory purposes it will assume that this group includes older people, adults with learning disabilities, people who gamble more than they meant to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to lacking mental capacity, or because of the influence of alcohol or drugs.

## **PART B PREMISES LICENCES**

### **1 General Principles**

1.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. Premises licences may for example be issued for amusement arcades, bingo halls and bookmakers.

1.2 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

1.3 Applicants should be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it believes it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of gambling policy.

### **Definition of "premises"**

1.4 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact within any given circumstance.

1.5 The council will take particular care when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a

gambling area.

1.6The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

1.7An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may take place. Thus a licence to use premises for gambling will only be issued by the Council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete, ensures that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

1.8Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement..

## **Location**

1.9The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

1.10With regards to these objectives it is the council’s policy, upon receipt of any relevant representations to look at specific location issues including:

- The proximity of the premises to schools, or centres for vulnerable adults
- The proximity of the premises to residential areas where there may be a high concentration of families with children
- The size of the premises and the nature of the activities taking place
- The level of organised crime in the area.

## Duplication with other regulatory regimes

1.11 The council will seek to avoid any duplication with other statutory / regulatory systems such as planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will consider carefully and respond to any concerns about conditions which the licence holder cannot meet because of planning restrictions,

## 2. Conditions

2.1 Applications will normally be granted, subject only to the mandatory and default conditions. Such conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. Conditions will only be attached to premises licence where there is evidence of a need to do so.

2.2 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures which the council may consider. These include the use of door supervisors, supervision of entrances, supervision of adult gaming machines and appropriate signage for adult only areas. The council will also expect the applicant to ensure that the licensing objectives are effectively met.

2.3 There are conditions which the council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required; and
- Conditions in relation to stakes, fees, winnings or prizes.

## 3 Door Supervision

3.1 The council will consider whether there is a need for door supervision in order to meet the licensing objectives). Where door supervisors are required, it is the operators' responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties.

## 4. Adult Gaming Centres (AGC) and licensed family entertainment centres (LFEC)

4.1 Adult gaming centres are commonly found within town centre environments and are able to make category B, C and D gaming machines available to adults. Nobody under the age of 18 will be permitted to enter an AGC.

4.2 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games and penny pushers. They may have a separate section set aside for adult only gaming machines with higher stakes and prizes and are able to make available a certain number of category C and D machines. Clear segregation must be in place so children do not access the areas where the category C machines are located.

4.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas within the LFEC

4.4 The council will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover..

- Proof of age schemes (e.g. PASS Schemes)
- The use of Challenge 25 policy
- The use of 'No ID No Entry' policy
- CCTV
- Door Supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Staff training in the law and the provision of a named point of contact to help ensure compliance.
- Measure/training for staff on how to deal with suspected truanting school children and how to recognise signs of potential child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm
- Self exclusion schemes and the provision of leaflets/helpline numbers to organisations such as Gamcare, the Responsible Gambling Trust or GambleAware Etc.
- A policy in place which addresses the Multi operator self exclusion scheme (MOSES)

This list is not mandatory nor exhaustive and is merely indicative of examples.

## 5 Casinos

5.1 Potential licence applicants should take note that as a “no casino” resolution under Section 166 of the Gambling Act 2005 was passed by this authority in December 2006, no applications will be considered. Any applications received will be returned with confirmation that a no casino resolution is in place.

## 6 Bingo premises

6.1 There is no official definition for bingo in the Gambling Act 2005. Such premises may however provide cash and prize bingo. In addition bingo premises are also able to provide a limited number of gaming machines in line with the provisions of the Act.

6.2 It is important that where children are allowed to enter bingo premises that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the operator will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and, at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

## 7 Betting premises

7.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises.

7.2 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. The Council is also aware that it is not possible to restrict the number of gaming machines which may be made available within betting premises.

7.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the

machines by children or by vulnerable adults.

## **8 Tracks**

8.1 Currently the licensing authority does not licence any tracks which permit on-course betting. Where an application for a track premises licence is being considered, the applicant should contact the Council's Licensing team at the earliest opportunity. The Council's focus will be the need to protect children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to premises are distinct. Children must be excluded from gambling areas where they are not permitted to enter.

## **9 Travelling Fairs**

9.1 Travelling fairs have the right to provide an unlimited number of category D machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

9.2 The council is aware that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

## **10 Provisional Statements**

10.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed, or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so that the project can be started. Once works are complete a full premises licence would still be required.

10.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or

- which is in the authority's opinion reflect a change in the operator's circumstances.

10.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## **11 Reviews:**

11.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.

11.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this authority's Gambling Act 2005 - statement of gambling policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

11.3 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

**PART C**  
**Permits / Temporary & Occasional Use Notice**

**1. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)**

- 1.1. The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.
- 1.2 In accordance with Gambling Commission guidance, the council will give weight to child protection issues when considering applications for permits.
- 1.3 The Council will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including Child Sexual Exploitation. The council will assess these policies and procedures on their merits. However they may include appropriate measures/training for staff regarding how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises.
- 1.4 The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in licensed FEC's that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.5 An application for a permit may only be granted if the chief officer of police for the district has been consulted on the application.
- 1.6 In line with the Act the council cannot attach conditions to this type of permit and the statement of principles only to initial applications and not renewals.

**2. Gaming machine permits in premises licensed for the sale of alcohol**

- 2.1. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided

to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 2.2. If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 and “such matters as it thinks relevant.” The council considers that “such matters” will be decided on a case by case basis but generally regard will be given to the need to protect children and vulnerable adults from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 2.3. Measures which may satisfy the council that there will be no access include the adult machines being situated in close proximity to the bar, or insight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also be help. Regarding the protection of vulnerable adults, applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as Gamcare.
- 2.4. The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 2.6. It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.

### 3. Prize Gaming Permits

- 3.1 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

That they understand the limits to stakes and prizes that are set out in regulations;

That the gaming offered is within the law

- 3.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

- 3.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the council cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with
  - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated, and the result of the game must be made public in the premises on the day that it is played.
- 3.4 The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and;  
Participation in the gaming must not entitle the player to take part in any other gambling;

#### **4. Club Gaming and Club Machines Permits**

- 4.1. Members Clubs and Miners' welfare institutes (but not commercial clubs) may apply for a 'Club Gaming Permit' or a 'Club gaming machine permit'. The 'Club Gaming Permit' will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.. A 'Club gaming machine permit' will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2. To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which replicates? the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 4.3. Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and the majority of members are over 18.
- 4.4. The council may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - the applicant's premises are used wholly or mainly by children and/or

- young person's
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

## **5. Temporary Use Notices**

5.1. Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be used for a temporary use notice would include hotels, conference centres and sporting venues.

5.2. The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises.

5.3. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

## **6. Occasional Use Notices (for tracks)**

6.1. There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.

6.2. The council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

## **7. Small Society Lottery registrations**

7.1. The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

7.2. A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in the Lichfield district and want to run such a lottery.

7.3. To be 'non-commercial' a society must be established and conducted:

- For charitable purposes
- For the purpose of enabling participation in, or supporting, sports, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

7.4. The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'.

## **8. Territorial applications**

### **Vessels**

8.1. Vessels such as cruise ships, ferries, boats and hovercrafts are required to have a premises licence if commercial gambling is provided at them. However if a vessel is engaged on a journey into or from international waters, then no premises licence is required.

### **Vehicles**

8.2. No premises licences can be issued in respect of a vehicle. In addition to a car, lorry or coach the Act also provides that 'vehicle' includes a train, aircraft, seaplane and any amphibious vehicle other than a hovercraft. There is no exemption for international travel. Whilst this is ultimately a matter for the courts, it is the Commission's view that a vehicle remains a vehicle not only when stationary but also if located permanently at a particular site, perhaps with its wheels removed but capable of being reinstated.

### **Aircraft**

8.3. No offence occurs if gambling is conducted on an aircraft which is in international space. As an aircraft is a vehicle, no premises licences can be granted to aircraft

for gambling in domestic airspace.

### **Airports**

- 8.4. The Act applies to all parts of an airport including both domestic and international departure halls. Therefore any business that would normally require a premises licence will also require a licence to operate at an airport.
- 8.5. Due to differences in jurisdictional application, there is an anomaly in respect of granting gaming machine permits to pubs and bars where alcohol is sold airside in airports.
- 8.6. In England and Wales, the Licensing Act 2003 applies to pubs and bars in the domestic part of the airport and therefore these businesses are able to qualify for the automatic gaming machine entitlement or can apply for a gaming machine permit for more than two gaming machines. The Licensing Act 2003 does not apply airside, so pubs and clubs are not required to obtain a licence to serve alcohol.

## Appendix A – List of Responsible authorities

<p>Licensing Team Lichfield District Council District Council House Frog Lane Lichfield Staffordshire WS13 6YU</p> <p>Tel: 01543 308066 <a href="mailto:licensing@lichfielddc.gov.uk">licensing@lichfielddc.gov.uk</a></p>	<p>Police Licensing Officer Southern Licensing Department Burton Police Station Horninglow Street Burton upon Trent Staffordshire DE14 1PA</p> <p>Tel: 01785 234722</p>
<p>Corporate Director for Social Care &amp; Health Walton Buildings PO BOX 11 Martin Street Stafford ST16 2LH</p> <p>Tel: 01785 277157</p>	<p>Lichfield District Council Environmental Protection &amp; Enforcing Authority Frog Lane Lichfield Staffordshire WS13 6ZE</p> <p>Tel: 01543 308735</p>
<p>Development Services Lichfield District Council Frog Lane Lichfield Staffordshire WS13 6YZ</p> <p>Tel: 01543 308900</p>	<p>Lichfield District Council Health and Safety Team Frog Lane Lichfield Staffordshire WS13 6ZE</p> <p>Tel: 01543 308900</p> <p>Or</p>
<p>Trading Standards Staffordshire County Council Consumer Services Section Martin Street Stafford ST16 2LG</p> <p>Tel 01785 277888</p>	<p>Health &amp; Safety Executive Marches House Midway Newcastle Under Lyme Staffordshire ST1 5DT</p> <p>Tel: 01782 602300</p>
<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>	

<p>Staffordshire Fire &amp; Rescue Service Fire Safety Officer Moor Street Burton upon Trent Staffordshire DE14 3SU</p> <p>Tel: 01283 563821</p>	<p>H M Revenue &amp; Customs Crownhill Court Tailyour Road Plymouth PL6 5BZ</p>
--	---

DRAFT

## Appendix E

### Local Risk assessments

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for Operators to consider local risks.

The Social Responsibility (SR) code requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. It also requires them to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments applicants must take into account relevant matters identified within this statement of principles.

Applicants are required to undertake a local risk assessment when applying for a new premises licence. Furthermore, their risk assessment must also be updated:

- When applying for a variation of a premises licence.
- To take account of significant changes in local circumstances, including those identified in this policy statement
- Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The Council will require applicants to provide a local risk assessment when applying for a new premises licence or for a variation to existing premises licence. A copy of the risk assessment must also be kept on the premises at all times and be made available for inspection at any reasonable time.

The risk assessment should set out the measures the applicant has in place to address areas of local concern. In broad terms, the risk assessment should include reference to any specified local risk, how the operator intends to mitigate any risks identified and how the operator will monitor those risks.

There are areas of the District where heightened local risks may exist.

The web links below are links to external documents which are intended to assist applicants in obtaining a greater understanding of the challenges which the Council face.

Public Health England, Lichfield District, Health Profile can be viewed at:  
<https://fingertips.phe.org.uk/profile/health-profiles>

Staffordshire County Council and the Staffordshire Observatory Locality Profile for the Lichfield District can be found at:  
<https://www.staffordshireobservatory.org.uk/documents/LocalityProfiles/Locality-Profiles-2018/Lichfield-Locality-Profile-2018i.pdf>

Having considered the information provided above, applicants should provide the licensing authority with the policies and procedures they have in place, which are designed to prevent underage gambling. These policies and procedures should also take into account of the

structure and layout of the particular premises as well as any training provided to staff.

Upon application, larger operators who are already required by the Gambling Commission to undertake their own age related compliance tests will be required to provide the licensing authority with the said age related compliance test results which related to the premises concerned. Smaller operators must provide similar information upon appropriate application if compliance tests have been carried out at their premises and the results are available to them.

To prevent vulnerable people from gambling, applicants must demonstrate how they intend to ensure that the licensing objective is met. This might include providing details about their own self exclusion schemes and their intentions towards the Multi Operator Self Exclusion Scheme (Moses).

Details should also be provided of what responsible gambling information is made available to customers. This should include information from organisations such as Gambleaware <https://about.gambleaware.org/> and Gamcare <http://www.gamcare.org.uk/>

Further information should be provided which detail what controls are in place for challenging excluded persons from entering into the premises and what arrangements are in place for monitoring the use of fixed odds betting terminals (FOBT).

### **Local area profile**

The Licensing Authority has completed an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile; however benefits for both the Licensing Authority and Operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

The Council will proactively engage with all responsible authorities as well as other organisations; public health, mental health, housing, education, community welfare groups and safety partnerships to ensure any new or varied applications are assessed taking the local area profile and any risks into account.

The following area profile has been included to facilitate operators being able to better understand the environment within the District of Lichfield and therefore proactively mitigate risks to the licensing objectives.

Lichfield District Council has a total of 11 gambling premises licences.

The breakdown of those licences by type and location is given below:

**By premises:**

Betting - 9

Adult Gaming Centres (AGC's) – 2

Licensed Premises Gaming Machine Permit – 9

Notifications – 67

Club Gaming Machine Permit – 16

Figures correct as of September 2018

The number of gambling premises has remained stable since inception of the Act.

Historically low – almost nil – complaints have been received about individual premises.

DRAFT

This page is intentionally left blank

# Creation of a Hackney Carriage and Private Hire Licensing Policy



Date: 8 November 2018  
 Contact Officer: Sarah Bradley/ Susan Bamford  
 Tel Number: 01543 308138/ 01543 308170  
 Email: [Sarah.bradley@lichfielddc.gov.uk](mailto:Sarah.bradley@lichfielddc.gov.uk)  
           [Susan.Bamford@lichfielddc.gov.uk](mailto:Susan.Bamford@lichfielddc.gov.uk)  
 Key Decision? YES NO (delete as appropriate)  
 Local Ward n/a  
 Members

## REGULATORY AND LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 This report seeks approval from committee members for consultation to begin on the draft Hackney Carriage and Private Hire Licensing Policy at Appendix A.
- 1.2 The draft policy outlines the decision making framework that Lichfield District Council will apply when exercising its responsibilities for licensing hackney carriage and private hire vehicles, drivers and operators.

### 2. Recommendations

- 2.1 It is recommended that Members approve for consultation the draft Hackney Carriage and Private Hire Licensing Policy
- 2.2 That following consultation the draft policy be bought back for members to consider, together with any comments received.
- 2.2 That the Chairman of Regulatory and Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing be delegated to make any minor amendments to the Policy.

### 3. Background

- 3.1 Lichfield District Council (“The Licensing Authority”) is responsible for the regulation of the Hackney Carriage and Private Hire trades within the District of Lichfield.
- 3.2 Lichfield District Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the District and the need to provide public reassurance and a positive customer experience by transporting customers safely.
- 3.3 Presently, the Licensing Authority has a number of guidance notes and conditions in place but does not have an overarching policy that combines them all together.
- 3.4 The draft policy has been developed by Lichfield District Council officers and takes into account the following:-
  - The Council’s Licensing Objectives
  - Current legislation including the Deregulation Act 2015
  - The Office of Fair Trading “The regulation of Licensed Taxi and PHV Services in the UK” 2003

- Taxi and PHV Licensing Criminal Conviction Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Order – 2013
- Regulators Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best practice Guidance” March 2010
- Secretary of State report in to governance, protection of young people and taxi licensing, Louise Casey CB February 2015
- Guide Dogs – Taxi and PHV Policy – Assistance Dogs – Best Practice Guide
- Institute of Licensing guidance on determining the suitability of applicants and licensees in the Hackney and Private hire trades April 2018
- The report of the Task and Finish Group on Taxi and Private Hire Licensing October 2018

3.6 The policy sets out the Council’s the decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet. In developing the draft policy best practice has been identified and incorporated into the policy.

3.7 This includes a number of key improvements, including:

- Proposed introduction of a penalty point scheme designed to improve driver standards
- Proposed introduction of requirement for drivers to undertake disability awareness training
- Proposed extension of the upper age limit of vehicles to seven years
- Proposed introduction of DBS checks being carried out at a minimum of every six months
- Proposed requirement that all Private Hire Vehicles are required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey
- Proposed introduction of a condition that drivers cooperate with requests from authorised compliance officers in other areas.

3.8 Public Safety has remained at the heart of all the changes and the proposed changes will put the licensing framework in line with best practice and make it clearer and transparent.

Alternative Options	1. The Committee could consider not consulting on the proposed draft policy; however this would not accord with good governance or best practice.
Consultation	1. If approved for consultation, all licensed Drivers, Proprietors of vehicles and operators will be consulted on the draft policy.  2. The policy will also be published on the Lichfield District Council website for public consultation.
Financial Implications	1. The policy includes details of the fees charged for the issuing of licenses which take into account the cost of processing, administering and compliance costs associated with the licence.  2. The costs of administering the licensing function is recovered through the fees charged. The policy provides a clear decision making framework which supports the delivery of an efficient and effective service.

Contribution to the Delivery of the Strategic Plan	1. The policy will support objectives contained within the District Council's Strategic Plan 2016 -20. In particular, a vibrant and prosperous economy and healthy and safe communities.
Equality, Diversity and Human Rights Implications	1. An equality Impact Assessment will be undertaken once the consultation process is complete.
Crime & Safety Issues	1. The policy will assist the Local Authority is exercising its duties and responsibilities, in particular with regard to safeguarding and human trafficking.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Negative response from taxi trade	Consultation with the trade	Yellow
B			
C			
D			
E			

**Background documents**  
Appendix A – Draft Hackney Carriage & Private Hire Licensing Policy

**Relevant web links**  
[https://www.instituteoflicensing.org/documents/Guidance\\_on\\_Suitability\\_Web\\_Version\\_\(16\\_May\\_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

This page is intentionally left blank

**HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY**

**2019**

**Effective date 1<sup>st</sup> April 2019**

## Contents

	<b>Page No.</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. Application and Definitions</b>	<b>2</b>
<b>3. Licensing Aims and Objectives</b>	<b>4</b>
<b>4. Delegations</b>	<b>7</b>
<b>5. Hackney Carriage and Private Hire Driver Requirements</b>	<b>8</b>
5.1 Introduction	8
5.2 Application Process	8
5.3 Fit and Proper Person Test	9
5.4 Disclosure and Barring Service & DVLA Driver Licence Checks	10
5.5 Relevant Warnings, Offences, Cautions & Convictions Policy	12
5.6 Knowledge Test and Practical driving assessment.	12
5.7 Medical Assessment	13
5.8 Duration of the Licence	14
5.9 Safeguarding Vulnerable Passengers & transporting people with disabilities	14
5.10 Conditions	15
5.11 Dress Code	15
5.12 Right of the driver to work in the UK	15
5.13 Drivers' Responsibility	16
<b>6. Hackney Carriage and Private Hire Vehicles</b>	<b>18</b>
6.1 Application process	18
6.2 Grant and renewal of licences	19
6.3 Age & Specification of vehicles	20
6.4 Insurance	25
6.5 Conditions	25
6.6 Identification of Hackney Carriage & Private Hire Vehicles	25
6.7 Tyres	26
6.8 Accidents	27
6.9 Vehicle Examination and Testing Requirements	28
6.10 Meters	28
6.11 Advertisements on Vehicles	29
6.12 Wheelchair Accessible Vehicles	29
6.13 Taxi Ranks	29
<b>7. Fares</b>	<b>30</b>

7.1	Hackney Carriages	30
7.2	Private Hire Vehicles	30
<b>8.</b>	<b>Private Hire Operators</b>	<b>31</b>
8.1	Introduction	31
8.2	Application process	31
8.3	Fitness and propriety of applicants	33
8.4	Convictions	34
8.5	Licences	34
8.6	Safeguarding Vulnerable Passengers Training	35
8.7	Conditions	35
8.8	Right to Work in the UK	35
8.9	Operators' Responsibilities	35
8.10	Planning	36
8.11	Insurance	36
8.12	Trading names	36
8.13	Door signs and advertising	37
8.14	Complaints / Records	38
8.15	Exemptions	38
<b>9.</b>	<b>Fees &amp; Charges</b>	<b>39</b>
<b>10.</b>	<b>Communication and Information Security</b>	<b>41</b>
<b>11.</b>	<b>Compliance and enforcement</b>	<b>41</b>
11.1	Enforcement (including hearings), warnings and Penalty points Scheme.	42
11.2	Suspension/Revocation of a Licence	49
11.3	Refusal to renew a licence	50
11.4	Prosecution of licence holders	50
11.5	Appeals	50
11.6	Service Requests and Complaints	50
<b>Appendices:</b>		
<b>Drivers:</b>		
Appendix A	Disclosure and Barring Service (DBS): Requirements and Declaration	51
Appendix B	Certificate of Good Conduct: Guidelines relating to Criminal Checks for Persons who have spent time outside the United Kingdom	53
Appendix C	Warnings, Offences, Cautions & Convictions Policy	.54
Appendix D	Hackney Carriage and Private Hire (Combined) Driver Licence Conditions attached to licences	72

Appendix E	Hackney Carriages & Private Hire Vehicles: Conditions of Licence	80
Appendix F	Executive Hire Vehicles	86
Appendix G	Private Hire/Hackney Carriage Vehicle Licensing - Hire Companies	88
Appendix H	Supplementary Vehicle Testing Manual	90

**Operators:**

Appendix I	Private Hire Operator: Conditions attached to Licence	115
------------	---	-----

# 1. Introduction

Lichfield District Council (“The Licensing Authority”) is responsible for the regulation of the Hackney Carriage and Private Hire trades within the District of Lichfield.

Lichfield District Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the District and portraying a positive image of Lichfield.

The Licensing Authority recognises all of its licensed drivers/operators as Ambassadors for the District and with this, there is an expectation to provide a positive customer experience by transporting customers safely on every journey.

This policy and related procedures will guide the work of Lichfield District Council in the way in which it carries out its functions. The policy has been developed by Lichfield District Council in consultation with other Statutory Agencies, the Public and the Licensing Trade. The following have also been taken into consideration:

- The Council’s licensing objectives;
- Current Legislation including the Deregulation Act,2015:
- The Office of Fair Trading “The Regulation of Licensed Taxi and PHV Services in the UK” 2003;
- Taxi and PHV Licensing Criminal Conviction’ Policy, LGA;
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014;
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013;
- Regulators’ Code 2014;
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010.
- Secretary of State Report into Governance, Protection of Young People and Taxi Licensing, Louise Casey CB February 2015.
- Guide Dogs – Taxi and PHV Policy –Best Practice Guide
- Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney and private hire trades April 2018
- The report of the Task and Finish Group on Taxi and Private Hire Licensing October 2018

This document sets out the decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet.

It should be noted however, that nothing in this document will bind the Licensing Authority to a particular course of action, and it will continue to consider each application on its own merits.

Similarly, this policy does not take precedence over any statutory provision or established case law.

The policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims and objectives set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally re-evaluate it as required to include any necessary changes in legislation and/or best practice.

## **2. Application and Definitions**

### **2.1 Application**

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places a duty on the Licensing Authority to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles. The Licensing Authority is Lichfield District Council.

This policy applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public within the District of Lichfield.
- Private Hire Vehicles: licensed as a vehicle to carry no more than 8 passengers, but must be booked in advance by customers through an operator and may not ply for hire in the street.
- Private Hire Operators
- Hackney Carriage & Private Hire Drivers

### **Vehicles not required to be licensed**

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

- vehicles owned by funeral directors wholly or mainly for the purpose of funerals
- ambulances and voluntary vehicles
- vehicles used solely for the purpose of weddings.

In undertaking its licensing function, the Licensing Authority will have particular regard to:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Acts 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010

- Immigration Act,2016
- Policing and Crime Act,2017
- Road Traffic Acts
- Health Act 2006
- Data Protection Act 2018
- Human Rights Act 1998
- Deregulation Act, 2015.

The Licensing Authority will also have regard to any principles laid out in statutory guidance and recommendations from bodies such as the Better Regulation Delivery Office, the Department for Transport and the Institute of Licensing.

## 2.2 Definitions

a. In this policy:

- **“the Council”** or **“Licensing Authority”** means Lichfield District Council (LDC);
- **“Driver”** means any combined licensed Hackney Carriage & Private Hire Driver issued by this Licensing Authority.
- **“the Operator”** means the holder(s) of the Private Hire Operator licence issued by this Licensing Authority;
- **“Vehicle”** means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.

b. Terms defined under section 80 of the 1976 Act shall have the meanings set out in the legislation, as indicated below:

**“The Act of 1847”** means the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages;

**“The Act of 1936”** means the Public Health Act 1936;

**“Authorised Officer”** means any officer of a district council authorised in writing by the council for the purposes of this Part of this Act;

**“Contravene”** includes fail to comply;

**“Controlled District”** means any area for which this Part of this Act is in force by virtue of a resolution passed by a district council under section 45 of this Act; or Section 255(4) of the Greater London Authority Act 1999;

**“Daily Fine”** means a fine for each day during which an offence continues after conviction thereof;

**“The District”**, in relation to a district council in whose area the provisions of this Part of this Act are in force, means if those provisions are in force throughout the area of the Council, that area; and if those provisions are in force for part only of the area of the Council, that part of that area;

**“Driver’s Badge”** means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;

**“Driver’s Licence”** means, in relation to the driver of a hackney carriage, a licence under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of this Act;

**“Hackney Carriage”** has the same meaning as in the Act of 1847;

**“Operate”** means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

**“Operator’s Licence”** means a licence under section 55 of this Act;

**“Private Hire Vehicle”** means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers;

**“Proprietor”** includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

**“Public Service Vehicle”** has the same meaning as in the Public Passenger Vehicles Act 1981;

**“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both; and

**“Vehicle Licence”** means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 [in relation to a London cab a licence under section 6 of the Metropolitan Public Carriage Act 1869] and in relation to a private hire vehicle means a licence under section 48 of this Act.

### **3. Licensing Aims and Objectives**

The principal purpose of Hackney Carriage and Private Hire Licensing is to protect the public and promote public safety.

The Licensing Authority will carry out its Hackney Carriage and Private Hire Licensing functions with a view to promoting the following:

**A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder by:**

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

**B. The safety and health of the public and drivers by:**

- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Lichfield area.
- Health and fitness to fulfil the role of a licensed driver.
- Crime prevention measures
- Vehicle specifications.
- Regular driver medical checks
- Commitment to work, and co-operation, with the police and licensing authorities

**C. Vehicle safety, comfort and access by:**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks and use of ranks
- Provision of disabled facilities.

**D. Encouraging environmental sustainability by:**

- Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

In promoting these licensing aims and objectives, the Licensing Authority will expect to see all licence holders and applicants continuously demonstrate that they meet or exceed the standards set.

These aims and objectives will also be taken into account by the Licensing Authority when making decisions on applications/enforcement action.

The Licensing Authority will commit to ensuring that all individuals involved in the licensing decision making process (officials and councillors) are obliged to undertake appropriate training.

The Licensing Authority will work in partnership with its licence holders, neighbouring authorities, the Police, local businesses and local people to ensure promotion of the above-listed aims and objectives.

It is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for a driver, vehicle or operator's licence.

### **Commitment to Safeguarding**

At the heart of this policy lies a commitment to the protection of the public, safeguarding children and vulnerable adults and the prevention of crime and disorder.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes. Perpetrators can be any age, from all ethnic backgrounds and male and female.

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime. However a taxi driver who transports a child knowing or believing that the child will be sexually exploited, during or after the journey, commits the offence of human trafficking with a maximum sentence of 14 years imprisonment.

Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE.

The Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. It also needs the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need help.

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licenced drivers and private hire operators are in an ideal position to help protect young people. Completion of mandatory CSE training is designed to help drivers and operators identify those who may be at risk and also to protect themselves.

## **4. Delegations**

The Council's Constitution sets out who is responsible for making decisions on matters relating to Hackney Carriage and Private Hire licensing.

The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Regulatory & Licensing Committee. A copy of the constitution which contains the scheme of delegation is available on the Council's website or upon request.

# **Hackney Carriage & Private Hire (Combined) Driver Licensing Requirements**

## **5.1 Introduction**

All drivers must satisfy the Licensing Authority that they are 'fit and proper' to hold a drivers licence. Once granted, they must remain a 'fit and proper' person for the duration of that licence.

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

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

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

The sections (5.1-5.13) below apply to all Hackney Carriage and Private Hire Drivers licensed by this Licensing Authority i.e. Lichfield District Council.

## **5.2 Application process**

The Licensing Authority issues licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. It is referred to as a "Combined" licence.

Licences shall be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of 2 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required it shall be produced before the initial licence is issued

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

A valid application consists of the applicant meeting all of the following requirements:

- The submission of a completed application form (including all relevant declarations)
- The provision of 2 recent colour passport standard photographs that are of a good likeness of the applicant
- The submission of a DVLA driving photo-card
- A completed DVLA mandate;
- A completed Enhanced DBS disclosure
- A certificate of good conduct (if applicable – see Appendix C)
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work.
- A Group II Medical Certificate
- Completion & passing the Driving Standards Assessment Test & Theory Test
- Payment of the application fee
- The provision of any other documentation as required by the Licensing Authority to assist the processing of the application.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

Detailed information can be found on the Council’s website (*add in link*)

### **5.3 Fit & Proper Person Test**

Licensed drivers are in a position of trust, and therefore must be and remain fit and proper to hold a licence. This requirement to be ‘fit and proper’ is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

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

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

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

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person

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

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

- Criminality including cautions
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards. An applicant will be required to provide consent at the application stage.

It will also take into account any evidence of a person or business flouting employment law, and with it the National Living Wage, as part of the test of whether that person or business is ‘fit and proper’ to be a PHV or taxi operator.

#### **5.4 Disclosure and Barring Service (DBS) and DVLA Driver Licence Checks**

A criminal record check on a driver is seen as an important safety measure.

Applicants will be required to provide an Enhanced Disclosure through the Disclosure and Barring Service (DBS). An enhanced disclosure is required as these disclosures

include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

This DBS will provide details of live/spent convictions, police cautions and other relevant information that will be considered when determining the application.

Detailed information about the DBS application procedures can be found in Appendix A.

Hackney Carriage & Private Hire Drivers are deemed as “exceptions” under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”).

All applicants/licensees will be required to disclose **all** cautions and/or convictions on their application forms even if they are spent for other purposes as well as any fixed penalty notices and warnings. The applicant will be responsible for funding, obtaining and providing the Licensing Authority with a copy of the DBS certificate.

Certificates should be obtained using the Licensing Authorities approved DBS system. However, DBS certificates issued to other local authorities may be accepted if:

1. It is an Enhanced DBS Disclosure Certificate and has been processed in relation to the child and adult workforce employment position; and
2. It has been issued within the last three months.

All licence holders shall notify the Licensing Authority of any convictions, cautions, or fixed penalty notices received during their licence period. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Licensing Authority may access the update service to monitor licence holders to be satisfied that they continue to be fit and proper to hold a licence.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS check annually (**via the DBS update service**) and the details contained within this will be retained by the Licensing Authority. Licence holders will be required to subscribe to the Disclosure and Barring Service Online Update. The Update Service can be used if an application is made for a renewal and there has been no changes. If no changes are recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence will be renewed/issued.

The applicant/licence holder must provide consent for the Licensing Authority to undertake checks of their DBS status. DBS checks will be carried out at a minimum of every six months or as and when it is deemed appropriate to do so. Failure to give consent may result in an application being refused.

## **Applicants with periods of residency outside the UK**

If an applicant has spent six continuous months or more overseas since the age of ten years old the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant remained overseas.

The Licensing Authority will need to be satisfied that sufficient background checks have been conducted to satisfy the fit and proper test for all applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available where the applicant has not been resident in the UK for at least 5 consecutive years.

For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy where the applicant has not been resident in the UK for at least 5 consecutive years.

If the relevant checks cannot be supplied the Licensing Authority will not be able to grant a drivers licence.

For further information please see Appendix C.

## **DVLA Driving Licence Check**

All applicants for and holders of a Hackney Carriage & Private Hire (Combined) Driver licence will be required to have an annual check of their DVLA Driver licence record. A signed mandate will be required as part of the application process.

Any offences disclosed will be dealt with in accordance with the Council's "Relevant Convictions Policy".

## **4.5 Relevant Warnings, Offences, Cautions & Convictions Policy**

The Licensing Authority is committed to ensuring that the licensed trade are fit and proper and in order to do so periodic checks/audits of licensed drivers will be undertaken to ensure that policies and procedures are being complied with.

The Licensing Authority will take account of all convictions, cautions, reprimands, warnings etc. whether they are spent or unspent in accordance with its policy - see Appendix C.

## **4.6 Theory and Practical Driving Standards Assessment test.**

### **Knowledge Test**

Applicants will be required to pass their knowledge test and produce photographic evidence before the test can be commenced. The knowledge test must be passed and is designed to ensure applicants have sufficient knowledge in relation to the rules, regulations, and conditions of licence; and to evaluate literacy and numeracy skills.

As part of this process, applicants will be required to demonstrate that they are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

The initial application fee will only include the initial test and is non-refundable upon failure. Applicants who fail will be allowed to re-sit the test. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

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

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

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

### **Practical Driving Assessment**

Staffordshire County Council Road Safety and Staffordshire Safer Roads Partnership have been employed to carry out the driving assessment. Applicants are required to pass a 2 hour assessment before a licence is issued. The assessment fee is included in the application fee. Any additional assessment will be charged separately, before the assessment can be booked.

### **5.7 Medical Assessment**

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage and therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

The Licensing Authority requires applicants and current licensees to undergo medicals through a third party provider as approved by the Licensing Authority in writing.

The applicant will be responsible for arranging, attending and funding the medical appointment, as well as providing a copy of the medical certificate to the Licensing Authority.

Where there remains any doubt about the fitness of an applicant, the Licensing Authority may revert back to the medical practitioner for further information. The application will then be determined on the medical evidence available.

A licence application will not be accepted / processed unless all elements of the application process have been completed.

No licence shall be issued until medical fitness has been established.

Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities as soon as is practicably possible. Failure to do so could result in suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

If the applicant is not required to undertake a full Group II medical on renewal they will be required to complete and submit a self-medical certificate with their renewal application. The Licensing Authority reserves the right to request a further Group II medical where it is deemed appropriate. The applicant will be required to finance this.

The Licensing Authority also reserves the right to request a driver/applicant to produce a medical certificate upon request at any point during the period of the licence. The driver may be required to cover the cost of this. Failure to comply with such a request may result in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

### **Medical Exemption:**

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without an additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a Notice of Exemption. The Notice of Exemption must be placed in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

A further Notice of Exemption will be provided to the Licence holder in braille format and must be offered to any passenger should they be refused a journey and the driver holds an exemption. An exemption certificate will only be issued when it is authorised by a medical practitioner and accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

Where an exemption certificate is issued, the licensing authority will provide an additional tactile and/or large print resource to taxi and private hire vehicle drivers so that assistance dog owners who are blind can identify that the driver has been issued with a certificate

The Notice of Exemption must be removed from the vehicle if the vehicle is used by other licensed drivers.

## **5.8 Duration of the Licence**

The Licensing Authority will normally issue a Hackney Carriage and Private Hackney Carriage & Private Hire Drivers licence for a three-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

## **5.9 Safeguarding Vulnerable Passengers and transporting passengers with disabilities**

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

Under the Equality Act 2010 it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. All reported violations of the Act will be investigated.

All drivers are required to undertake disability equality training, which includes information regarding the carriage of assistance dogs.

#### **5.10 Conditions**

The Licensing Authority may attach such conditions to a Hackney Carriage & Private Hire (Combined) Driver licence as are considered necessary. The standard conditions are available in Appendix D.

Failure to comply with the conditions set out in this document may result in enforcement action (see section 10.)

#### **5.11 Dress Code**

The purpose of a driver's dress code is to seek a standard of dress that portrays a positive image of the District of Lichfield, to enhance a professional image of drivers licensed by this Authority and to ensure public and driver safety is not compromised.

The Licensing Authority expects that drivers will comply with the following requirements:-

- Drivers must ensure that at all times a smart standard of dress and cleanliness is maintained which is acceptable to the Licensing Authority and/or to the general public. Clothing should be free from holes, rips and snags and fastenings shall be in good order.
- Drivers must wear either a shirt, blouse, collared polo shirt or T-Shirt together with trousers, shorts, skirts and smart jeans. Sportswear is deemed as unacceptable.
- Footwear for all drivers shall fit around the heel of the foot. Mules or Flip Flops and/or bare feet are not acceptable.
- 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

#### **5.12 Right of the driver to work in the UK**

The Licensing Authority is under duty to request all applicants to provide documentary evidence to confirm that they can legally work in the UK in accordance with the immigration act 2016. For example:

- UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

### **5.13 Drivers' Responsibility**

The Licensing Authority requires all its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The Driver licensing conditions set out the standards of behaviour required.

#### **Transporting Vulnerable Passengers**

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Drivers and/or Operators must confirm that appropriate provisions are in place for any vulnerable passengers prior to accepting any bookings and/or commencing a journey. A Driver/Operator would not be responsible for any alterations, but is responsible for ensuring the passenger is able to be transported safely and comfortably.

If a responsible person is not accompanying a vulnerable passenger the Driver should make reasonable attempts to obtain contact details for a responsible person in case of an emergency.

If a driver is unable to commence a journey due to safety concerns then all reasonable measures should be taken to ensure a responsible person is notified to enable alternative arrangements to be made.

#### **Reporting concerns**

If a driver or operator believes a child or vulnerable adult is at risk of immediate harm or needs urgent medical attention they should phone 999.

If they believe a child is being harmed or at risk of harm or they think child sexual exploitation may be taking place they can talk in confidence to:

- Families First on 0800 131 3126
- Staffordshire Police on 101
- NSPCC helpline on 0808 800 5000
- Crime Stoppers on 0800 555 111

If a driver or operator believes that Adult is being harmed or at risk of harm they can talk in confidence to:

- Adult Protection Team on 0345 604 2719
- Staffordshire Police on 101
- Crime Stoppers on 0800 555 111

## **Vehicles**

All licensed drivers and licensed proprietors are responsible for ensuring their vehicle is safe to carry members of the public and must refrain from driving it if there are any physical/mechanical concerns.

All concerns must be reported to the Private Hire Operator or the vehicle proprietor/owner as soon as practicably possible by the Driver. The Vehicle must not be used until the concerns have been rectified.

For further information please refer to Section 6

## **Driver Hours**

There are no direct controls over the hours that Hackney Carriage and Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles or public service vehicles.

The Licensing Authority deem that the number of hours worked by drivers can impact public safety and as a result seeks to promote the same limits, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times.

## 6. Hackney Carriage and Private Hire Vehicles

### 6.1 Application process

The Licensing Authority will consider all applications for vehicle licences on their own merits. The conditions for dealing with applications for Hackney Carriage and Private Hire vehicles are set out in Appendix F.

#### **Application Process:**

The applicant should ensure that the vehicle complies with the Council's policies, details of which can be found at Appendices D and E.

1. A vehicle will only be licensed if it satisfies the requirements of the Lichfield District Council vehicle inspection checklist.
2. The compliance test is arranged by the applicant/vehicle owner. The compliance test fee must be paid before the vehicle can be inspected.
3. A renewal application of a vehicle licence must be received by the Licensing Team **before** the expiry of the current licence.
4. Where the licence has expired the application will be treated as a new application and the terms and conditions relating to new vehicles etc. will apply.
5. Applicants should present the following when making an application:
  - The fee
  - Completed application form
  - Vehicle registration certificate
  - Insurance certificate – Insurance must cover use of the vehicle for hire and reward either public or private
  - Compliance test pass certificate from the Council's nominated testing station (such a Certificate must be dated no more than 28 days old at the time that the application is made to the Licensing Authority)
6. Where vehicles do not comply with the Council's conditions, e.g. applications for licensing of a vehicle in exceptional condition, additional information relative to the application may be requested.

#### **General Information:**

1. Vehicles may be licensed as Hackney Carriages or Private Hire Vehicles provided that the vehicles comply with the requirements contained in this guidance.

2. Consideration will be given to applications for Executive Hire Vehicles.
3. A Lichfield Private Hire Vehicle licence will not be issued to a vehicle which looks like a hackney carriage in any way.
4. A Lichfield licensed vehicle may only be driven by a Lichfield licensed Hackney Carriage & Private Hire Driver. This applies to all vehicles including private use of the vehicle (e.g. shopping etc.)
5. An MOT certificate is required for all licensed vehicles acting as Hackney Carriages or Private Hire vehicles where the vehicle is over 12 months old.
6. Attention should be given to the vehicle specification, age restrictions and the supplementary testing manual **before** purchasing a vehicle.
7. In order to operate a Lichfield Private Hire Vehicle you must hold a Private Hire Operator Licence, or work through a Lichfield licensed Operator.
8. A wheelchair accessible Hackney Carriage when working on any taxi rank must be able at all times to carry wheelchair users and be wheelchair accessible. All fastenings, ramps and equipment must be carried to accommodate wheelchair passengers and be configured with the agreed seating layout to accommodate wheelchair users.
9. A Hackney Carriage or Private Hire vehicle licensed with Lichfield District Council (except for a temporary vehicle being used following a permanent vehicle being taken off the road with the written consent of Lichfield District Council) cannot be licensed with any other Council. Should the owner or operator wish to licence the vehicle with another Council the Lichfield licence must be surrendered and the licence plate returned to Lichfield District Council.
10. Vehicles owned by funeral directors wholly or mainly for the purposes of funerals are not required to be licensed. Ambulances and voluntary vehicles are not required to be licensed. Vehicles used solely for the purpose of weddings are not required to be licensed.

**By 1 April 2020 (unless introduced by Government before that date) all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures.**

For further information you can contact the Licensing Team or refer to the Hackney Carriage & Private Hire Vehicle Licence Application Pack which can be obtained from the Council Offices, or online at [www.lichfield.gov.uk/taxilicensing](http://www.lichfield.gov.uk/taxilicensing).

## **6.2 Grant and renewal of licences**

The vehicle must be submitted for a test at the appointed testing station.

For a renewal application the application form, supplementary paperwork and fee must be submitted to the Licensing Authority before the date of the expiry.

It is the applicant's responsibility to ensure that the vehicle is tested prior to the submission of the application.

If either the application form and corresponding paperwork or the vehicle test (in which the vehicle passes) is not completed prior to the expiry date, the vehicle licence will not be renewed.

Applicants will have a right of appeal if a vehicle licence is not renewed, however, there must be evidence of the exceptional circumstances.

Once the vehicle licence has been issued, only licensed drivers will be permitted to drive the vehicle.

### 6.3 Age & Specification of Vehicles

Licensed vehicles must comply with the following and also the Council's supplementary testing manual. Details of the supplementary testing manual are set out in Appendix H.

#### HACKNEY CARRIAGE VEHICLES

1. All Hackney Carriage vehicles will be white in colour
2. New Hackney Carriage Licences will **preferably** be issued for wheelchair accessible vehicles.
3. All new Hackney Carriage Vehicles must be less than **five** years old from date of first registration on initial application.
4. From **1 April 2020** all Hackney Carriages must be fitted with at least a Euro 6 compliant engine for vehicles fitted with diesel engines and Euro 4 compliant engines for vehicles fitted with petrol engines. Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal.
5. The following upper age limits apply:
  - No vehicle licence will be **renewed** on any vehicle that is of **seven** years of age or more or **ten** years old for purpose built vehicles.
6. All new or replacement vehicles to have M1 whole type approval except in exceptional circumstances. Those vehicles without M1 whole type approval will be considered individually.
7. Licence applications for vehicles in "exceptional condition" which are outside of the Council's policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must provide an independent automobile engineer's report for vehicles outside of the Council's age restrictions to indicate that the vehicle is in immaculate condition. This report is in addition to the Council's mechanical inspection. An additional fee will be charged for vehicles outside of the Council's policies to cover additional administration (See Schedule of Fees).

8. A Hackney Carriage vehicle licence will not be granted in respect of a minibus (as detailed on the V5 Log Book) under any circumstances. Applications for other types of vehicle constructed or adapted to carry up to 8 passengers plus the driver will be considered on merit. (Public Carriage Office approved London style cabs will be acceptable).
9. Date of first registration means the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

## **PRIVATE HIRE VEHICLES**

1. Private Hire Vehicles must not be white in colour
2. All new Private Hire Vehicles must be less than **five** years old from date of first registration on initial application on initial application. New PHV licences will preferably be issued for wheelchair accessible vehicles.
3. The following upper age limits apply:
  - No vehicle licence will be **renewed** on any vehicle that is of **seven** years of age or more
4. From **1<sup>st</sup> April, 2020** all private hire vehicles must be fitted with at least a Euro 6 compliant engine for vehicles fitted with diesel engines and Euro 4 compliant engines for vehicles fitted with petrol engines. Applicants will be required to prove that the engine is suitable. Any engine with an engine older than the required euro emissions standard will not be licensed at the time of renewal.
5. All new or replacement vehicles to have M1 whole type approval except in exceptional circumstances. Those vehicles without M1 whole type approval will be considered individually.
6. Licence applications for vehicles in exceptional condition which are outside of the Council's policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must provide a council approved independent automobile engineer's report for vehicles outside of the Council's age restrictions. This report is in addition to the Council's mechanical inspection to indicate that the vehicle is in immaculate / exceptional condition. An additional fee will be charged for vehicles outside of the Council's policies to cover additional administration (See Schedule of Fees).
7. Date of first registration means the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

## **Specification for both Hackney Carriage and Private Hire Vehicles**

Each case will be assessed on its own merits. Applications for vehicles which fall outside the Council's policy, for example by age and type of vehicle, may be dealt by way of an exceptional condition.

1. The vehicle must comply with the Council's current age and vehicle emissions policies.
2. The vehicle must comply in all respects with the requirements of:
  - the Motor Vehicle (Type Approval) Regulations 1980
  - the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984
  - the Road Vehicles (Construction and Use) Regulations 1986 (C and U).
  - British and European Vehicle Regulations
  - "type approved" to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended.

Evidence must be produced to prove that the vehicle complies with M or M1 categories. Conversions which have not been "type approved" to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories.

3. All vehicles must be right hand drive.
4. The minimum engine capacity for the vehicle must be:
  - Petrol 1400cc
  - Diesel 1400cc
  - Dual fuel vehicles (Electric/Petrol or Electric/Diesel or Gas/Diesel, Gas/Petrol), Hybrid and Electric Vehicles will be considered on an individual basis on application. . LPG or CNG converted vehicles must have the conversion carried out by an approved installer and subsequently be registered with the UKLPG (further information available at [www.drivelpg.co.uk](http://www.drivelpg.co.uk) )
  - Engines less than 1400cc will be considered provided that they are at least 95bhp or 125ps or greater.
5. The vehicle must have four passenger doors which includes the driver's door, except purpose built vehicles.
6. Seating:
  - seating should be for not more than eight passengers [in addition to the driver];
  - seating should be properly cushioned or covered, with the rear seat being not less than 4 feet 3 ins ( 51") wide in the rear part of the body where measurements shall be taken 6 inches below the top and 6 inches in front of the rear backrest of the vehicle with both rear doors closed.
  - rearward facing seats over or rearward of the rear wheels and axles having normal access only through a rear door will not be permitted

- the rear seat shall have a minimum legroom of 8.5 inches ,such measurement from the rear door pillar to the nearest point of the rear seat squab.
  - sideways mounted seats will not be permitted.
7. The vehicle must have at least one window on each side capable of being opened and closed.
  8. The floor must be covered with a suitable carpet, mat or other floor covering.
  9. The vehicle must have at least two doors for the use of passengers other than the drivers' door. An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.
  10. Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
  11. Wheels and Tyres:
    - Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.
    - A spare tyre of the same type as fitted to the road wheels, or a manufacturers space saver (emergency tyre inflation kits WILL NOT be accepted, unless supplied by the vehicle manufacturer when first registered).
    - The tread pattern shall be a minimum of 2mm in depth throughout the complete circumference and breadth of the tyre.
    - Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable.
  12. A permanent roof which is watertight.
  13. A separate locking luggage area (i.e. boot), or in the case, of an Estate or People carrier a protection grille or shelf must be fitted sufficient to prevent luggage being carried from coming into contact with persons travelling in the vehicle.
  14. Seat belts must be fitted for all seats.
  15. Nearside and offside exterior rear view mirrors.
  16. Hackney Carriages must have an appropriate taxi sign bearing the word "TAXI" on the front and the rear.
  17. Hackney Carriages must have an appropriate taxi meter, positioned where it can clearly be seen by the passengers in the vehicle.

18. Hackney Carriages must also have sufficient means by which a passenger can communicate with the driver, and vice versa.
19. The fittings and furniture shall be kept in a clean and well maintained condition fit for public service at all times.
20. Vehicles shall have a clean and smart appearance both externally and internally.

### **Additional Information for Wheelchair Accessible Vehicles**

When assessing whether or not a vehicle is wheelchair accessible the Council will have reference to the informal consultation document entitled "The Government's proposals for Taxis" for guidance.

1. The vehicle must comply in all respects with the requirements of:
  - the Motor Vehicle (Type Approval) Regulations 1980
  - the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984
  - the Road Vehicles (Construction and Use) Regulations 1986 (C and U).
  - British and European Vehicle Regulations
  - "type approved" to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended.

Evidence must be produced to prove that the vehicle complied with M or M1 categories. Conversions which have not been "type approved" to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories.

2. Vehicles offered for approval must be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment.
3. New or replacement vehicles may be either side or rear loading.
4. No fittings, other than those approved, may be attached to or carried on the inside or outside of the vehicle.
5. Tyres and equipment
  - All tyres of purpose built vehicles must comply with the requirements of C & U Regulation
  - Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable.
  - A spare tyre or factory fitted space saver must be carried, emergency tyre inflation kits are not acceptable unless supplied by the vehicle manufacturer when first registered.
6. All licensed Hackney Carriages that are Wheelchair Accessible Vehicles, when operating from a taxi rank or plying for hire **must** at all times be capable of

carrying a passenger seated in a wheelchair, they must carry all ramps and seat harnesses and comply to the agreed seating layout (if appropriate) for that vehicle.

7. All licensed Hackney Carriages or Private Hire vehicles that are wheelchair accessible vehicles must display a printed notice supplied by the Council, on the inside of the windscreen at the bottom nearside corner, adjacent to the tax disc and clearly readable from outside of the vehicle, identifying the vehicle as being a Wheelchair Accessible Vehicle.
8. When a Wheelchair Accessible vehicle is booked in to the Council approved testing station for its annual inspection or six month inspection, the workshop must be informed that the vehicle is a wheelchair accessible vehicle at the time of booking the vehicle in.

#### **6.4 Insurance**

All insurance documents must be produced before a licence can be issued by the Licensing Authority, namely:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.

The Licensing Authority will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

For a Hackney Carriage Vehicle the certificate of insurance must cover 'public hire'

For a Private Hire Vehicle the certificate of insurance must cover for 'private hire/hire or reward'.

#### **6.5 Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences. The standard conditions are attached at Appendix E for Hackney Carriage and Private Hire Vehicles.

#### **6.6 Identification of vehicles as Hackney Carriage and Private Hire Vehicles**

The Licensing Authority requires it to be clear to the public that a Hackney Carriage and Private Hire vehicle is licensed.

Consequently, the Licensing Authority requires vehicles to be clearly identifiable and as such the following will apply.

a) Hackney Carriage Vehicles:

- It must have an illuminated sign on the roof bearing the word **TAXI** on the front and on the rear; and
- Must display their Licence Plate on the rear of the vehicle.

b) Private Hire Vehicles

By law a private hire vehicle cannot have the appearance of a Hackney Carriage and:

- must not have a top sign/light; and
- must display signs on the front doors of the vehicle identifying the private hire firm giving the name and contact number; and
- must display a sign indicating 'advanced bookings only'.

c) Signage

There are signage requirements that must be complied with for Hackney Carriage and Private Hire Vehicles – please refer to part 6 of Appendix G. It includes:

- the permitted position of licence plates & top signs
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices/markings that the Council will require licensed vehicles to display
- advertising restrictions

## 6.7 Tyres

Tyres are the vehicle's only point of contact with the road and as a result it is a requirement for them to be in a roadworthy condition. The following are applicable:

1. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout complete circumference and breadth of the tyre.
2. Tyres fitted to the vehicle must be free from any defects which might damage the road or endanger any person and must be fit for purpose, including:
  - be compatible with the types of tyres fitted to the other wheels(i.e. same size, construction and season type),
  - not have any lump, bulge or tear caused by separation or partial failure of the structure,
  - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
  - not have any part of the ply or cord exposed.
  - must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

- Must be of the same size and speed rating as the original manufacturer's specification for the vehicle in question. If in doubt, refer to the owner's manual.
3. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement and the vehicle registration should be noted on the receipt.
  4. The fitting of part worn tyres to licensed vehicles is not permitted.
  5. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.
  6. Tyre inflation kits are not permitted to be used or carried unless supplied by the vehicle manufacturer when first registered.

## **6.8 Accidents**

If at any time the vehicle is involved in an accident/incident, however minor, the driver must inform the Licensing Authority as soon as possible and in any event within 72 hours of the incident/accident in writing or by email to: [taxi@lichfield.gov.uk](mailto:taxi@lichfield.gov.uk).

Minor visual blemishes may not preclude the vehicle from remaining in service, however this will be at the discretion of the Licensing Officer, and vehicle proprietors are advised to contact the Licensing Team to arrange a visual inspection of any blemishes, before continuing to use the vehicle to carry fare paying passengers.

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place – an appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle could result in the vehicle licence being suspended and/or revoked.

The Licensing Authority may, at any time, request that a vehicle be tested. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours.

In these cases the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination.

Failure to do so may result in the licence being suspended and/or revoked.

Further details on replacement vehicles is detailed at Appendix G

## 6.9 Vehicle examination and testing requirements

The Hackney Carriage and Private Hire vehicles examination and testing requirements are:

- Any new or renewal vehicles must first pass a Compliance Test before an application can be submitted
- All licensed vehicles must pass a Compliance Test every 12 months up to when the vehicle is 5 years old, then every 6 months from the age of 5 years to 7 years
- Any vehicle licence suspended by an Authorised Officer, will also require a full *Compliance Test to be carried out in order that the lifting of the Suspension Notice may be considered*
- Where the Compliance Test identifies a significant number of advisory items or minor defects a more frequent test may be required
- The Compliance Test must be undertaken by the vehicle examiners at the approved Testing Station and these tests must be pre-booked. Further guidance can be found at Appendix H.

## 6.10 Meters

All Hackney Carriages must be fitted with a meter. Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the Operator who provides the bookings to the vehicle.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals may result in suspension and/or revocation.

Private Hire Operators and/or Hackney Carriage Drivers may agree the cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted must be the price charged – there is to be no deviation from this price without the agreement of the customer.

On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

### **6.11 Advertisements on vehicles**

No advertisements shall be placed on any vehicle licensed without the applicant receiving prior written approval from the Licensing Authority.

Further information can be found at paragraph 6 of Appendix H.

### **6.12 Wheelchair Accessible Vehicles**

All members of the public should have reasonable access to Hackney Carriage and Private Hire services and some will require a wheelchair accessible vehicle. A list of 'Designated Vehicles' is published on the Council's website. The drivers of designated vehicles will be required to transport wheelchair passengers unless a driver holds a valid exemption certificate.

### **6.13 Taxi Ranks**

A full list of the locations of the Hackney Carriage ranks and the times they are in use are available on the website or upon request.

Only Hackney Carriages licensed by Lichfield District Council may utilise the taxi ranks in the District. It is against the law to use a taxi rank located in another Council's district

Taxi ranks should only be used when Hackney Carriages are waiting for their next hire. Hackney Carriages may not use taxi ranks as parking places. Private Hire Vehicles are not permitted on or in close proximity to taxi ranks.

Private Hire Vehicles must not allow customers to alight from their vehicle at a taxi rank.

Hackney Carriage Proprietors must take steps to actively encourage drivers on arriving at a rank/stand to:

- Park the vehicle immediately behind the last vehicle on the stand and face in the same direction; and
- Occupy the space previously occupied when the vehicle(s) immediately in front move on;
- Drivers are required to turn off their engines whilst stationary on the rank in order to reduce any potential pollution.

Where the rank is fully occupied by other Hackney Carriages, the driver must proceed to an alternative rank.

## **7. Fares**

### **7.1 Hackney Carriages**

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and states the maximum fare that can be charged by Hackney Carriage drivers for journeys within the District.

Lesser fares can be negotiated by the hirer for journeys.

The hirer may agree to the fare for a journey which ends outside the district being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare.

The Council may review the Hackney Carriage fare table from time to time. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be clearly displayed in each vehicle so that it is visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid. All receipts must be issued from an official Lichfield District Council receipt book.

### **7.2 Private Hire Vehicles**

The Council does not set fares for Private Hire vehicles.

Best practice is to agree the fare prior to the commencement of the journey with the Private Hire Operator.

Drivers must, if requested by the passenger, provide written receipts for all fares paid including date and time journey started, starting and finishing address ,cost, Lichfield DC issued driver number and drivers full name.

Drivers of Private Hire Vehicles are not permitted to set fares, all journeys must be calculated on the taximeter (if applicable), or by way of agreement with the Private Hire Operator at the time that the journey is booked.

## 8. Private Hire Operators

### 8.1. Introduction

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done so in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced, supported to deliver a high quality service, ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences. The Licensing Authority must be satisfied that prospective operators are fit and proper persons.

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an Operator's licence. Such a licence permits the Operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

### 8.2. Application process

Applications for an Operator licence must be made in writing using the approved application form. The detailed application procedure can be found on the Council's website (link to be added)

- Where the application is being made by a single individual, the questions on the application form should be answered by that individual.
- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.

This is necessary and particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant.

Unless you are licensed with Lichfield District Council as a driver of Hackney Carriage and Private Hire Vehicles, you will be required to provide the Authority with the necessary information to support your application in order for the Authority to deem you "fit and proper" to be considered for the grant of a Private Hire Operator licence.

Before an application will be accepted the applicant must include the following:

- A Basic DBS certificate;
- A certificate of good conduct (if applicable – see Appendix B);
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work;
- The application fee;
- Any other documentation required to progress your application e.g. relevant insurance documents.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application.

Completed application forms (including any information in annexes required as part of the application) should be submitted to the Licensing Authority along with the applicable fee for the licence.

Operator licences are non-transferrable. In the event of the control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply for a licence.

### **Determining an Application**

Applications can be refused at officer level, in line with the scheme of delegation.

Where an application is to be heard by the Licensing Sub-Committee, the applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The Licensing Authority will consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Where an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. The Council does however reserve the right to grant licences for a shorter duration if deemed necessary in the circumstances.

The Council will not grant an Operator's licence for an operating base that is outside the District Council area. This is to ensure proper regulation and enforcement measures may be taken by the Council and is no way intended to be a restraint of trade.

Where an application is refused, suspended and/or revoked by the Licensing Authority, and the operator is aggrieved by the decision there is a right of appeal to a magistrates' court. Further details will be provided where applicable.

### **8.3. Fitness and propriety of applicants**

In determining applications, the statutory test set out at section 55 of the 1976 Act is applicable, namely that the Licensing Authority "*shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence*".

The Operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.

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

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

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may have an adverse impact the operator's licence.

Examples of checks include:

- Ensuring vehicles are at all times roadworthy;
- Monitoring the conduct of drivers and drawing any concerns to the attention of the Licensing Authority;
- Appropriate complaints handling including any CSE issues.
- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority;
- Good Record keeping (including):
  - Driver hours

- Vehicle maintenance
- Vehicle checks
- Training records

The Licensing Authority will also take into account any evidence of a person or business flouting employment law, and with it the National Living Wage, as part of the test of whether that person or business is 'fit and proper' to be a PHV or taxi operator.

#### **8.4. Convictions**

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of public. In assessing an applicant's fitness and propriety, the Council will take into account any convictions or cautions for criminal offences when determining an application.

The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will all be considered.

A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation.

The Warnings, Offences, Cautions & Convictions policy applicable to drivers will be used as a guideline when considering offences for Operators.

It shall be the duty of the Operator to inform the Licensing Authority of the following:

- (a) Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within 7 days
- (b) Change of address, in writing within 7 days
- (c) Any other changes that could affect the licence

Private Hire Operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

#### **8.5. Licences**

Any relevant licensing history relating to an applicant or operator will be considered by the Licensing Authority.

Where appropriate, further information may be sought from any other relevant body.

Consent from the applicant should not be unreasonably withheld. Where consent is refused a licence will normally be refused.

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current.

The Licensing Authority will normally issue an Operator licence for a five-year period.

The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

### **8.6. Safeguarding Vulnerable Passengers Training and transporting passengers with disabilities**

All new operators are required to complete Safeguarding training and complete refresher training every 3 years.

Under the Equality Act 2010 it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. All reported violations of the Act will be investigated.

All operators are required to undertake disability awareness training, which includes information regarding the carriage of assistance dogs.

### **8.7 Conditions**

Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary.

The Council has adopted a schedule of conditions which will be attached to all licences issued. Additional conditions can be attached where deemed appropriate. These conditions are appended at Appendix J.

Failure to comply with the conditions set out in this document may result in enforcement action (see paragraph 10.)

### **8.8 Right to Work in the UK**

Please refer to section 5.12

### **8.9 Operator's Responsibilities**

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- a. when a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually;
- b. premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit with adequate seating;
- c. any telephone facilities and dispatch equipment are maintained in an effective working order;
- d. any complaints received by the Operator that relate to the safety of passengers, other road users, and the general public caused either by the condition of the

licensed vehicle or by the driver of the licensed vehicle shall be referred in writing to the Licensing Authority, together with details of any internal any action taken by the Operator.

- e. all vehicles operated shall be maintained in a satisfactory and road worthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible.
- f. the Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk.

### **8.10 Planning**

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location.

It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

### **8.11 Insurance**

Operators are required to have the relevant insurance policies in place for:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

### **8.12 Trading names**

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications

- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Lichfield area, or trading in a neighbouring area
- The trading name used by Lichfield hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

Legally, only Hackney Carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the Operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1st October 2016 (and where an Operator licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

### **8.13 Door signs and advertising**

Under the Council's standard conditions applying to vehicle licences, vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Licensing Authority as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically.

Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

Please refer to paragraph 6 of Appendix G for further information.

### **8.14 Complaints / Records**

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for 12 months and should be available at all times for inspection by a Police or Authorised Officer.

### **8.15 Exemptions**

The Licensing Authority has considered requests from certain operators for their businesses or part thereof to be exempted from specified conditions relating to e.g. signage and plating requirements.

Exemptions are only granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as old fire engines and/or executive chauffeur businesses and stretch limousines. Whilst being licensed under the Private Hire legislation, the exemption is not to be used for normal Private Hire trade business.

In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

Where exemptions are granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternative.

All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Licensing Authority can no longer be satisfied that the exemption is necessary, or if there is evidence to suggest it is no longer suitable. The Licensing Authority will not grant exemptions from the signage requirements for hackney carriages.

Further details on the application process can be found on the Council's website (*link to be added*)

## 9. Fees & Charges

The Licensing Authority reserves the right to review its fees and charges at any time.

If varied, a notice of the variation will be published by the Council.

All relevant objections will be considered before a determination is made.

The current fees applicable are available on the Council's website (*add in link*), within the Application Packs, and upon request.

# 10. Communication & Information Security

## Personal Information

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data.

The processing and storage of this data will fall under the provisions of the Data Protection Act 2018 and General Data Protection Regulation 2016, which will require certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller. For further information on whether registration is required, please refer to the website of the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk).

## Radios

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence<sup>1</sup> from Ofcom.

Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details please visit:

<http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

## CCTV / Audio & Visual Recording Equipment

Approval in writing must be obtained from the Licensing Authority before CCTV equipment is installed and used in the vehicle.

Each system must be registered with the offices of the Data Protection Registrar with proof of registration supplied to the Licensing Authority before the system can be used.

Any material recorded on the equipment shall be used only as evidence in court proceedings or to aid investigation of a crime or to confirm or rebut complaints made against the driver.

Material captured by the system shall be accessible only to the Police, authorised Council Officers or the CCTV Operator.

The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days and be operated in accordance with the Data Protection Act 2018.

The CCTV Operator must ensure recommended signage and appropriate contact details are displayed in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The CCTV Operator must ensure that the notices are maintained in a clean and legible condition.

**By 1 April 2020 (unless introduced by Government before that date) all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures.**

# 11. Compliance and Enforcement

## 11.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect and promote public safety. The Licensing Authority aims to provide the delivery of efficient, targeted and proportionate regulatory services and as such will monitor its licensees to ensure compliance.

The safety of passengers, pedestrians and other road users is paramount. Compliance assessments can be used to ensure that the driver and/or operator is a “fit and proper” person to hold a licence and/or the vehicle is safe and meets with the standards set by the Council.

Licence holders are expected to promote a professional image of the local Hackney Carriage and Private Hire trade putting the needs of the public first, and not bring into dispute either the reputation of the trade, or the reputation of the Council for having issued a licence to any individual(s).

The Council expects licence holders to comply immediately with the conditions and regulations pertaining to any licence. It is acknowledged however that certain requirements may place financial obligations on existing licence holders and accordingly the Council may be prepared to permit a transitional period during which the necessary changes must be made. This will be determined by Officers acting under delegated powers,

The Council will investigate and respond to complaints made by the public and referrals from other agencies & bodies. Officers will undertake proactive inspections and testing as either, day to day activity or as part of programmed operations.

The Council will use enforcement powers to take strong action where disability access refusals are reported and make it as easy as possible to report disability access refusals.

Officers will also carry out other relevant checks so as to be sure that any licence holder is compliant with all of the requirements of the licence (including accuracy of declarations, medical fitness assessments, etc.)

Any breach of the required standards, policies and conditions may result in suspension, revocation and/or any other action deemed appropriate by the Licensing Authority, including:

- the issue of advice
- a ‘penalty point or points’
- the issue of a warning (the level will depend on the type of non-compliance and any previous matters of non-compliance)
- suspension, revocation and/or prosecution.

Warnings and Penalty Points shall remain in force at the discretion of the Licensing Authority, and the Licensing Authority shall consider any previously issued warnings

when assessing any new complaints and / or enforcement actions relating to the same licence holder.

Where a licence holder has been issued with a warning, then further matters brought to the attention of the Licensing Authority will result in a further review of the licence.

The following warnings are available to the Licensing Authority, to use at its discretion, when considering and determining the appropriate response to the matter at hand:

- **28 Days Grace** (relating solely to the maintenance of a vehicle)
- **Advice** – can be issued verbally or in writing to a licence holder to assist with the rectification of a matter and to ensure such a matter or matters are not repeated
- **Warning** - A letter issued to a licence holder following the determination of a complaint or enforcement action, where the licence holder has failed to comply with the conditions of the licence / standards imposed by the Council and has caused the Council concern, and that such a matter does not warrant the issue of a higher level Warning or referral to the Service Director.
- **Penalty Points Scheme**

### **Driver Penalty Points Scheme**

Hackney Cabs and Private Hire Vehicles are an important part of Lichfield's public transport system. Taxi drivers play an important role in the District's economy providing a safe and secure means of transport for local residents, workers and visitors to Lichfield District.

The aim of the Driver Penalty Points Scheme is to help maintain and improve service standards.

The Scheme seeks to provide a consistent approach to dealing with unacceptable conduct such as failures to abide by the Council's Code of Conduct, the licence conditions or minor offences where revocation, suspension, prosecution may be disproportionate.

Authorised officers of Lichfield District Council may record penalty points against a driver's record if they become aware of conduct that breaches this policy and the licence conditions and/or statutory provisions for the operation of Hackney Carriage and Private Hire driver/ vehicle licensing.

The authorisation to issue a warning and place points on a driver's licence record is given to Licensing Enforcement Officers, Licensing Officers, their managers and any other officers designated in the Scheme of Authorisation.

The points placed on record will be based on the published tariff. This tariff may be amended from time to time in order to maintain and improve service standards in changed circumstances.

A driver, who is discovered to have contravened any of the items listed in the tariff and licence conditions will be notified by an authorised officer of the contravention and the points that have/will be placed on record.

A driver who disputes that they have contravened requirements will be invited to submit a written submission/representation. The driver will be asked to do this within 14 days of the warning being received. Any representation, whenever received, will be placed on file.

The Senior Licensing Officer or an officer authorised by the Head of Regulatory Services/ will review the officer's report and any written submissions and may decide that the penalty points should be removed or a different number recorded. The driver will be informed of the outcome of this review. The officer reviewing the points allocation will not be the same officer who allocated the points.

There is no further review or appeal against the warning and the placing of penalty points on record.

If, in any period of 2 years, twelve points or more have accumulated on a driver's record then the Partnerships, Community Safety and Licensing Manager or an officer authorised by the Head of Regulatory Services will review the driver's conduct record. They will refer the driver to the Licensing Sub-Committee for his/her fitness to hold a licence with Lichfield District Council to be considered unless this would be significantly disproportionate given the nature and incidence of the contraventions and the driver has provided evidence of meeting LDC requirements.

The Licensing Sub-Committee will be provided with a report setting out the driver's record of conduct, the warnings issued and points awarded, any substantiating or corroborating evidence and any written submissions received.

Where there is CCTV footage of the incident/s being brought before the Licensing Sub-Committee, then the driver will have the opportunity to view the footage at the Council's offices before the hearing subject to such conditions as may be required to protect third parties rights under the Data Protection Act 2018.

The driver will have the opportunity to make written and verbal submissions to the Licensing Sub-Committee.

The Licensing Sub-Committee will review the driver's record and consider whether he/she is a fit and proper person to hold a licence and decide whether any action should be taken, for example suspension or revocation of the licence, imposition of additional conditions such as further training.

The driver has a right of appeal to the Magistrates Court against any decision of the Committee.

The Driver Penalty Points Scheme runs alongside the Council's system of enforcement for contraventions of statutes, rules, regulations and conditions. Enforcement

measures include written notices, written warnings, suspension notices, and/or prosecution.

All the offences listed below form part of the driver, operator and vehicle licensing conditions.

There will be no negative effect for driver's renewal applications in relation to the grant of a 1, 2 or 3 year licence until the accumulation of 12 points on the driver's record, where this will be reviewed by the Partnerships, Community Safety and Licensing Manager or an officer authorised by the Head of Regulatory Services to determine.

The Penalty Points Policy & Procedure document is published on the Lichfield District Council website and updated as and when required. The Trade will be consulted on any significant changes.

## The Driver Penalty Points Scheme - Tariff

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Authority of change of address within 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer.	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire vehicle drivers.	9	✓	✓
6	Using a mobile phone and/or electronic devices whilst driving as witnessed by an officer of the authority.	6	✓	
7	Using unlicensed vehicle for carrying passengers for hire or reward or a licensed vehicle without insurance.	12	✓	✓
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer.	4	✓	✓
9	Failure to maintain vehicle in a satisfactory condition – including interior or exterior.	4	✓	✓
10	Failure to provide proof of insurance cover when requested.	6	✓	
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	6	✓	✓
12	Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.	12	✓	✓
13	Using a vehicle for which the licence has been revoked.	12	✓	✓
14	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	✓	✓
15	Carrying more passengers than stated on the vehicle licence.	12	✓	
16	Failure to display external/internal licence plate as required.	4	✓	✓
17	Failure to correctly display authorised side identity stickers as required.	4 per sticker	✓	✓
18	Incorrectly displayed advertisements	3 per advert		✓
19	Carrying an offensive weapon in the vehicle.	12	✓	
20	Failure to notify the sale of private hire or hackney carriage vehicle or change of ownership.	4		✓
21	Failure to apply for prior approval for advertising signage on the outside of the vehicle.	3	✓	✓
22	Failure to correctly display authorised no smoking stickers.	3 per missing sticker	✓	✓
23	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3	✓	✓

	<b>Offence/Breach of Condition</b>	<b>Maximum Points Awarded by Authorised Officers</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
24	Failure to display authorised Hackney Carriage roof sign	4	✓	✓
25	Failure to use authorised roof light.	4	✓	
26	Failure to electronically connect authorised roof sign to taximeter	3	✓	✓
27	Displaying unauthorised written or other material on any window.	4	✓	✓
28	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	✓	✓
29	Using a non-approved or non-calibrated taximeter.	6	✓	✓
30	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
31	Evidence of smoking in vehicle.	3	✓	✓
32	Failure to search the vehicle for lost property	3	✓	
33	Failure to declare lost property	6	✓	
34	Sounding horn when arriving at an address to pick up passengers	3	✓	
35	Playing a radio or other sound reproducing equipment which is a source of nuisance or annoyance to any person, whether inside or outside the vehicle.	3	✓	
36	Playing a radio or other sound reproducing equipment against the request of the hirer and/or passenger(s).	4	✓	
38	Evidence of food or drink left in vehicle whilst working.	3	✓	✓
39	Displaying any feature on a private hire vehicle that may suggest that it is a taxi.	6	✓	✓
40	Using a vehicle the appearance of which suggests that it is a taxi.	6	✓	✓
41	Failure to carry an assistance dog without requisite medical exemption.	12	✓	
42	Driver not holding a current DVLA Driving licence.	12	✓	✓
43	Failure to wear driver's personal badge, so it is visible to the public	4	✓	
44	Failure to correctly display dash badge	4	✓	
45	Failure to notify the Council, in writing, of a loss of identity badge or licence	4	✓	
46	Lending or giving of his or her badge or licence to another person	12	✓	
47	Failure to notify, in writing, a change in medical circumstances.	6	✓	
48	Unsatisfactory appearance of driver.	3	✓	
49	Failure to observe rank discipline (hackney carriage only).	4	✓	
50	Failure to maintain proper records of private hire vehicle.	3		✓
51	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓
52	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
53	Failure to issue complete receipt on request.	3	✓	
	<b>Offence/Breach of Condition</b>	<b>Maximum Points</b>	<b>Driver</b>	<b>Vehicle Proprietor</b>

		<b>Awarded by Authorised Officers</b>		<b>or Operator</b>
54	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4	✓	✓
55	Unsatisfactory behaviour or conduct of driver.	4	✓	
56	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 7 days of said conviction or cautions during period of current licence.	6	✓	
57	Failure to behave in a civil and orderly manner.	4	✓	
58	Failure to take reasonable amount of luggage	3	✓	✓
59	Failure to give reasonable assistance to passengers entering or alighting from the vehicle or during the journey.	3	✓	
60	Failure to give assistance with loading/unloading luggage to or from any building, vehicle or place.	3	✓	
61	Failure to display table of fares.	4	✓	✓
62	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	✓	✓
63	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
64	Using a licensed vehicle with bald tyre(s).	4 per tyre	✓	✓
65	Failure to display a current licence plate.	4	✓	✓
66	Waiting or stopping in any area where parking is prohibited unless requested by a paying customer present in the vehicle.	3	✓	
67	Drive where prohibited, unless directed by the hirer	3	✓	
68	Failure to comply with any other licensing condition not detailed in the table. ** see below	3	✓	✓

\*\* Further conditions may be added as the policy is reviewed.

Ticks indicate potential recipients of penalty points for infringements.

Certain infringements may result in driver, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however each case must be determined on its own merits.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Where enforcement action is taken and penalty points given, the driver/operator will be advised in writing of the reason for the enforcement action, and provided with details of the relevant conditions / standards / regulations that the licence holder has failed to comply with.

Licensing holders may appeal the issue of any of the above, by way of writing to the Head of Regulatory Services, Housing & Wellbeing, and providing evidence that supports any such appeal.

## Hearings

Where a hearing is required to determine the suitability of an applicant or current licence holder either for the accumulation of warnings, or owing to a single matter that breaches the licence conditions, or Warnings, Offences, Cautions & Convictions Policy a report will be provided ahead of the Hearing to the applicant / licence holder detailing the reasons why the matter requires such a hearing.

The options available to the Sub-Committee include (but are not limited to):

- **Suspension of the licence**
- **Revocation of the licence**
- **Director Warning**
- **The imposition of additional conditions and / or requirements placed on the applicant / licence holder**
- **The grant / refusal of an application**
- **To take no further action**

The Licensing Authority has the power to suspend/revoke the licence with immediate effect if it is necessary in the interests of public safety.

If a licensee or applicant is dissatisfied with a decision of the Licensing Authority, an appeal may be lodged with the local Magistrates Court but this must be within 21 days being notified.

### 11.2 Suspension/Revocation of a licence

The Licensing Authority can suspend and/or revoke a licence in accordance with:

1. Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle licences;
2. Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver licences;
3. Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator licences.

Notification of any such decision will be provided in writing to those affected.

In situations where there are concerns of public safety, the Licensing Authority will consider whether an immediate suspension and/or revocation is necessary in the circumstances. Where a decision is made to suspend and/or revoke with immediate effect, the driver **cannot** work during any appeal process.

### **11.3 Refusal to renew a licence**

If a decision is taken to refuse to renew a licence and the applicant is not satisfied with the decision then an appeal can be made to the Magistrates Court with 21 days of receiving notification.

### **11.4 Prosecution of licence holders**

The Licensing Authority reserves the right to prosecute licence holders for relevant offences.

### **11.5 Appeals**

Where a right to appeal exists, the appeal can be made to the local Magistrates Court but must be within 21 days of notification.

### **11.6 Service Requests and Complaints**

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators in writing, or by email to the Pollution Team at:

Lichfield District Council  
Pollution Team  
District Council House,  
Lichfield,  
Staffordshire,  
WS13 6YU

**Email:** [pollution@lichfielddc.gov.uk](mailto:pollution@lichfielddc.gov.uk)

## Appendix A

### Disclosure and Barring Service (DBS): Requirements and Declaration

Drivers will be provided with an application pack providing details of the DBS check process.

All applicants will be required to submit the evidence and complete the online disclosure check. On receipt of this the Licensing Authority will verify and approve the application.

The applicant will be required to sign up to the DBS Update Service as this will allow the Licensing Authority to undertake six monthly checks (or more frequent checks if deemed appropriate) at a significantly reduced cost to the applicant.

The applicant will be sent a printed DBS disclosure certificate which they will be required to provide to the Licensing Section.

A licence will not be issued without the Licensing Authority having received a copy of the DBS certificate.

Once a DBS certificate is received the applicant has period of 31 calendar days to subscribe to the DBS update service.

The Licensing Authority requires all drivers to undergo a DBS check at a minimum of every six months following the grant of the licence or upon renewal. Signing up to the DBS Update Service will enable the Licensing Authority to undertake this check on behalf of the applicant.

#### Declaration

When submitting an application for the grant or renewal of a Combined Hackney Carriage/Private Hire Drivers Licence, applicants are required to declare any convictions they may have.

For the purpose of these guidelines, simple and conditional cautions, reprimands, warnings, endorsable fixed penalties, and any other offences should be declared and shall be treated as convictions for the purposes of these applications.

For convictions or fixed penalties for offences concerning the driving or keeping of a motor vehicle, relevant details are required for the five year period preceding the date of the application.

For criminal offences, details are required in respect of ALL offences no matter how old.

Applicants should be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions. The Licensing Authority will in all cases verify an applicant's identity and require a criminal record check (DBS) to be undertaken. Where the check reveals that the applicant has a record of convictions or cautions and warnings the Licensing Authority will consider:

- The nature and seriousness of offence

- When the offence was committed
- The age of the applicant when the offence was committed
- Any other factors which might be relevant

The Licensing Authority will seek intelligence and corroborate information provided within the applications forms from all 'approved sources' such as the Police, Statutory and non-Statutory Agencies, Social Services Alcohol and Drug Rehabilitation Units, Child Protection Agency, G.P's. etc.

All convictions will considered in line with the District Council's Policies and Guidelines for a Hackney Carriage & Private Hire (Combined) Driver Licence – see Appendix D.

The applicant is required to inform the Licensing Authority of any charges, warnings, cautions, convictions etc. during the period the licence is held. This must be as soon as practicably possible. Failure to do so within 7 days of having been charged, warned, cautioned, convicted, etc, could result in the licence being reviewed.

Any applicant refused a Hackney Carriage & Private Hire (Combined) Driver licence on the ground of previous criminal convictions will be informed in writing and given the opportunity to have that decision referred to an officer with the appropriate delegations and/or a Licensing Sub-Committee where appropriate for it to be re-considered.

If the applicant is refused a licence on the grounds that he/she is not a fit and proper person to hold such licence he/she will be informed in writing and advised of his/her right of appeal to a Magistrates' Court. Any appeal must be made within 21 days of being notified of the Council's decision.

### **Certificate of Good Conduct: Guidelines relating to Criminal Checks for Persons who have spent time outside of the United Kingdom**

Where an applicant/driver has been absent from the UK, a Disclosure and Baring Service (DBS) check would not be sufficient evidence of his/her criminal record.

All applicants/drivers (including those renewing a licence) must complete as part of the application form a questionnaire in order to ascertain what time, if any, the applicant has spent resident outside of the UK since the age of 10.

Under s.57 Local Government (Miscellaneous Provisions) Act 1976 it is an offence to knowingly or recklessly make a false statement or to omit information required by the Licensing Authority.

Applicants/drivers who have been resident in any other country or countries for 6 months or more will be required to provide a Certificate of Good Conduct from each country (unless previously seen by this Authority). For these purposes, a "Certificate of Good Conduct" means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual.

The Licensing Authority may wish to approach the relevant Embassy or appropriate body directly to verify the documents provided. The applicant/driver will be advised of any costs to be incurred and these costs must be met by the applicant/driver. Consent should not be unreasonably withheld.

Where necessary documents must be translated into English or another language by a translator approved by the Licensing Authority. The cost of obtaining an appropriate translation must be met by the applicant/driver.

All applicants/drivers who have been resident in the UK will be required to obtain an enhanced DBS check for the period of time they have been resident in the UK.

Applicants/drivers who are unable to provide the necessary DBS check or Certificates of Good Conduct to the satisfaction of the Licensing Authority, may be unable to satisfy the licensing authority that they are a fit and proper person to hold a driver's licence and the application may be refused or any existing licence may be suspended/revoked.

Any person aggrieved by a decision of the Licensing Authority has the right of appeal to a Magistrates' Court. Such appeal must be made within 21 days of being notified of the Licensing Authority's decision.

**Warnings, Offences, Cautions & Convictions Policy****1. Introduction**

- 1.1 This policy provides guidance to the Licensing Authority (and its Committee/ Sub-Committee and/or authorised officers) on considerations when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage & Private Hire (Combined) Driver Licence or Private Hire Operator Licence. Any decision made by the Licensing Authority/Committee(s) will be on the balance of probabilities and will not be required to meet the 'beyond all reasonable doubt' standard of proof.
- 1.2 It is the responsibility of the Licensing Authority, Lichfield District Council (referred to as the Council hereafter) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.
- 1.3 Public Safety is paramount and prior to granting a licence, the Licensing Authority should ensure:
- That a person is a 'fit and proper' person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);
  - That the person does not pose a threat to the safety of the public;
  - That the public are safeguarded from dishonest persons;
  - That the person does not pose a threat to the safety of children, young persons and vulnerable adults.
- 1.4 The term "fit and proper person" for the purposes of licensing is not legally defined. In assessing whether an individual is 'fit and proper' the Licensing Authority should, but is not limited to, consider the following, and take any other relevant information into account:
- Criminality – including convictions and cautions
  - Warnings, reprimands and fixed penalty notices
  - Human Rights
  - Driving History including period of holding a driver's licence, number of endorsed driving licence penalty points and any other relevant information;
  - Right to work
  - Testing – Medical fitness, driving ability and any other relevant testing;
  - The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours

- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
- Licensing history of existing/former licence holders;
- Complaints made against them to a Licensing Authority

The Licensing Authority may (where appropriate) seek information from other agencies including, but not limited to, the Police, other Authorities including Children and Adult Safeguarding Boards and other statutory bodies.

1.5 This policy will be applicable to any person with an interest in taxi and private hire licensing. In particular, but not exclusively, to:

- Applicants for a Hackney Carriage & Private Hire (Combined) Driver licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operator licences
- Licensing officers
- Members of the Licensing Committee / Sub-Committee
- Magistrates hearing appeals against local authority decisions

1.6 The Licensing Authority will ensure that each case is considered on its individual merits. The Policy may be departed from but this should be proportionate and justifiable in the circumstances. If an applicant has been convicted of a criminal offence(s), the Licensing Authority is not permitted to review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]

1.7 In this policy the word “conviction” includes convictions and cautions.

1.8 In this policy “date sentence has ended” is taken to be the date at which the whole of the period as sentenced by the court has elapsed (and not necessarily the length of time served by the applicant). For example, if a sentence is five years imprisonment but the applicant only served 3 years, the date that the sentence ends will be five years from the date of sentencing. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term “since completion of sentence” is to be construed in a similar way to “date sentence has ended”.

1.8 In this policy the word “applicant” refers to new applicants and existing licence holders.

## **2 General Policy**

- 2.1 Whilst the Licensing Authority may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, the applicant would normally be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).
- 2.2 The Licensing Authority may depart from the guidelines provided in this policy where it is proportionate and justifiable in the circumstances. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

### **2.3 Outstanding Charges or Summonses**

If the Licensing Authority is notified of an outstanding charge or summons which could pose a risk to public safety the Licensing Authority may suspend, revoke or adjourn the application until proceedings have been concluded or information is provided which satisfies them that the risk no longer exists.

Each case will be determined on its own merits;

### **2.4 Non-conviction information**

Should the Licensing Authority receive information which suggests an applicant / existing licence holder could pose risk to the public safety, consideration should be given to refusing/revoking the application.

- 2.5 In making a determination, public safety of the public must be a paramount consideration for the Licensing Authority.
- 2.6 Where an applicant has had a Hackney Carriage and / or Private Hire Driver licence revoked by another Licensing Authority, this Licensing Authority will not normally grant a licence until at least twelve months has elapsed since the revocation.

### 3. Powers & Requirements

- 3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow a Licensing Authority to suspend, revoke or refuse to renew a licence if:
- 3.1.1 the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
  - 3.1.2 failure to comply with the provisions of the Town Police Clauses Act 1847;
  - 3.1.3 failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - 3.1.4 or any other reasonable cause.
- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, permits a Licensing Authority to take into account all convictions recorded against an applicant or the holder of a Hackney Carriage & Private Hire (Dual) Driver Licence, whether spent or not. The Licensing Authority will consider all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to be satisfied that an applicant licence is a “fit and proper” person to hold such a licence. If, however, an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will consider:
- 1. How relevant the offence(s) are to the licence being applied for
  - 2. How serious the offence(s) were
  - 3. When the offence(s) were committed
  - 4. The date of conviction
  - 5. Circumstances of the individual concerned
  - 6. Sentence imposed by the court and the Judges reasons (obiter dicta) for coming to that decision
  - 7. The applicant’s age at the time of conviction
  - 8. Whether they form part of a pattern of offending
  - 9. Any other character check considered reasonable (e.g. personal references)
  - 10. Any other factors that might be relevant, for example:
    - (a) The previous conduct of an existing or former licence holder,
    - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
    - (c) Information provided by other agencies / council departments.

- 3.4 Existing holders of a Hackney Carriage & Private Hire (Combined) Driver licence are required to notify the Licensing Authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 3.5 Applicants can discuss further the implications of a caution/conviction may have on any application or existing licence with the Licensing Service.
- 3.6 The Licensing Authority requires an Enhanced Disclosure from the Disclosure and Barring Service (DBS) for any applicant for a driver licence. Applicants applying for the grant or a renewal of a driver's licence will also be required to provide an enhanced DBS at their own expense on application and at any other time as determined by the Licensing Authority. Alternatively, a subscription to the update service is available.
- 3.7 The Licensing Authority will use all information available to it when determining applications or an entitlement to continue holding a licence. The Licensing Authority may (where appropriate) seek information from other agencies including, but not limited to, the Police, other Authorities including Children and Adult Safeguarding Boards and other statutory bodies.
- 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 stipulates where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 3.9 For renewal applications and current licence holders this policy will be applied retrospectively.
- 3.10 If an offence / information is not covered by this Policy it will not preclude the Licensing Authority from taking it into account.

## **4 Immediate Revocation / Suspension of a Hackney Carriage & Private Hire (Combined) Driver Licence**

- 4.1 If the Licensing Authority makes a decision to revoke or suspend a Hackney Carriage & Private Hire (Combined) Driver licence, it will be required to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Licensing Authority can only suspend/revoke with immediate effect if it is in the interests of public safety to do so.
- 4.3 Before making determination, where it is practicable to do so, the Licensing Authority should provide the licence holder an opportunity to make representations. It may not be practicable to do so in circumstances where public safety is at risk.
- 4.4 The overriding consideration is the safety and protection of passengers and the general public.
- 4.5 Matters such as employment status and personal circumstances should not be taken into account when determining whether an applicant is fit and proper to hold a licence and would not in any event outweigh the public safety factor.
- 4.6 Where the Licensing Authority has decided that a licence holder is no longer “fit and proper” to hold a licence, for public safety reasons, the presumption will be that the revocation of the licence shall have immediate effect.
- 4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

### **4.8 Appeals**

A right of appeal exists where a decision has been made to refuse, revoke or suspend a licence because the fit and proper test has not been satisfied.

All appeals should be lodged at the Magistrate’s Court within 21 days of the notice of refusal/decision being received. [Local Government (Miscellaneous Provisions) Act 1976, s77(1)].

Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot carry on its business during any appeal process. [Local Government (Miscellaneous Provisions) Act 1976, s77(3)]

## 5. Offence considerations

This section deals with offences and applies to **new, renewal and review** applications for Drivers and Operators Licences.

### 5.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A serious view will be taken with those who have convictions or cautions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

5.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction or caution for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.3 A licence will not normally be granted where the applicant has a conviction or caution for an offence or similar offence(s) to those below and at least **10 years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person
14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 A licence will not normally be granted where the applicant has a conviction or caution for an offence or similar offence(s) which replace the offences below and at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.5 A licence will not normally be granted where the applicant has a conviction or caution for an offence or similar offence(s) which replace the offences below and at least **3 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.6 A licence will not normally be granted if an applicant has more than one conviction or caution in the last **10 years** for an offence of a violent nature.

5.7 In the event of a licence being granted, despite convictions or cautions against the Applicant, a strict warning both verbally and in writing should be issued. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

#### **5.8 Possession of a weapon**

If an applicant has been convicted or cautioned of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **7 years** must have passed since the completion of the sentence, before a licence is granted.

## 5.9 Sexual and indecency offences

5.10 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions or cautions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions or cautions for sexual offences will **normally be refused a licence upon application, renewal or review**. Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.11 In relation to indecency offences, an applicant should be free of conviction or caution for at least **5 years** (or at least **5 years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction or caution for an offence such as:

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.12 A licence will **not normally be granted** if an applicant has more than one conviction or caution for an indecency offence.

5.13 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

## 5.14 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and

potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

5.15 In general, a minimum period of **7 years** free of conviction or caution or at least **7 years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.16 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

### **5.17 Alcohol and Drugs**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

5.18 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

5.19 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

5.20 A licence will not normally be granted where the applicant has more than one conviction or caution for offences related to the supply of drugs and has not been free of conviction for **10 years**.

5.21 A licence will not normally be granted where the applicant has more than one conviction or caution for offences related to the possession of drugs and has not been free of conviction for **5 years**.

5.22 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

5.23 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

#### **5.24 Driving offences involving the loss of life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.25 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

#### **5.26 Driving offences involving alcohol and/or drugs**

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **7 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

5.27 More than one conviction for this type of offence or one such offence within the last **7 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **7 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

5.28 Schedule One sets out the traffic offences related to in this section.

#### **5.29 Major Traffic Offences**

Subject to the above paragraphs, an isolated conviction or caution for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of

hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

- 5.30 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.
- 5.31 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application. Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence should not be granted until at least **5 years** have elapsed since the completion of any sentence or driving ban imposed, whichever is the later.
- 5.32 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.
- 5.33 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.
- 5.34 A list of offences to which this section applies is attached as Schedule Two

### **5.35 Minor Traffic Offences**

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

- 5.36 An application with **a points total above 7** on their DVLA driving licence will merit further consideration. Where an applicant has **7 or more** points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least **5 years** have elapsed since the completion of any sentence imposed. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 5.37 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 5.38 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 5.22 Where an existing licence holder is disqualified from driving the licence will normally be revoked under delegated powers.
- 5.23 A list of offences to which this section applies is attached as Schedule Three.

## 5.41 Totting Up Disqualifications

- 5.42 Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.
- 5.43 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

## 5.44 Hybrid traffic offences

Offences of the type listed in Schedule three will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

- 5.45 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.46 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

## 5.46 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for **3 years**.

However, a strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be considered on its merits.

- 3.47 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a Hackney Carriage & Private Hire (Combined) Driver licence.

An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for **3 years**.

#### 5.48 Plying for Hire.

Only licensed hackney carriages are permitted to ply for hire. It is illegal for a private hire vehicle to ply for hire, therefore, wherever practicable, PH vehicles/ drivers should return to their base after they have completed a booked journey.

1. Private hire vehicles **must not** carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
2. All private hire vehicle journeys **must** be pre-booked through a licensed PH Operator.
3. All bookings **must** be made by prospective passengers themselves directly with a PH Operator who will despatch the vehicle. Prospective passengers may instruct a third party e.g. a restaurant manager, to make a booking on their behalf but this third party **must not** be the private hire vehicle driver.
4. A PH driver is **not** permitted to make a booking on behalf of a prospective passenger e.g. via their radio or mobile telephone.
5. PH Operators / staff **must not** accept any booking made by a PH driver on behalf of a passenger.
6. PH drivers are **not** permitted to make their vehicles available for immediate hire. This means that PH vehicle drivers **must not** physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom e.g. allowing prospective customers to approach the vehicle and ask “are you free?”.
7. In most cases, a Private Hire Vehicle will **not** be insured during a journey that has not been correctly pre-booked.
8. PH vehicles **must not** wait at any taxi rank / stand.
9. PH vehicles **must not** be hailed in the street.

## **Schedule One - 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 court

BA30 Attempting to drive while disqualified by order of court

BA40 Causing death by driving while disqualified

BA60 Causing serious injury by driving while disqualified

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 by careless driving when unfit through drugs \*

CD60 Causing death by careless driving with alcohol level above the limit \*

CD70 Causing death by careless driving then failing to supply a specimen for analysis\*

CD80 Causing death by careless or inconsiderate driving \*

CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle \*

DD80 Causing death by dangerous driving \*

DD90 Furious driving

DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

---

DR10 Driving or attempting to drive with alcohol level above limit +

DR20 Driving or attempting to drive while unfit through drink +

DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity

DR40 In charge of a vehicle while alcohol level above limit +

DR50 In charge of a vehicle while unfit through drink +

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR61 Failure to provide a specimen for analysis 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 +

DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and 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
  
- UT50 Aggravated taking of a vehicle
  
- TT99 Signifies a disqualification under the totting up procedure 12 or more points within three years

## **Schedule Two - MINOR TRAFFIC OFFENCES**

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of 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 tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle
  
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- 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
  
- SPI0 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 Undefined speed limit offence
  
- 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/ 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

## Schedule Three - HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of 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 tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
  
- 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 Undefined speed limit offence

Other non-endorsable motoring offences i.e. no MOT

### NOTE:

All offences in Schedules One to Three may also include the following codes:

Aiding, abetting, counselling or procuring  
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting  
Offences as coded above, but with 0 changed to 4 (e.g. becomes CU14)

Inciting  
Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

### **Hackney Carriage & Private Hire (Dual) Driver Licence: Conditions attached to Licence**

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

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

1. The Driver shall behave in a professional and courteous manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
  - Cause any person to take offence at their actions
  - Cause any person to believe their actions are inappropriate (this may include the use of social media, whether in the context of work or otherwise)
  - Cause any person to fear for their physical safety
  - Cause any person to doubt their integrity; and
  - Bring in to disrepute the integrity of the Council for having issued a licence to such person.
2. The Driver must:
  - Sit lone passengers in the back unless otherwise agreed
  - Ask or explain to passengers if using a centralised locking system and not put it on without explanation
  - Pass on concerns if they see signs of vulnerable adult and/or child abuse/sexual exploitation or modern slavery potentially taking place
  - Not engage passengers in conversations about personal or intimate issues
  - Not offer or accept a sexual favour instead of payment
  - Touch passengers unless they ask for assistance
  - Follow a passenger into the house unless previously agreed/authorised
3. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
4. The Driver shall wear the driver badge issued by the Council in a position that is clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
5. The Driver shall not at any time lend or give his or her badge or licence to any other person, except for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.

6. The Driver shall display their dashboard licence on the vehicle dashboard. It shall be in a safe position as to be plainly and distinctly visible to the hirer(s), but not so it affects the driver's view of the road.
7. The Driver shall report the loss of the licence and/or badge(s) to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement and make payment for any appropriate fee.
8. The Driver will complete Safeguarding and disability awareness training and a refresher every three years.
9. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
10. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage & Private Hire (Combined) Driver licence with his/her Private Hire Operator for retention by the Operator until such time as he/she ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.
11. The Driver shall only drive vehicles licensed by Lichfield District Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
12. The Driver shall not drive a licensed vehicle if he or she is not insured to do so.
13. The Driver shall not drive a licensed vehicle without the licence plate being securely attached to the backing plate supplied by the Council and positioned either directly above or below the rear vehicle registration number plate (except for those Private Hire Vehicles that have been granted an Exemption Notice) or as determined by an authorised officer.
14. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward, and, when driving a Hackney Carriage plying for hire within the Lichfield District.
15. The Driver shall ensure that all passengers aged 12 years or more or whose height is 135cm or more, wear a seat belt throughout the duration of the journey.
16. The Driver shall, when carrying passengers who are children aged under 12 years of age or whose height is less than 135cm, ensure that:
  - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
  - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
  - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
  - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if

carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;

- Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
17. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
  18. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
  19. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
  20. The Driver shall ensure that before the vehicle is used, that copies of the Certificate of Insurance, Certificate of Compliance and M.O.T. Certificate are available within the vehicle, so as to be available to an Authorised Officer upon request.
  21. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
  22. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
  23. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
  24. The Driver shall when collecting any passenger proceed to the requested destination by the shortest available route, and if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
  25. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.
  26. The Driver shall:
    - Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
    - Give reasonable assistance in loading and unloading luggage;
    - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
    - Offer reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

27. The Driver shall when in charge of a designated Wheelchair Accessible Hackney Carriage or Private Hire Vehicle make the vehicle available for hire to any person requiring "wheelchair mobility assistance", and offer and provide any necessary assistance to assist the wheelchair user with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
28. The Driver shall not charge a higher price for any journey, for a person requiring "mobility assistance" than would otherwise be charged for a person without a need for the provision of "mobility assistance" for the same journey.
29. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his/her dog. They should ask the passenger where they want themselves and their dog to sit in the vehicle and allow it to remain with the passenger if requested and not make any additional charge. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
30. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he or she agrees to carry the passenger and his/her animal(s). The driver is not compelled to convey any other type of animal than an assistance dog.
31. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that the Driver wait until they are safely inside the house, agree to such requests.
32. The driver of a Private Hire vehicle should provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This enables all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.
33. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
34. The Driver shall provide a written receipt to the hirer if requested to do so. The receipt will detail the date and time the journey started, the starting and finishing address, the cost or fare charged, the driver's full name and Lichfield District Council issued driver/badge Number.
35. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
36. The Driver shall report any lost property to his/her operator and notify the Licensing

Team of any items of value. The operator should keep a record of any lost property handed in. Where a driver is not working for an operator they should keep a record of any lost property and should advise the licensing team of any item over £10 in value or high value items, laptops and cameras, mobile phones etc in case the passenger contacts the licensing team.

37. Staffordshire Police should be informed if any drugs, firearms, weapons, ammunition, non UK passports, unidentifiable substances or any other item that may pose a danger or harm to others are left in a vehicle.
38. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
39. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
40. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
41. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
42. The Driver shall not whilst driving (including whilst stationary with the vehicle engine running) use a mobile phone or any other electronic mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data
43. The Driver shall comply at all times to the Health Act 2006 and shall not at any time smoke (including electronic cigarettes and/or vaping equipment) or permit any passenger to smoke (including electronic cigarettes/ vaping equipment ) in any licensed Hackney Carriage or Private Hire vehicle.
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
45. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
47. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
48. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.

49. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
50. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
51. The Driver shall not travel on any restricted road within the Lichfield District boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger, and such a restriction does not apply to the road when the Driver is carrying or travelling to collect a passenger.
52. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre, and/or cause any hazard, obstruction or inconvenience so as to contravene any traffic laws, regulations, orders or guidance outlined in the current Highway Code.
53. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
54. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.
55. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
56. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 7 days.
57. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
58. The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within 14 days of the action) give full details of it to the Council in writing.
59. The Driver shall not willfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

60. The Driver shall not whilst driving or in charge of a Private Hire Vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
61. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Lichfield District Council area ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Hackney Carriage Vehicle; or permit any other person to do so.
62. The Driver shall cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement, enforcement action may be taken bas if the driver has failed to comply with the same request from an officer of the issuing licensing authority.
63. The Driver shall not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
64. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Lichfield District Council area offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
65. The Driver shall not whilst driving or in charge of a Private Hire Vehicle park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
66. The Driver shall when driving a Hackney Carriage or Private Hire Vehicle outside of the Lichfield District Council area not park on any rank in any other Council area, nor park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
67. The Driver shall not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
68. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle whilst travelling outside of the Lichfield District Council area, contact the Private Hire Operator to request a booking be made on behalf of any person.
69. The Driver shall not whilst driving or in charge of a Private Hire Vehicle park on any taxi rank whether within or outside of the Lichfield District Council area.
70. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle park on any taxi rank outside of the Lichfield District Council area.

71. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares) is displayed in a clearly visible position in the vehicle, provide an explanation of the table of fares if so requested by the passenger, and made available upon request to any Authorised Officer.
72. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
73. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey
74. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 72 hours of the incident occurring.
75. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address, details of the vehicle insurance, and the licence number and registration number of the vehicle to any injured party or Authorised Officer.
76. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.
77. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
78. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.
79. The Driver shall when driving a Hackney Carriage not park on a rank in the Lichfield District for any purpose other than for standing for hire.
80. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Hackney Carriage & Private Hire (Combined) Driver licence, and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
81. The Driver must subscribe to the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so that DBS checks can be carried out at a minimum of every six months.

## Appendix E

### Hackney Carriages & Private Hire Vehicles: Conditions of Licence

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

1. The vehicle licence shall be valid for a period of one year and shall be renewable on the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.
2. a) The Proprietor of a licensed vehicle shall not cause or allow the vehicle to be used unless:
  - The Driver of the vehicle holds a Hackney Carriage & Private Hire (Combined) Driver Licence issued by Lichfield District Council, and is insured by the proprietor, to drive the vehicle.
  - The number of the vehicle licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed, by means of the Licence Plate issued by the Council to the Proprietor.
  - The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured, and in such a way as the Plate can be easily removed. The Plate must not be fixed to the vehicle with any form of adhesive, nor within the rear windscreen area of the vehicle.
  - The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.
- b) The Licence Plate referred to in these Conditions shall remain the property of the Council and shall be returned forthwith to the Licensing Team, at the District Council Offices, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle.
- c) The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Police and Licensing Team as soon as such loss becomes known. The Licensing Team must also be advised of the Crime Number issued by the Police.
- d) A replacement plate (and bracket) is obtainable on payment of a fee.
- e) A fee is charged for duplicate paper licences.
3. a) The Proprietor shall ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.
- b) The vehicle must be a single uniform colour.
- c) The interior and exterior of the vehicle shall be kept in a clean condition and maintained in a safe condition by the Proprietor.

- d) The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.
4. a) The Proprietor shall permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
- b) The Proprietor shall present the vehicle for inspection and testing, by an Authorised Officer, at any time and place within the District of Lichfield as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.
- c) If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.
5. All accidents must be reported to the Licensing Team, in writing, within 72 hours of the accident occurring. Such a responsibility is that of the **Vehicle Licence Holder** and **the Driver of the vehicle** at the time of the accident.
6. The proprietor of a Hackney Carriage or Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires taking out of service / replacing, and who wishes to continue to use the vehicle as a licensed Hackney Carriage or Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service.

If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring and a letter authorising the use of the vehicle for a maximum period of 28 days will be issued by the Licensing Officer and shall be retained within the vehicle during the permitted period.

If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed.

The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.

In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

7. a) Hackney Carriage Vehicle must have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front on the rear, unless a sign is manufactured into the body work of the vehicle.

- b) A Private Hire Vehicle must display signs on the front doors of the vehicle identifying the Private Hire Firm, giving the name and telephone number. Magnetic signs to cover the permanent signs are only permitted if a driver operates for an additional licensed Operator and are not permitted in any other circumstance. The use of magnetic door signs on a vehicle which carries an exemption from displaying signage is forbidden.
- c) A Private Hire Vehicle must **not** display any sign or notice:
- which consists of or includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular or plural or as part of another word; or
  - which consists of the words 'FOR HIRE'; or
  - Where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.
8. a) General advertising is not permitted on any licensed vehicle at this present time.
9. a) The Hackney Carriage and Private Hire vehicle must not be used to carry a greater number of passengers than the number prescribed in the licence.
- b) When the Hackney Carriage or Private Hire vehicle is used to carry children, the following requirements shall be adhered to:
- All passengers aged 12 years or more, or whose height is 135cm or more, wear a seat belt throughout the duration of the journey; and
  - For children aged under 12 years of age, or whose height is less than 135cm, that:
    - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
    - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
    - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
    - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
    - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
- c) Wheelchair Access Vehicles have spaces reserved for the carrying of wheelchairs. The restraining mechanisms are designed purposely for the restraint of wheelchairs only. Pushchairs **must** be folded and secured in the luggage compartment of the vehicle, infants should be safely restrained in a passenger seat in compliance with the seat belt regulations. Infants **must not** be transported in a pushchair.

- d) Only items belonging to passengers may be carried in the luggage space of the vehicle, (i.e. no cleaning products, oils etc. belonging to the vehicle or driver may be carried).
- e) Animals belonging to the Proprietor or the driver must not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle **with the exception of** guide or assistance dogs which will remain with the hirer at all times (even if they are in the front) and which must be carried free of charge.
10. a) The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear;
  - Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded;
  - When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity.
  - The Hackney Carriage fare shall not exceed the rate of fares set by the Council;
  - The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- b) The Proprietor of a licensed **Hackney Carriage** must not allow the vehicle to be used unless the table of fares fixed by this Council is displayed clearly inside the vehicle. Where other fares are programmed into the meter there must also be a table of fares displayed for the additional fares.
- c) The Proprietor of a licensed **Private Hire Vehicle** in which a taximeter is installed must not allow the vehicle to be used unless there is on display the table of fares fixed by him which he proposes to charge.
11. a) If the proprietor wishes to surrender the licence at any time, he or she must do so by way of written confirmation to the Licensing Team, and the vehicle licence and licence plate be returned to the Licensing Team within 7 days of the notification of surrender.
- b) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the vehicle licence holder shall notify the Licensing Team in writing of such a matter within 7 days of the date that he or she sold or transferred the ownership of the vehicle.
- c) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle, the new proprietor shall arrange for an appointment with the Licensing Team in order to carry out the "transfer of ownership" of the vehicle licence, and submit to the Licensing Team his / her application.

d) The Proprietor of a licensed vehicle shall ensure that copies of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:

- Vehicle Log Book
- Valid Certificate of Compliance
- Valid M.O.T. Certificate
- Valid Certificate of Insurance

And the Proprietor shall produce the following original documents at the request of an Authorised Officer of the Council (either forthwith or at the main Council Officers, within five days (including weekends) of the request being made):

- Current DVLA Driving Licence;
- Vehicle Log Book
- Valid Certificate of Compliance
- Valid M.O.T. Certificate
- Valid Certificate of Insurance

e) At all times the proprietor of a licensed vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.

f) Any change of vehicle on insurance must be notified to the Council on or before the change takes place.

g) On changing address the Proprietor of a licensed vehicle shall return the licence, for amendment, to the Licensing Team within 7 days of the change, together with the appropriate fee.

h) The licence shall be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.

i) The Proprietor of a licensed vehicle shall maintain a list of names and addresses of all drivers of the vehicle, and maintain a record that provides information as to which driver has use of the vehicle at all times, and produce this information to the Licensing Team on request.

j) Where the vehicle is licensed as a Private Hire Vehicle or Hackney Carriage with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority will be subject to revocation.

**12.** a) The Proprietor of a licensed vehicle who has agreed, undertaken, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.

- b) Only Lichfield Licensed Hackney Carriages may stand on a Taxi Rank or ply for hire within Lichfield District.
  - c) Private Hire Vehicles may not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
  - d) All bookings for Private Hire Vehicles must be made in advance.
  - e) All Private Hire Vehicles must display door signs that state all bookings must be made in advance, i.e. '**ADVANCE BOOKINGS ONLY**'.
- 13.** The Proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
- 14.** The Proprietor/Driver of a licensed vehicle shall ensure that:
- a. There is no smoking (including the smoking of electronic cigarettes/vaping equipment) within the vehicle at all times. This applies to both drivers and passengers; and
  - b. No smoking signs are displayed within the vehicle. One on each rear window and one on the front dash.
- 15.** The Proprietor of a Hackney Carriage and Private Hire Vehicle shall, within fourteen days of any offence, caution or conviction, disclose to the Council, in writing, details of the offence, caution or conviction and any penalties imposed on him/her during the term of his licence.
- 16.** The proprietor of a licensed vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.
- 17.** The proprietor of a licensed vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
- 18.** The proprietor of a Hackney Carriage or Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Vehicle Licence during the period that the vehicle is utilised so.
- 19.** The proprietor of a Hackney Carriage or Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 7 days.
- 20.** The proprietor of a Hackney Carriage or Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.

### Executive Hire Vehicles

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

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

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

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

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

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

Executive hire vehicles are licensed separately from Hackney carriage vehicles and private hire vehicles. Executive hire vehicles are a special class of private hire vehicle. They are high value, prestige vehicles that are used by companies for transporting special guests or senior members of staff in luxury. Executive hire vehicles are styled more as chauffeur driven vehicles than standard private hire vehicles.

Executive Hire Vehicles must be licensed with the council specifically as executive hire vehicles.

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

- High quality vehicle in terms of brand and condition, with no visible defects, dents or blemishes to the external bodywork or trim
- Luxury or prestige vehicle
- Engine size of 2000cc or greater
- Automatic transmission
- Original list price of the vehicle is in excess of £40,000, despite its age at the time of the licence application. Evidence of the original list value will be required upon application and officers must be satisfied the evidence provided supports and verifies the original list value

- Minimum specification of air conditioning/climate control to front and rear seats, all electric windows, central locking and suitable front and rear headrests for all passengers.

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

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

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

### Private Hire/Hackney Carriage Vehicle Licensing - Hire Companies

Applications for the grant of a private hire or hackney carriage vehicle licence will be accepted from Hire Companies, however special rules will apply.

A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to the accident repair work being carried out (proof from the garage will be required).

The application and all necessary documents must be in the name of the vehicle proprietor (Hire Management Company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the Hire Management Company.

All vehicles which are present to the Council for licensing and all vehicles whilst licensed must comply with the vehicle specifications contained within appendices..... A replacement vehicle will only be issued on a like for like basis i.e. the number of seats.

#### Process

The vehicle proprietor (Hire Management Company) must sign all applications for a new vehicle licence. Any application not signed by the proprietor will not be accepted. In addition the operator of the firm for which the vehicle will be used must sign the application form for a new private hire, hire vehicle.

The following documentation is required for the issue of a vehicle licence:-

- Details of the licenced driver who will be responsible for the vehicle.
- Compliance test pass certificate not more than 14 days old.
- Vehicle insurance or cover note which must cover the vehicle for 'Public Hire' if hackney carriage or 'private hire' if private hire or in any case for 'hire & reward'
- Vehicle v5
- Fee

On the grant of the licence the following items will be issued:-

- Vehicle Licence
- Plate
- Conditions

The licence plates remain the responsibility of the accident management company and must be returned to the licensing office when the vehicle is handed back to them. The vehicle will be cancelled.

Failure to comply with these guidelines will result in future applications being rejected.

### **Reporting an accident**

Proprietors have 72 hours in which to report an accident. An accident report form will be required to be completed in the presence of an officer from the licensing team. If available the officer will assess the vehicle and if required will instruct the proprietor to take it to the nominated testing station for them to assess if the vehicle is roadworthy. Should the vehicle be roadworthy, but requiring repair – these repairs should be done within 28 days. Should the vehicle not be roadworthy then vehicle will be suspended until such a time that the testing station deem the vehicle to be roadworthy.

**Supplementary Vehicle Testing Manual****INDEX**

<b>Section 1</b>	-	<b>Vehicle Exterior</b>
<b>Section 2</b>	-	<b>Hackney Carriage and Private Hire Vehicle Signs</b>
<b>Section 3</b>	-	<b>Licence Plates</b>
<b>Section 4</b>	-	<b>Tyres and Spare Wheels</b>
<b>Section 5</b>	-	<b>Boot/Luggage Compartment</b>
<b>Section 6</b>	-	<b>Engine Compartment/Transmission/Mountings</b>
<b>Section 7</b>	-	<b>Interior of Vehicles</b>
<b>Section 8</b>	-	<b>Wheelchair Accessible Vehicle</b>
<b>Section 9</b>	-	<b>Meters</b>
<b>Section 10</b>		<b>Trailers</b>

1.

**EXTERIOR OF THE VEHICLE**

<b>METHOD OF INSPECTION</b>	<b>REASONS FOR FAILURE</b>	<b>NOTES</b>
1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes.), i.e. steam cleaned.	1. Contamination preventing proper inspection.	If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.  No corrosion, damaged or loose panels or missing trim. No dents, scratches, fading , chipped or poor quality paintwork.
1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	2. Defective external catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
1.3 Check all doors to ensure that they are properly aligned and will close easily	3. Poorly fitting doors to the vehicles.	
1.4 Ensure that the door hinges are in good condition allowing free movement of the door.	4. Defective door hinges.	
1.5 Check all wind-check positions to ensure that doors are held in place when opened.	5. Wind-checks which fail to hold the doors in place when opened.	Any wind check straps must be of a type approved by the manufacturer.
1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineer's certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.

1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).

7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicles. Renovations to paintwork which produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels. Repairs incomplete in primer or undercoat.

## EXTERIOR OF THE VEHICLE Cont'd

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
1.7 (Cont'd).	<p>Vehicle resprayed in unapproved colour or colours.</p> <p>Overspray on glass or other fittings.</p> <p>Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached. Roof covered in unapproved material. Finisher moulding insecure, incorrectly fitted or missing.</p>	<p>Private Hire Vehicles should be one solid colour but not white. This is to differentiate between HCVs and PHVs in order to promote safe journeys and legal plying for hire.</p> <p>Hackney Carriages must be one solid colour i.e. white.</p>
1.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	8. Missing or defective door/wing mirrors.	
1.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	9. Damaged or inadequately secured front or rear bumpers.	
1.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes.)	10. Damaged front or rear number plates. Number plates which do not comply with the vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.	<p>Registration mark obscured or indistinguishable is contrary to Section 43(1) of vehicle excise and Registration Act 1994.1</p> <p>Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) regulations and section 59(1) of the Vehicle Excise and Registration Act 1994.</p>

## EXTERIOR OF THE VEHICLE Cont'd

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
1.10 (Cont'd)		Registration numbers should be (cars/mini bus):  80mm Height 57mm Width 14mm Stroke width 11mm Space between letters 33mm Space between group of letters and figures The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.
1.11 Examine the rubber seals to every door for serious damage, looseness or absence.	11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.	12. Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.	
1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.	13. Inoperable or insufficient number plate, reversing or fog lights.	Lights may be of insufficient intensity when incorrect bulbs have been fitted.  Any lamp fitted must work correctly and be properly aligned.
1.14 Check condition of any advertising material affixed to the exterior of the vehicle.	14. Damaged, peeling or defaced advertising material.  Unauthorised advertising material.	

- 1.15 Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use ) Regulations ,1986.

## 2. SIGNS – HACKNEY CARRIAGE SIGNS

METHOD OF INSPECTION		REASONS FOR FAILURE	NOTES
2.1	Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.	1. A sign that does not conform to the Council's standards affixed to the vehicle.	The Council's licence conditions require:- that a Hackney Carriage must be equipped with an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and LICHFIELD DISTRICT COUNCIL on the rear as approved by the Council. Purpose built vehicles already displaying the word TAXI in the allotted space will not require an additional top sign.  (If top signs are to be replaced they should conform to the above, however existing top signs will be accepted until that time).
2.2	Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.	2. A sign that is not satisfactorily secured to the vehicle.	
2.3	Check that roof mounted signs are properly illuminated (see Notes).	3. A sign which is damaged or has lettering which is not clearly legible.	
2.4	Check that the roof mounted sign may be switched off by separate switch.	4. A sign which cannot be switched off by separate means.	

## 2. SIGNS – PRIVATE HIRE VEHICLE SIGNS

### METHOD OF INSPECTION

2.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.

### REASONS FOR FAILURE

5. Non-compliance with conditions.

### NOTES

The Council's licence conditions require:- No top signs are allowed on Private Hire Vehicles. No signs including the words, 'Taxi, 'Cab, 'for hire' etc. are allowed on private hire vehicle which may lead the public to think that the vehicle is a taxi.

## 2. SIGNS – ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Advertising of the company name and telephone number on the door panels of vehicles is permitted.

OTHER ADVERTISING IS currently not permitted.

### 3. LICENCE PLATES

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
3.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.	1. A damaged plate or a plate with information not clearly legible.	The Council's licence conditions require:- The licence plate to be displayed at all times on the rear of the vehicle so as not to obscure the registration mark. With the particulars thereon facing outwards and in such a manner and place that the Licence Plate is clearly visible by daylight from the road at the rear of the vehicle.
3.2 Examine the plate fixing to the vehicle to ensure that it is securely fixed using bolts or screws, or in accordance with the Local Authority's Conditions. (See Notes).	2. A plate which is not adequately secured to the vehicle.	Plates should be secured to vehicle using bolts or screws, or by the fixing system adopted by the Council, but <b>must</b> be able to be removed by police officer or authorised officer of the Council.

#### 4. TYRES AND SPARE WHEEL

(Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
<p>4.1 Tyres must be of the same type. (see Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes).</p> <p>If vehicle spare wheel is of the space saver type approved and supplied by the manufacturer these will be accepted. Emergency tyre inflation kits are not accepted unless supplied by vehicle manufacturer when first registered.</p>	<p>1. Variation in type of Tyre.</p> <p>No spare wheel or space saver provided with the vehicle.</p> <p>A tyre which is of a different size or construction.</p>	<p>SPARE WHEEL or space saver tyre and wheel as supplied by the manager MUST BE PROVIDED.</p> <p>Emergency Inflation kits are not accepted Emergency tyre inflation kits are not accepted unless supplied by vehicle manufacturer when first registered.</p>
<p>4.2 Examine the tyres for signs of damage or excessive wear (see Notes), ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.</p>	<p>2. Damaged, worn, substandard or otherwise illegal tyres.</p> <p>Tyres below the Council's minimum tread depth (see Notes).</p>	<p>A mix of steel and cord radials on one axle will not be accepted.</p> <p>Recut tyres are not acceptable.</p> <p>Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.</p>
<p>4.3 Check tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.</p>	<p>3. Under or over inflated tyres including spare.</p>	
<p>4.4 Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order, secured firmly in correct location provided by manufacturers.</p>	<p>4. Failure to provide a suitable jack and/or wheel brace with the vehicle.</p>	

- |     |   |    |   |
|-----|---|----|---|
| 4.5 | Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position. | 5. | Failure to satisfactorily secure the spare wheel. |
| 4.6 | Check the rims of all wheels for any signs of distortion or damage.   | 6. | A damaged or distorted wheel rim.                 |

## 5. BOOT/LUGGAGE COMPARTMENT

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
5.1 Examine for evidence of damage, corrosion or water penetration.	1. Any damage, corrosion or water penetration	
5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2. Excessive wear, damage or staining of floor covering.	
5.3 Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	3. Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers' luggage, taint food, etc.
5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5. Panels insecure or missing.	
5.6 No loose tools or tool boxes to be carried in the vehicle.	6. Loose tools or tool boxes carried.	

Note:

A jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.

## 6. ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

METHOD OF INSPECTION		REASONS FOR FAILURE	NOTES
6.1	Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	<ol style="list-style-type: none"><li>1. Any fuel leakage.</li><li>2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.</li></ol>	Inspection to be carried out from both above and below the vehicle.
6.2	Ensure that the battery is properly secured in position.	<ol style="list-style-type: none"><li>3. Insecure battery.</li></ol>	
6.3	Examine all rubber/plastic hoses for signs of wear or deterioration.	<ol style="list-style-type: none"><li>4. Significantly worn or deteriorated hoses.</li></ol>	
6.4	Check the fan belt for signs of incorrect adjustment and/or deterioration.	<ol style="list-style-type: none"><li>5. An incorrectly adjusted or deteriorated fan belt.</li></ol>	
6.5	Examine the engine mountings for signs of deterioration.	<ol style="list-style-type: none"><li>6. Insecure or deteriorated engine mountings.</li></ol>	
6.6	Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	<ol style="list-style-type: none"><li>7. A leaking or inadequately secured radiator.</li></ol>	

- |      |  |     |  |  |
|------|--|-----|--|--|
| 6.7  | Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes. | 8.  | Corrosion to the inner wing panels and suspension mounting tops.     | This should include any corrosion around headlamp mountings. |
| 6.8  | Check the master cylinders for any signs of spillage or leaking of fluid.                        | 9.  | Leaking master cylinders.  |  |
| 6.9  | Check the clutch mechanisms for correct operation.   | 10. | Fluid leakage or mechanical component wear in the clutch mechanisms. |  |
| 6.10 | Check the operation of the bonnet release catch.   | 11. | Defective bonnet release catch/ mechanism.                           |  |

## 7. INTERIOR OF VEHICLE

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.	Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.
7.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	2. Unacceptable smells of vomit, food or other contaminants.	
7.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
7.4 Examine any mats provided to ensure that they are not worn or damaged.		.
7.5 Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		Correctly fitted seat covers will be acceptable
7.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	4. Seats which are not adequately secured to the vehicle.	

7.7	Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches. (see notes)	5.	Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	
7.8	Examine the interior rear view mirror and ensure that it is securely fixed.	6.	A loose, damaged or missing rear view mirror.	
7.9	Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	7.	Defective heater/windscreen demister.	
7.10	Examine the clutch and brake pedal rubbers for signs of excessive wear.	8.	Worn or missing brake and/or clutch pedal rubbers.	
7.11	Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	9.	Window winders that do not allow windows to be easily lowered or raised.	
7.12	Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	10.	Defective interior door release catches.	
7.13	Ensure that child proof locks (if fitted) to rear doors are in working order.	11.	Defective child proof locks.	
7.14	Check that any ashtrays provided for the vehicle are intact and capable of being used. (Where ashtrays have been removed they should be blanked off).	12.	Unserviceable ashtrays or ashtrays that have not been blanked off where removed.	
7.15	If a metal grille is fitted check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.	13.	Loose or incorrectly fitted grille or exposed parts which could cause injury.	The fitting of a metal grille is not compulsory.
7.16	Check that estate cars are fitted with a luggage guard or cover.	14.	Luggage guard/cover not fitted or ineffective.	

## 8. WHEELCHAIR ACCESSIBLE VEHICLES

METHOD OF INSPECTION		REASON FOR FAILURE		NOTES
8.1	Examine the Wheelchair anchorage points  Inside the vehicle for security, suitability, and ease of access.	1	Unsuitability of points, insecure or worn and damaged points	Anchorage points for securing a Wheelchair must be suitable and comply to seat belt anchorage regulations.  They must be easily accessible, free from built up dust and dirt and securely fixed to the floor or bodywork of the vehicle in compliance to seat belt anchorage regulations.
8.2	Check the operation of all wheelchair anchorage points.	2	Fail to securely hold any Anchorage straps in place	Any ramps or securing straps or seatbelts must be presented with the vehicle on day of inspection and must be indelibly marked or stamped with the registration mark of the vehicle.  Seat belts must comply to any regulations in regard of seat belts.
8.3	Check and inspect Wheelchair ramps for operation and suitability, ensure suitability for access or egress of wheelchair in to and out of vehicle.	1.	No ramps in vehicle when vehicle presented for inspection. (see notes)  Ramps damaged or unsuitable for vehicle. (see notes)	

8.4	Check and inspect Wheelchair ramp securing points on the vehicle	1	Unsuitable for ramps to be securely fixed to vehicle.	
8.5	Check and inspect securing belts and Wheelchair seat belts	2	Damaged, or corroded securing points	
		1	Frayed or damaged seat belt or securing straps (see notes)  Unsuitable seat belts or securing straps. (see notes)  Straps or seat belts not presented with vehicle for inspection.	

## 9. METERS

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

9.1 Ensure that the meter is sited in position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.

1. Absence of a meter, or a meter which is not suitably sited within the vehicle.

Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.

9.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.

2. A meter which is not adequately secured within the vehicle.

9.3 Check the meter to ensure that the figures indicating the fare are illuminated.

3. Lack of adequate illumination to the meter display.

9.4 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.

4. Failure to display a table of fares in a conspicuous position within the vehicle.

Applies to all hackney carriages and those private hire vehicles fitted with a meter (optional).

9.5 Where there are additional fares programmed into the meter these fares should be displayed alongside the Council's table of fares.

Private hire vehicles with a meter should be tested using the tariff set by the P.H. operator and the private hire operators' tariff card should be displayed in the vehicle.

## 10. TRAILERS

Trailers must undergo an annual inspection and trailers must comply with all the following points:-

- 10.1 The proprietor must present the trailer for inspection at the Council Depot prior to its first use and thereafter every 12 months at the inspection of any vehicle on which the trailer is authorised to be used.
- 10.2 The trailer complies with all aspects of current vehicular legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- 10.3 The vehicle must be suitable for towing the intended trailer.
- 10.4 The trailer must be in good condition and no older than ten years of age, of which proof of age must be provided at the time of test.
- 10.5 The trailer must be purpose built and manufactured for the purpose for which it was intended.
- 10.6 The trailer must be plated by the manufacturer, specifying the maximum load to be carried.
- 10.7 The trailer must be fitted with suitable brakes which must be maintained in a satisfactory condition.
- 10.8 The trailer must comply with current vehicular lighting regulations.
- 10.9 No advertising will be permitted on any part of the trailer.
- 10.10 The trailer must be fitted with a secure fastening cover, which must be of the hard top type.
- 10.11 A spare wheel of the same type and size fitted to the trailer must be carried in a secured position on the trailer.
- 10.12 Where a licensed vehicle has its emergency exit through the rear doors, the towing of a trailer must not impede the use of those doors for the egress of passengers from the vehicle.
- 10.13 The two bar fitted to the licensed towing vehicle must be of a type approved by the manufacture of the vehicle, be to a type approved to British Standard (Kite marked) and fitted by an approved agent.

## TRAILERS (Continued)

Note-

Proof of the towing vehicle being insured to tow the trailer must be produced before the inspection is carried out.

A charge will be made for the inspection of the trailer which will be payable prior to the inspection.

A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle, provided that he/she holds the appropriate category on his/her DVLA driving licence, which must be produced to the Authority.

The licence will be suspended when:-

- (a) M.O.T. Failure or
- (b) Where there are 3 or more failure items from the supplementary test manual, or at the discretion of the examiner any single item which would affect the safe carriage of passengers.
- (c) Failure of any tyre, road wheel or defective speedometer or taximeter.  
(Supplementary test manual reference 4, 10 and 11)

The vehicle will be subject to retest as follows:-

- (a) M.O.T. Failure                      Partial retest if the vehicle is brought back to the Depot and retested before the end of the next working day on one or more of the following items: ABS warning boot lid, brake pedal antislip, direction indicators/hazard warning, doors, emissions, fuel filler cap, headlamp aim, horn, lamps loading door, mirrors, rear reflectors, registration plates, seat belts (but not anchorages), seats, sharp edges or projections, steering wheel, vin no. windscreen and wipers/washers.  
  
Full retest will be required for all items not listed above.
- (b) Supplementary items failure – vehicle will be retested on failed items only.

Where a vehicle has failed and the licence suspended, the vehicle must be retested before returning to work.

#### RETEST FEES

Retest Fee – Fees are subject to change and as such please refer to the Council's website or annual fees and charges.

If the vehicle is not returned for retest within one working day the Local Authority Licensing Enforcement Officer will be notified. The Authority Licensing Team will be notified of all vehicle or trailer failures.

## VEHICLE INSPECTION SHEET

Hackney Carriage/Private

Applicant's Name: ----- Hire Vehicle Plate No.:

Address: ----- Colour:

Vehicle Make & Type: Mileage -----

Registration No: ----- Chassis Number

Engine Size: ----- MOT Expiry Date

Vehicles will be tested to M.O.T. standard unless otherwise indicated in Supplementary Test Manual

ITEMS TESTED	M.O.T. MANUAL REF	SUPP. TEST MANUAL REF	PASS	FAIL	COMMENTS
Lighting Equipment					
Front & rear lamps	1.1				
Headlamps	1.2				
Headlamps aim	1.6				
Stop lamps	1.3				
Rear reflectors	1.4				
Direction indicators & hazardous lamps	1.5				
Steering and Suspension					
Steering control	2.1				
Steering mechanism/system	2.2				
Power steering	2.3				
Transmission shafts	2.5				
Wheel bearings	2.5				
Front suspension	2.4, 5				
Rear suspension	2.4, 6				
Shock absorbers	2.7				
Brakes					
ABS warning system/controls	3.4				
Condition of service brake system	3.3, 5, 6				

Condition of parking brake system	3.1, 2, 5				
Service brake performance	3.7				
Parking brake performance	3.7				
<b>ITEMS TESTED</b>	<b>M.O.T. MANUAL REF</b>	<b>SUPP. TEST MANUAL REF</b>	<b>PASS</b>	<b>FAIL</b>	<b>COMMENTS</b>
Tyres and Wheels					
Tyre size/type inc. spare		4			
Tyre condition inc. spare		4			
Road wheels	4.2				
Seatbelts					
Wheelchair mountings and straps Condition/Operation		8			
Mountings/Condition/Operation	5.1				
General					
Drivers view of the road	6.1				
Horn	6.2				
Exhaust system	6.3				
Exhaust emissions	6.4				
General vehicle condition	6.5				
Mirrors	6.6	1.8			
Fuel system	6.7	6			
Registration plates and VIN nos.	6.8	1			
Exterior of Vehicle		1			
Signs		2			
Licence Plates		3			
Boot/Luggage Compartment		5			
Engine Compartment		6			
Interior of Vehicle		7			
Road Test		10			
Meters		11			



## Appendix I

### Private Hire Operator: Conditions attached to Licence

1. The Operator shall keep a record and maintain such a record at his/her premises detailing the particulars of all vehicles operated by him or her, which shall include the following:
  - the licence plate numbers;
  - the registration numbers;
  - the names and addresses of the proprietors;
  - the names and addresses of drivers;
  - the licence (badge) numbers of drivers;
  - copies of licences for all licensed vehicles and drivers; and
  - copies of insurance certificates for all licensed vehicles.
  
2. The Operator shall, before a hiring starts, record in a suitable book the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
  - a) the date and time of the booking;
  - b) the name and contact telephone number / email address (if either are available) of the hirer and, where the booking is received from another operator, the name of that operator;
  - c) the manner in which the booking was made (i.e. whether by telephone, in person, or by electronic means);
  - d) the time and place at which it is intended that the passenger shall be collected;
  - e) the destination (which may be recorded electronically at the conclusion of the journey using GPS tracking);
  - f) the time at which the driver was allocated the booking;
  - g) the registration number and licence plate number of the vehicle allocated to the booking;
  - h) the licence number of the driver who will attend the booking; and
  - i) where the booking is passed onto another operator by way of “sub-contracting”, the name and address of that operator, together with the Operator’s licence number and issuing authority.
  
3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on

request by an authorised officer of the Council or a Police Officer for a period of not less than 12 months.

4. The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.
5. The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employment of the Operator, made by any person or organisation.
6. The Operator shall not invite or accept a booking for a Licensed Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, or by means of electronic communication to the person making the booking information as to the basis of charge for the hire of the vehicle.
7. The Operator shall not charge a higher price for any journey, for a person who requires “mobility assistance” than would otherwise be charged for a person without such a need for “mobility assistance” for the same journey.
8. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
9. The Operator shall not take any bookings requested directly by the driver of any licensed vehicle.
10. The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that appointed time and place. If an Operator sub-contracts a booking ( under the Deregulation Act, 2015 ) the operator shall inform the customer prior to the vehicles arrival at the pick up point, of the details of the sub- contractor that will be conducting the journey and give them the contact number and licensed name of that Operator.
11. The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter carries and displays upon request a list of the tariffs charged by the Operator.
12. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.
13. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Private Hire Vehicles in his or her employ from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a

prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.

14. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Hackney Carriage and / or Private Hire Vehicles in his or her employ when such vehicles are utilised outside of the Lichfield District Council area from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
15. The Operator shall maintain an adequate supply of livery, and provide such livery upon request to the driver of a Licensed Vehicle in his or her employ should such livery be found to be absent, deteriorated or perished.
16. The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or tolerate any involvement in the management of the licensed Operator by:
  - any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage licensing; and
  - any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a Hackney Carriage & Private Hire (Combined) Driver Licence or Private Hire Operator Licence.
17. The Operator shall inform the Council in writing, and within 14 days of him / her having been:
  - Arrested;
  - Released on Police Bail
  - Reported for an offence
  - Summoned for an offence
  - Charged with an offence
  - Convicted of an offence
  - Summoned for an offence
  - Cautioned by a Police Officer
  - Received a County Court judgment;
  - The subject of any bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.

- 18.** The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the Private Hire Operator business on his / her behalf.
- 19.** If provision is made by the Operator on his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator shall ensure that the premises are in a clean and tidy condition at all times, and that adequate arrangements are made for the seating of customers within the premises.
- 20.** The Operator shall not permit any person who is behaving in a manner likely to give rise to concerns regarding the safety of other members of the public, to remain upon the premises in respect of which this licence is in force.
- 21.** The Operator shall understand that a Private Hire Operator licence is not transferable.
- 22.** The Operator shall notify the Council immediately (and in any case within 7 days) of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them; and make payment of any associated fee for the maintenance of the licence following such amendments being made.
- 23.** The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a Hackney Carriage & Private Hire (Combined) Driver Licence and is acquainted with the conditions attached to such a driver licence.
- 24.** The Operator shall ensure that the holder of any Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence relating to a licensed vehicle operating under his / her Operator licence is acquainted with the conditions attached to such a vehicle licence.

This page is intentionally left blank

# Housing Standards for Houses in Multiple Occupation

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing

Date: 8<sup>th</sup> November 2018

Contact Officer: Jack Twomey

Tel Number: 01543 308734

Email: jack.twomey@lichfielddc.gov.uk

Key Decision? **YES NO (delete as appropriate)**

Local Ward Members Affects all Wards



**REGULATORY  
AND LICENSING  
COMMITTEE**

## 1. Executive Summary

- 1.1 The Housing Act 2004 introduced mandatory licensing of higher risk houses in multiple occupation (HMOs) and a new system of assessing the condition of housing known as the "Housing Health and Safety Rating System" (HHSRS). These both cover a range of potential risks to the health and safety of occupiers and visitors to these dwellings.
- 1.2 Recent changes to HMO Licensing regime have led to an increased number of properties now requiring a licence. This in turn has prompted the need for guidance to landlords to ensure their Licensed HMOs meet minimum criteria. This report relates to the approval of the proposed standards.

## 2. Recommendations

- 2.1 That the Committee agrees the draft Houses in Multiple Occupation Amenity Standards at Appendix 1.

## 3. Background

- 3.1 The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 introduced a new definition for a licensable HMO, effectively removing the requirement for the property to be three storeys.
- 3.2 The law changed on 1<sup>st</sup> October 2018 and as a result the Council has received a number of applications for HMOs which are newly captured by the change.
- 3.3 Many local authorities adopt HMO standards to guide landlords in relation to what is required to get an HMO licenced. Such standards assist landlords, owners, managing agents, tenants and other interested parties in determining what work they might need to carry out to be able to gain a licence and therefore operate legally.
- 3.4 Our own draft standards are attached at Appendix 1.

Alternative Options	1. Provide no amenity standards. Discounted due to the need to assist landlords in determining what works they may have to carry out to bring their property up to standard. This also assists the Housing Officer who can simply direct enquirers to the standards in many cases.
Consultation	1. None. The guidance is designed to assist landlords in understanding the requirements for being licenced.
Financial Implications	1. None.
Contribution to the Delivery of the Strategic Plan	1. The proposals impact upon the District Council's Strategic Plan 2016 -20 objectives of Healthy and Safe Communities.
Equality, Diversity and Human Rights Implications	1. No implications.
Crime & Safety Issues	1. No implications.

**Houses in Multiple Occupation**

**Amenity Standards Guidance for Landlords, Owners, Managing Agents and  
Tenants**

**October 2018**

## Contents

1	Introduction_____	2
2	Definitions_____	2
3	Heating_____	2
4	Energy Efficiency_____	3
5	Ventilation and Damp_____	4
6	Bathroom Facilities_____	4
7	Kitchens_____	6
8	Occupancy Levels_____	9

## 1 Introduction

- 1.1 This document provides guidance on the standard amenities, which must be provided in all licensed Houses in Multiple Occupation (HMO). For the purposes of this guide, 'Standard Amenities' means the provision of facilities for the preparation, storage and cooking of food, washing and bathing facilities, toilets and the provision of heating, insulation and ventilation.
- 1.2 The number and type of amenities depend on the type and size of the house.
- 1.3 This document contains the minimum standards required in all HMOs licensed by Lichfield District Council. They form part of the *licence conditions* and should also be used by landlords, managers and letting agents as a guide to level of amenities to be provided in all HMOs, whether or not they are licensable.

*[NB All HMOs may be subject to individual inspection and assessment using the Housing Health and Safety Rating System (HHSRS). As a consequence, some HMO's may require certain works, in addition to those specified in this guide, in order to address specific hazards or deficiencies].*

## 2 Definitions

**House in Multiple Occupation (HMO)** – as defined in the Housing Act 2004 section 254.

**Unit of accommodation** – A living area occupied by one household e.g. a bedsit.

**Mandatory Licensed HMO** – An HMO which requires a licence under the Housing Act 2004 part 2. A dwelling of any number of storeys if there are 2 or more households, consisting of 5 or more people sharing a basic facility.

**Mandatory Licensed HMO and Owner Occupiers** – An owner occupier is allowed 2 lodgers before the dwelling becomes a HMO. For the purpose of this calculation the owner's family is classed as one person. 4 lodgers sharing a facility is licensable under Part 2.

**Bed & Breakfasts, Hotels and Guest Houses** - can become HMOs if homeless families are placed there by councils and this becomes the sole use or significant use of the accommodation. Long term guests and migrant worker accommodation also fall into this category. 25% of the total occupancy is a significant use. If this % are sharing or lacking basic facilities then it may become licensable if occupation is over 5 persons.

**Basic facility** - is a bath, shower, sink, hand basin, toilet, or, cooking facility.

## 3 Heating

- 3.1 A form of fixed space heating is required to all habitable rooms, which can be controlled by the tenants, incorporating a timer and suitably positioned thermostat(s).
- 3.2 The heating system shall be capable of achieving and maintaining the following internal temperatures, when the outside temperature is -1°C:-
  - Bedrooms only 18 °C
  - Living room/ dining room 21 °C
  - Study bedroom 21 °C
  - Bathroom with WC 21 °C
  - Kitchens and separate WCs 18 °C

- Dining kitchens 21 °C
- Circulation areas 16 °C

*NB the heating system shall have sufficient capacity to achieve the required temperatures within 1 hour, when the heating is in regular use.*

- 3.3 Heating must be available at all times. If the heating system is controlled from a central location, the system must incorporate controls to allow each occupant to regulate the temperature within their own unit of accommodation.
- 3.4 Suitable methods of heating are:
- a) Central Heating System (wet system) comprising a modern, efficient boiler with adequate controls including a timer or programmer, thermostat or room stat and individual thermostatic radiator valves (TRV) as appropriate.
- b) Electric storage heaters with a separate meter arrangement to enable them to be operated using off peak electricity. The storage heaters shall incorporate charge controls and a manual boost facility, in accordance with current Building Regulation standards (Approved Document L1A).
- c) Fixed electric convector or radiant heaters connected to a dedicated fixed spur outlet.
- NB This form of heating, using 'on peak' electricity, will not be deemed suitable or adequate, if the building has poor thermal performance due to its age and construction type. Only modern or improved buildings that have been upgraded to achieve current Building Regulation standards (Approved Document L1B) will be approved.
- 3.5 Portable heating appliances shall not be provided as the main form of heating (except for temporary heaters provided for short term use in the event of a boiler breakdown).
- 3.6 Portable heating appliances using either paraffin oil or LPG (bottled gas) shall not be provided by the landlord.
- 3.7 The heating system shall be safely and properly installed and maintained by a suitably qualified person.
- 3.8 Non room sealed gas appliances, such as gas fired room heaters shall not be permitted in sleeping rooms and shall be disconnected and removed to prevent them from being used.
- 3.9 Open hearths and disused fire places shall be adequately boarded over and made good to prevent cold and draughts. Disused flues must be provided with an air vent to ensure adequate ventilation and the chimney terminal fitted with a suitable rain cowl to prevent ingress of rainwater.

#### **4 Energy Efficiency**

- 4.0 The property shall have a valid energy performance certificate (EPC) and achieve a minimum rating of band E.

4.1 Where practicable, properties with an EPC rating of band D or E should be upgraded with one or more of the following insulation measures, having regard to the minimum energy efficiency values set out in the Building Regulations approved document L1B:-

- Additional loft insulation to a depth of 270mm
- Cavity wall insulation
- Insulated dry lining to sloping eaves ceilings and the interior surfaces of dormer windows.
- Insulation to floors, where they extend over cellars, basements or other unheated voids.
- Insulated drylining to external solid brick walls (i.e. non cavity construction).
- Replacement double glazing or secondary glazing.

4.2 Loft hatches shall be insulated and draught proofed.

4.3 Hot water storage cylinders shall be adequately insulated and pipes carrying hot water, where they pass through unheated areas, shall be lagged.

4.4 Suspended timber floors over cellars, should be insulated to the underside, wherever practicable, using a minimum of 150mm of mineral fibre insulation (or equivalent rigid foam insulation) between the floor joists.

## **5 Ventilation and damp**

5.0 Habitable rooms shall be provided with a suitable means of passive ventilation, such as trickle vents to windows.

5.1 Each habitable room shall have a window, which is in good repair and capable of being opened and closed freely and fastened securely.

5.2 Kitchens, toilets and bathrooms must have mechanical extractor fans. The mechanical extraction rate in bathrooms and toilets must be a minimum of 15 litres per second and in kitchens a minimum rate of 30 l/s where associated with cookers with an extract hood but 60l/s everywhere else in a kitchen.

## **6 Bathroom facilities**

6.0 Bathroom facilities must be available within 2 floors of each bedroom. Communal facilities must be accessible from communal areas. All facilities must be inside the building.

6.1 The number of facilities must be provided in accordance with the following table:

<b>Washing Facilities – Provision of amenities for the number of people</b>	
1-4 People	At least: <ul style="list-style-type: none"> <li>• One fixed bath or shower and</li> <li>• A toilet with wash hand basin (the toilet may be located separately or be in the bathroom)</li> </ul>
5 People	At least: <ul style="list-style-type: none"> <li>• One fixed bath or shower and</li> <li>• One separate toilet with a wash hand basin (so that there is a toilet available for the occupiers when the bathroom is in use)</li> </ul>
6-10 People	At least: <ul style="list-style-type: none"> <li>• Two fixed baths or showers</li> <li>• Two toilets with wash hand basins (at least one toilet must be located separately so there is a toilet available for the occupiers when the bathrooms are in use)</li> </ul>
11-15 People	At least: <ul style="list-style-type: none"> <li>• Three bathrooms and</li> <li>• Three toilets with wash hand basins (at least one toilet must be located separately so that there is a toilet available for the occupiers when the bathrooms are in use)</li> </ul>

6.2 Minimum standards for bathroom facilities.

- All baths, toilets and wash hand basins must have a smooth and impervious surface and be easy to clean.
- Each bathroom must either have a bath or a shower.
- All baths, showers and wash hand basins must provide an adequate supply of both hot and cold water. Hot water may be provided by any of the following methods:
  - i. piped from a boiler
  - ii. an immersion heater
  - iii. a fixed gas appliance (e.g. a multipoint)
  - iv. An instantaneous heater (only to basins and electric showers).
- Bathrooms should be adequately heated, insulated and draught free.
- Bathrooms and toilet compartments must have adequate ventilation. Mechanical extraction must be provided (in addition to a window to the outside air) at a minimum extraction rate of 15 litres per second.
- If the toilet is in a separate compartment there must be a wash hand basin in the compartment.
- The splash backs to baths, wash hand basins and sinks must extend to at least the width of the basin or bath. All joints must be sealed and watertight. All tiling must be fixed with waterproof adhesive and joints filled with waterproof grouting.
- In showers the tiling or splash back must extend above the head of the shower. Where a shower screen is used the tiling/splash back must extend to the edge of a fixed shower screen. Where a shower curtain is used, the tiling should extend beyond the curtain.
- Bathroom fitments and the water supply must be installed in compliance with Building Regulations: Approved Documents G and appropriate British Standards.

- Drainage to bathroom and toilet fittings must be installed in compliance with Building Regulations: Approved Document H and appropriate British Standards.

## 7 Kitchens

7.1 Shared kitchens: The kitchen must be suitably located in relation to the living accommodation. If kitchens do not have a suitable dining area space dining must be provided within one floor distance (this may be a living room, bedsit or bedroom of suitable size). The kitchen layout and size must be adequate to enable each occupier to safely prepare food.

7.2 The table below shows the minimum requirements for shared kitchens, depending on the number sharing:

Facility	Minimum Standard	Up to and including 5 people	More than 5 people
Sink	A sink with constant hot and cold water, a draining board and tiled splash back	1 sink for up to 5 people	2 sinks for 6-8 people 3 sinks for 9-12 people (Note: a dishwasher will be acceptable as a second sink)
Hob	An electric or gas hob with four rings	1 hob for up to 5 people	2 hobs for 6-8 people 3 hobs for 9-12 people
Oven and grill	An oven AND grill	1 oven and 1 grill for up to 5 people	2 ovens and 2 grills or 1 oven and 1 grill plus a microwave for 6-8 people 3 ovens and 3 grills or 2 ovens and 2 grills plus a microwave for 9-12 people
Electric sockets	<ul style="list-style-type: none"> <li>• 30 amp supply for an electric cooker</li> <li>• Dedicated sockets for the fridge and for a washing machine set at a convenient height and safe position</li> <li>• 3 double sockets at worktop height</li> </ul>	3 double sockets for up to 5 people	4 double sockets for 6-12 people

<b>Facility</b>	<b>Minimum Standard</b>	<b>Up to and including 5 people</b>	<b>More than 5 people</b>
Work tops for food preparation	Worktops must be secure, fixed and of an impervious material	Minimum length for up to 5 people: 1m	Minimum length for 6-7 people: 1.5m Minimum length for 8 people: 2m Minimum worktop length for 9-12 people: 2.5m
Cupboards for the storage of food and cooking utensils (the space below the sink is not counted)	A floor based food storage cupboard 500mm wide and standard depth and height or a wall mounted food storage cupboard 1000mm wide and standard depth and height should be provided per person	1 cupboard per person	1 cupboard per person
Refrigerators and freezers	A standard fridge-freezer OR separate standard size fridge and a separate freezer	1 fridge-freezer OR 1 separate fridge and 1 separate freezer for up to 5 people	2 fridge-freezers OR 2 separate fridges and 2 separate freezers for up to 6-10 people 3 fridge-freezers OR 3 separate fridges and 3 separate freezers for up to 11+ people
Appropriate refuse disposal facilities	A sufficient number of bins must be provided for the storage of refuse awaiting collection both inside and outside	Minimum standard	Minimum standard
Appropriate extractor fans	Extraction must be provided in accordance with approved document F under Building Regulations	Minimum standard	Minimum standard
Appropriate fire blankets	To be supplied and sited in accordance with fire guidance*	To be supplied and sited in accordance with fire guidance*	To be supplied and sited in accordance with fire guidance*
Appropriate fire doors	To be provided in accordance with fire guidance*	To be provided in accordance with fire guidance*	To be provided in accordance with fire guidance*

Facility	Minimum Standard	Up to and including 5 people	More than 5 people
Appropriate finishes	Kitchen floors must be able to be cleaned. Kitchen walls adjacent to cookers, sinks and food preparation areas must have impervious splash-backs. Kitchen Ceilings must be in good repair.	Minimum standard	Minimum standard

\* See Lacor's Fire Guidance document.

7.3 Kitchens which are not shared are usually provided within a bedsit. If the kitchen is somewhere else it must be suitably located in relation to the living accommodation. If the kitchen does not have a suitable dining area dining space must be provided within one floor distance (this may be a living room, bedsit or bedroom of suitable size).

7.4 Any portable electrical appliance provided by the landlord must be PAT tested every 12 months. A certificate showing the results of the test must be made available to the council on request.

7.5 The table below shows the minimum requirements for kitchens that are not shared:

Facility	Minimum Standard
Cooker and hob	A hob with at least two rings and an oven
Sink	A sink with constant hot and cold water, a draining board and tiled splash back
Sufficient electrical sockets	4 sockets (2 doubles), plus dedicated sockets for a cooker and refrigerator Points must be set at a convenient height and safe position
A worktop for the preparation of food	At least 500mm length The worktop must be secure, fixed and of impervious material
Cupboards for the storage of food and cooking utensils. The space below the sink is not counted.	A floor based storage cupboard of 500mm wide and standard depth and height or a wall mounted food storage cupboard of 1000mm wide and standard depth and height
A refrigerator	A standard refrigerator
Refuse disposal facilities	A sufficient number of bins must be provided for the storage of refuse awaiting collection both inside and outside

<b>Facility</b>	<b>Minimum Standard</b>
Extractor fans	Extraction must be provided in accordance with Building Regulations approved document F
Appropriate fire blankets	To be supplied and sited in accordance with LACOR's fire guidance
Appropriate fire doors	To be provided in accordance with LACOR's fire guidance
Appropriate finishes	Kitchen floors must be able to be cleaned. Kitchen walls adjacent to cookers, sinks and food preparation areas must have impervious splash-backs. Kitchen ceilings must be in good repair.

## 8 Occupancy levels

8.1 The minimum bedroom sizes are as detailed in this table:

for bedrooms with cooking facilities	a minimum of 13m <sup>2</sup> for one person a minimum of 20m <sup>2</sup> for two persons sharing.
for bedrooms where kitchen and dining facilities are provided elsewhere in the house	a minimum of 6.5m <sup>2</sup> for one person a minimum of 11m <sup>2</sup> for two persons sharing
for bedrooms where there the kitchen is provided elsewhere but there are no other dining facilities provided	a minimum of 10m <sup>2</sup> for one person a minimum of 15m <sup>2</sup> for two persons sharing

END