

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, 17 February 2021

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **THURSDAY, 25TH FEBRUARY, 2021 at 6.00 PM** to consider the following business.

In light of the current Covid-19 pandemic and government advice on social distancing, the meeting will be held online and streamed live on the Council's [YouTube channel](#)

Yours faithfully

A handwritten signature in black ink, appearing to read 'Christie Tims', written over a light grey circular stamp.

Christie Tims
Head of Governance and Performance

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chairman), Parton-Hughes (Vice-Chair), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield



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. Business and Planning Act 2020 Update on Pavement Licences 9 - 12
6. Review of Hackney Carriage and Private Hire Licensing Policy 13 - 216
7. The feasibility of using Parks Staff for Envirocrime Fixed Penalty Enforcement 217 - 220



REGULATORY AND LICENSING COMMITTEE

28 SEPTEMBER 2020

PRESENT:

Councillors B Yeates (Chairman), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield

4 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Parton-Hughes

5 DECLARATIONS OF INTEREST

There were no declarations of interest received.

6 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous Special meeting held Thursday 30th July 2020 were approved.

7 WORK PROGRAMME

The work programme was considered and it was agreed to add:-

- Report on the use of Park Rangers for enforcement duties - 25 February 2021
- Verbal updates on the impact of Covid on the performance of the Food and Health and safety service delivery plan should be added - End of year report to be provided.
- Verbal update on the pavement policy – 25 February 2021

8 ENVIRONMENTAL HEALTH ENFORCEMENT POLICY UPDATE

The Committee received a report on the Environmental Health Enforcement Policy, which dates back to 2015 and reviewed in October 2017, when the Housing Civil Penalties Annexe was added. The report follows a review of the Enforcement Policy. The Housing Civil Penalties Annexe has been changed to show a move to the Nottingham model which has been shown to be robust in Tribunals.

Members were informed that the Enforcement Policy guides officers businesses and the public on the Councils enforcement practices. There were two strands of the report and within the first strand the update on the regulatory services policy minimal changes were made including an update on the service name.

The second part is the update on the annexe on the Housing Civil Penalties, which is more of a change, to follow the Nottingham City model instead of the Staffordshire model for use in tribunals. Permission has been gained to use their policy.

Members were asked to recommend the policy to be adopted at Council for Council to give delegated authority for this Committee to allow any future amendments and updates.

After the Discussion a vote was undertaken and the Committee were all in agreement that:-

RESOLVED

(1) That the Committee agreed the updated Regulatory Services, Housing and Wellbeing Enforcement Policy including the Annexe on Housing Civil Penalties is adopted at Council.

(2) The Committee agreed that Council gives delegated authority to the Regulatory and Licensing Committee to make any required amendments to this policy in the future.

9 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

The Committee received a verbal report updating on the Licensing Act 2003.

The Licensing Act 2003 provides a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. These activities are referred in the Act as licensable activities. Section 5 of the Licensing Act 2003 requires that the District Council as the Licensing Authority prepare and publish a Statement of Licensing Policy at least every five years. During the five year period the policy must be kept under review and the licensing authority may make any appropriate revisions to it.

Section 5 of the Licensing Act 2003 requires that the District Council as the Licensing Authority prepare and publish a Statement of Licensing Policy at least every five years. During the five year period the policy must be kept under review and the licensing authority may make any appropriate revisions to it. This year the licensing Authority was due to prepare and consult on a revised statement of licensing policy for 2021 – 2026. Due to the current emergency position this authority was concerned about its ability to carry out an effective review due to not being able to fully engage with the local trade and residents. The Saturation Policy, which forms part of the Licensing policy, needs to be reviewed. The Saturation Policy addresses the impact of premises licensed and covers Bird Street (up to the junction with Swan Road, Lichfield and Market Street (from its junction with Bird Street to its junction with the Market place, Lichfield.

This policy provides a decision making framework for applications in the area covered by the policy and requires the authority to consider the impact a new licensed premises would have within the special saturation area. At this current time it is difficult to determine whether this policy needs to be retained going forward. In the event of any closures of premises in the saturation area then the policy may no longer be justified and currently it is impossible to forecast this position.

The Committee were asked to authorise the retention of the existing policy with a view to conduct a detailed review within the next 5 year cycle.

Resolved: To submit a report to full council to re adopt the existing policy for a further 5 years.

10 IMPACT OF COVID ON THE IMPLEMENTATION OF THE FOOD AND HEALTH & SAFETY SERVICE DELIVERY PLANS

The new service delivery plan was agreed earlier this year for 2020-2022. This included the aim to complete 418 programmed food safety inspections and inspect approximately 100 new food businesses. During Mid-March to August there has been a suspension of routine food safety inspections, resulting in a back log of approximately 270 overdue inspections. During this period the team have been undertaking remote assessments and providing advice and guidance for new businesses that registered with the Authority, previously known poorly compliant premises and businesses that changed the nature of their activities such as providing takeaways.

Additionally the service undertook the emergency shopping service and support for vulnerable/shielding residents, the enforcement of Covid restrictions on businesses, support to businesses to reopen with adequate Covid controls and assisted with the planning and implementation of the Staffordshire outbreak plan. Progress has been slow in reinstating the food inspection.

In summary the food and health and safety programme for this financial year is unlikely to be completed.

THANKS

The thanks of the Committee to the Commercial Team Environmental Health for their work during the last 7 months is recorded.

(The Meeting closed at 7.38 pm)

CHAIRMAN

This page is intentionally left blank

**REGULATORY AND LICENSING COMMITTEE
WORK PROGRAMME FOR 2020-2021**

Item	28 May 2020	28 Sept 2020	25 FEB 2021	Purpose of the Report	Lead
Pavement Policy	✓				SB
Review of Enforcement Policy with Housing Annex		✓			JT
Taxi Policy Review			✓		GD
Licensing Act Policy		✓			SG
Impact of Covid on the implementation of the Food and Health & Safety Service Delivery Plans		✓			FW
Report on the use of Park Rangers for enforcement duties			✓		JT
Update on the performance of the Food and Health and safety service delivery plan should be added - End of year report to be provided.				Briefing paper at end of year	GD
Verbal update on the Pavement Policy			✓		SB

This page is intentionally left blank

Business and Planning Act 2020

Update on Pavement Licence's

Councillor Angela Lax

Date: 25th February 2021

Contact Officer: Sarah Gear/Susan Bamford

Tel Number: 01543 308138/01543 308170

Email: Sarah.gear@lichfielddc.gov.uk
susan.bamford@lichfielddc.gov.uk

Key Decision? **NO**

Local Ward
Members



Regulatory & Licensing Committee

1. Executive Summary

1.1 This report updates members on the implementation of the provisions of the Business and Planning Act 2020 regarding pavement licences.

2. Recommendations

2.1 That members note the implementation of the Business and Planning Act 2020 regarding pavement licences.

3. Background

- 3.1 The Business and Planning Act 2020 ("the Act) came into force on 22 July 2020. The purpose of the pavement licence provisions in the Act make it easier for premises in England which serve food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- 3.2 This was a streamlined process to allow businesses to secure these licences in time for the summer and, where they are deemed to have been granted, allow these licences to remain in place for a year but not beyond 30 September 2021. Alcohol licensing changes will allow operators to serve alcohol for consumption off the premises.
- 3.3 Any person who uses or proposes to use premises as a public house, wine bar or other drinking establishment or uses or proposes to use premises for the sale of food or drink for consumption on or off the premises can apply to the Council for a pavement licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.
- 3.4 An application for a pavement licence must be published and is subject to public consultation for a period for 7 days. Before the Council determines the application, it must take into account any representations made and must consult with the Highway Authority and any other person it considers appropriate. The council identified appropriate additional consultees as the police, planning, environmental health and ward councillors.

- 3.5 After the end of the consultation period the Council may either grant the licence or reject the application. Importantly, if the Council does not grant the licence or reject the application within 7 days after the end of the public consultation period the licence is deemed to be granted.
- 3.6 A licence may be granted subject to conditions, either imposed by the Act, by the Secretary of State or by the Council. If, following the grant of a licence, the Council considers that the holder has breached any conditions of the licence the Council may revoke the licence, or serve a notice on the licence holder requiring steps to be taken to remedy the breach of condition. If a condition imposed on a licence (either by the local authority) or nationally is breached, the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.
- 3.7 The Council may also revoke a pavement licence if:
- some or all of the part of the highway to which the licence relates has become unsuitable for any purpose for which the licence was granted, or
 - as a result of the licence being granted there is a risk to public health or safety, or
 - anti-social behaviour or public nuisance is being caused or risks being caused, or
 - the highway is being obstructed (other than by anything done by the licence holder pursuant to the licence), or
 - anything material stated by the licence holder in their application was false or misleading, or
 - the licence holder did not post a notice about the application on the premises.
- 3.8 At the meeting on the 30th July 2020 the committee agreed the licensing conditions and resolved:
- That all functions, powers and duties contained in the Business and Planning Act 2020 in respect of pavement licences be delegated to the Head of Regulatory Services, Housing & Wellbeing.
 - to waive the maximum fee of £100 in order to support local businesses at this difficult time.
 - where action is required against premises not complying with conditions, action will be taken to cover costs]
 - that the Head of Regulatory Services, Housing & Wellbeing, in consultation with the Chairman of Licensing is authorised to make any further changes to the conditions as required.
- 3.9 Following the introduction of the Pavement Licence regime there are currently 12 licences in force that all expire 30th September 2021. All premises are in Lichfield City Centre. The premises are:-
- Boomers
 - Bore Street Bakery
 - Corner Café
 - Earl of Lichfield
 - George Hotel
 - Kings Head
 - Larder
 - Le Reve
 - Mama Thai
 - Spirit works
 - Sweeney Todd
 - Tudor Cafe

Unfortunately due to the current restrictions the premises are unable to make use of the permission at the time of writing this report.

3.10 The licensing team created an online application in accordance with the Act and ensured that the process was as streamlined as possible. As it was a new process for the team they visited each site to ensure the area applied for was appropriate and the tight timescales were met to ensure all licenses were issued within the statutory timescales. 11 premises were compliant with the national and standard conditions. 1 premises used an article that wasn't authorised by the pavement licence. An application was submitted to address this issue however objections to this application were received and the application was refused. This premise will be monitored once the permissions can be used to ensure compliance.

Alternative Options	1. Not Applicable
Consultation	1. Not Applicable
Financial Implications	1. The Council can charge a fee of up to £100 per pavement licence application. This is unlikely to cover the full cost of processing applications and ensuring compliance. However in order to support local businesses Members decided to waive the fee, this means £1200 of potential income was foregone.
Contribution to the Delivery of the Strategic Plan	1. The issuing of pavement licences supports the priority to develop prosperity by encouraging economic growth.
Equality, Diversity and Human Rights Implications	1. Authorities must have regard to the needs of disabled people when considering whether to grant a pavement licence and non-smoking areas need to be provided by businesses that are granted pavement licences.
Crime & Safety Issues	1. Off sales are limited to 11pm at the latest in order to reduce the potential for anti-social behaviour. The conditions also make the licence holder responsible for the conduct of people within the area of the Pavement Licence, allowing rowdy or unruly behaviour may lead to the revocation of the licence.
Environmental Impact	1. Pavement cafes have potential to enhance the local built environment. There are conditions attached to the licence to mitigate any negative impact from litter food and drink spillages.
GDPR/Privacy Impact Assessment	1. Not Applicable

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Premises proceed without applying for a licence	Giving advice & information to local businesses, promoting on the council's website & taking appropriate action if necessary	Likelihood : Green Impact : Yellow Severity of Risk : Green
B	Premises not following the conditions	Checking compliance & taking	Likelihood: Yellow

		appropriate action	Impact: Yellow
C	Managing business and customer expectations	Clear guidance and conditions	Severity of Risk: Yellow Likelihood: Green Impact: Green Severity of Risk: Green
D			
E			

Background documents

Business and Planning Act 2020
National and Standard Conditions

Relevant web links

Review of Hackney Carriage and Private Hire Licensing Policy



Date:	25 th February 2021
Contact Officer:	Sarah Gear/ Susan Bamford
Tel Number:	01543 308138/ 01543 308170
Email:	Sarah.gear@lichfielddc.gov.uk Susan.Bamford@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	All Wards

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report gives members feedback on the outcome of the consultation for the Review of the Hackney Carriage and Private Hire Licensing Policy.
- 1.2 The 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 That Members approve and adopt the revised Hackney Carriage and Private Hire Licensing 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 In exercising this responsibility 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 Attached at Appendix A is the current Hackney Carriage and Private Hire Licensing policy that was initially agreed in 2019
- 3.4 The policy 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.
- 3.5 A review of the Hackney Carriage & Private Hire Licensing Policy was due to take place during 2020. However due to the coronavirus pandemic and the impact on the taxi trade, it was felt that this should initially be delayed.
- 3.6 In July 2020 the Department for Transport released the Statutory Taxi and Private Hire Vehicle Standards attached at Appendix B. The document sets out a framework of policies that licensing authorities must have regard to when exercising their functions. It was therefore considered that the review of the existing policy must be undertaken to consider these Standards.

3.7 On 4th December 2020 consultation commenced. The following were consulted:

- All Combined Hackney Carriage & Private Hire Drivers Licence Holders
- All Private Hire Vehicle Proprietors
- All Hackney Carriage Vehicle Proprietors
- All Private Hire Operators
- TT Autos (Vehicle Tester)
- Safeguarding Board for Young People
- Adult Safeguarding Board
- Fire Service
- Trading Standards, Staffordshire County Council
- Staffordshire County Council Highways
- Staffordshire Police
- Support Staffordshire
- Environmental Health Team
- The Licensing Authorities approved medical practitioner, CHC Medical
- Members of the public via the Council's website

3.8 The consultation concluded on 29th January 2021. The consultation was in line with the guidance issued by the Cabinet Office dated 2018.

3.9 Public Safety has remained at the heart of all the proposed changes and the proposed changes will put the licensing framework in line with best practice and make it clearer and transparent. Subject to council agreement, it is proposed that this policy takes effect from 1 April 2021. Attached at Appendix C is a table of proposed changes consulted upon. The majority of these changes were brought about because of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards. Other changes have been made where it was felt clarification of wording was required,

3.10 2 Individual responses were received, and 1 response was received from The National Union of Rail, Maritime and Transport Workers (RMT). An overview of responses is attached at Appendix E.

3.11 Members will recall that the policy included the introduction of a penalty points system. As part of this review the views of the Environmental Health officers responsible for enforcement have been sought in relation to the impact of the penalty point system introduced in April 2019. The officers believe that the points system has had a positive effect, with a decrease in times officers are having to speak to drivers, often repetitively. A total of 48 points have been issued since the implementation of the scheme. These relate to failure to display driver's licence, failure to display roof sign and failure to display side stickers. Issues are picked up through regular on going enforcement initiatives carried out by officers.

3.12 It is therefore proposed that the changes proposed in Appendix C, together with the amendments as stated in Appendix E and the executive hire vehicle conditions attached as Appendix D be incorporated within the existing Hackney Carriage & Private Hire Licensing Policy.

Alternative Options	1. The Committee could consider not approving the proposed Policy amendments but this would mean not implementing all of the Statutory Taxi and Private Hire Vehicle Standards. This would potentially leave the council open to a legal challenge.
Consultation	1. A List of those consulted is set out in paragraph 3.8 2. The policy and proposed amendments was also published on the Lichfield District Council website.
Financial	1. The costs of administering the licensing function is recovered through the

Implications	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	<p>1. The policy will support the District Council’s Strategic Plan 2020-2024 to:-</p> <p>Enable people to</p> <ul style="list-style-type: none"> • help themselves and others • collaborate and engage with us • live healthy and active lives <p>Shape place to</p> <ul style="list-style-type: none"> • keep it clean, green and safe • preserve the characteristics • make sure sustainability and infrastructure needs are balanced <p>Develop prosperity to</p> <ul style="list-style-type: none"> • encourage economic growth • enhance the district for all • invest in the future
--	---

Equality, Diversity and Human Rights Implications	<p>1. An Equality Impact Assessment has been undertaken, this identified a positive impact on all customers, particularly vulnerable people and those with disabilities. This is supported by the Licensing Aims and Objectives contained within the Policy.</p>
---	--

Crime & Safety Issues	<p>1. The policy will assist the Local Authority is exercising its duties and responsibilities, in particular with regard to safeguarding, child sexual exploitation and human trafficking.</p>
-----------------------	---

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

<p>Background documents</p> <p>Appendix A – Current Hackney Carriage & Private Hire Licensing policy</p> <p>Appendix B – Statutory Taxi & private Hire Vehicle Standards</p> <p>Appendix C – Policy Amendments</p> <p>Appendix D – Executive Hire vehicle conditions</p> <p>Appendix E –Overview of responses to consultation</p>
--

<p>Relevant web links</p> <p>https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf</p> <p>https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</p>
--

This page is intentionally left blank



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

2019

**Effective date 1st April 2019
(1st Review Date 1st April 2020)**

Contents

	Page No.
1. Introduction	1
2. Application and Definitions	2
3. Licensing Aims and Objectives	4
4. Delegations	7
5. Hackney Carriage and Private Hire Driver Requirements	8
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
6. Hackney Carriage and Private Hire Vehicles	18
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
7. Fares	30
7.1 Hackney Carriages	30
7.2 Private Hire Vehicles	30

8. Private Hire Operators	31
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
9. Fees & Charges	39
10. Communication and Information Security	41
11. Compliance and enforcement	41
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
Appendices:	
Drivers:	
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.

Licensed Drivers are recommended to:-

- 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
- Not touch passengers unless they ask for assistance
- Not follow a passenger into the house unless previously agreed/authorised

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 will be issued for 3 years. The Council may in exceptional circumstances grant a licence for a lesser period.

Applicants shall have a minimum of 2 years of holding a full driving licence issued in the UK.

The Council may directly access the DVLA records of applicants (via a completed DVLA mandate), 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.

The Licensing Authority will only consider an application when it has received all required documentation. An application will only be valid for 6 months, after that time the application maybe refused.

Detailed information can be found on the Council’s website www.lichfielddc.gov.uk.

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 at least every three years. Licence holders will be required to subscribe to the Disclosure and Barring Service Online Update Service. 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 update service check 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 and has not been resident in the UK for at least 5 consecutive years preceding the date of the application 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.

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.

The Council approved provider have been employed to carry out the practical driving assessment & Knowledge Test. Applicants are required to pass a 2 hour assessment before a licence is issued. Photographic evidence is required before the test can be commenced.

The knowledge test 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 assessment fee is included in the application fee.

Applicants who fail the Practical Driving Assessment & Knowledge Test will be allowed to re-sit the test that they failed. 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 Practical Driving Assessment and/or Knowledge Test 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.

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 issue a Hackney Carriage and Private Hackney Carriage & Private Hire Drivers licence for a three-year period. The Licensing Authority may in exceptional circumstances grant a licence for a lesser period.

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/top, collared polo shirt or smart-Shirt together with trousers, shorts, skirts and smart jeans.
- 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 Submit 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 2022 (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.lichfielddc.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.

A replacement plate, bracket & paper licence will be available from the Licensing team. A fee will be charged for any replacement item.

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 2022** 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. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.
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.
10. No modifications which include material alterations, change in specification, design, condition or appearance of the Private Hire or Hackney Carriage Vehicle will be permitted while the licence is in force.
11. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
12. All glass (including windows or transparent material) behind the “B” post allows at least 70% of light to be transmitted through it.

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 **1st April, 2022** 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. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.

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).
- 6 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.
- 7 No modifications which include material alterations, change in specification, design, condition or appearance of the Private Hire or Hackney Carriage Vehicle will be permitted while the licence is in force.
- 8 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
- 9 All glass (including windows or transparent material) behind the "B" post allows at least 70% of light to be transmitted through it.

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 vehicle must have four passenger doors which includes the driver's door, except purpose built vehicles.
5. The vehicle must have at least one window on each side capable of being opened and closed.
6. Seating must be comfortable and provide the average passenger with adequate leg room. Sideways mounted seats will not be permitted.
7. The floor must be covered with a suitable carpet, mat or other floor covering.
8. 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.
9. 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.
10. 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.
11. 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@lichfielddc.gov.uk. The driver of the vehicle will be required to complete an accident report form.

Very minor blemishes at the discretion of the Senior/ Licensing Officer may preclude the vehicle from being inspected at the approved testing station. In all other cases the vehicle must be inspected by the approved testing station to assess if the vehicle is roadworthy.

The licence will be suspended for up to 8 weeks if, following an inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy.

If the vehicle has significant damage and is unable to be presented to the approved testing station, the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination.

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 licensed vehicle.

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 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 be granted for a period of 5 years. The Licensing Authority may in exceptional circumstances grant a licence for a lesser period.

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.

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 must keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records must 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 - www.lichfielddc.gov.uk

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.

Radios

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence¹ 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 2022 (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 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 and Operator's 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	✓	✓

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
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	✓	

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
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.

Licence 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

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.

Applicants/drivers who have been resident in any other country or countries for six continuous months since the age of ten years old and have not been resident in the UK for at least 5 consecutive years preceding the date of the application 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.

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 must 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 be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver must 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.
4. The Driver must 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.
5. The Driver must not at any time lend or give his/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 must 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.
7. The Driver must, 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.

8. The Driver must 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.
17. The Driver must ensure that before the vehicle is used, that copies of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.
18. The Driver must not carry any other person in the vehicle without the permission of the hirer.
19. The Driver must if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
20. The Driver must deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause, or is otherwise directed by the hirer.
21. The Driver must:
 - 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 must offer and provide any necessary assistance to wheelchair users when 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 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 must, 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.
29. The Driver must, 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.

30. The Driver must, if asked to transport an unaccompanied child and/or if a passenger requests that the Driver wait until they are safely inside the building, agree to such requests.
31. The Driver of a Private Hire vehicle must 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.
32. The Driver must 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.
33. The Driver must 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.
34. The Driver must have regard to:- https://www.staffordshire.police.uk/lost_and_found with regard to lost property. The Driver must ensure lost property found within or originating from the vehicle with a value over £10 is reported to the Lichfield District Council Licensing Team and if it was a pre-booked journey, the Operator.
35. The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.
36. The Driver must not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages in connection with the operation of the vehicle, without the express consent of the hirer.
37. The Driver must not eat in the vehicle whilst a passenger or passengers are on-board.
38. The Driver must not at any time use electronic cigarettes and/or vaping equipment) or permit any passenger to use electronic cigarettes/ vaping equipment) in any licensed Hackney Carriage or Private Hire vehicle.
39. The Driver must 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.
40. The Driver must 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 at the Council's third party approved provider.

41. The Driver must 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.
42. The Driver must 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.
43. The Driver must within 14 days of received a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed give full details of it to the Council in writing.
44. The Driver must 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.
45. The Driver must 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.
46. The Driver must 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, within sight of 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.
47. The Driver must 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.
48. The Driver of a vehicle equipped with a taximeter must 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 make available upon request to any Authorised Officer.
49. The Driver must when driving a Hackney Carriage 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.
50. The Driver must when driving a Hackney Carriage vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey
51. The Driver must if the vehicle is involved in an accident, inform the vehicle proprietor as soon as practicably possible, in order that the vehicle proprietor and/or vehicle driver may contact the Licensing Officer within 72 hours of the incident occurring.
52. The Driver must if the vehicle is involved in an accident, complete an accident report

form providing his or her name and address and any other reasonable details, the vehicle proprietors name and address, details of the vehicle insurance, and the licence number and registration number of any vehicle affected.

53. The Driver must when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages, proceed to another stand, and not park on or near a taxi rank that is full.
54. The Driver must 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 moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
55. The Driver must 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.
56. The Driver must when driving a Hackney Carriage not park on a rank in the Lichfield District for any purpose other than for standing for hire.
57. The Driver must 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.
58. The Driver will complete Safeguarding and disability awareness training and a refresher every three years.

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 must be valid for a period of one year and must 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 must 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 and bracket 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.
 - 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 will remain the property of the Council and must 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, or has been suspended.
- 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.
3. a) The Proprietor must 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 must 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 must permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
 - b) The Proprietor must present the vehicle for inspection and testing, to 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 Authorised 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 Authorised 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, the vehicle licence will be suspended.

The vehicle must be repaired before the plate is re-affixed and the suspension can be lifted and the vehicle can return 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.
9. a) 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.
- b) 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).
- c) 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 must 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 Insurance
 - Vehicle Licence
- 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):
- Vehicle Log Book
 - Valid Certificate of Insurance
 - Vehicle Licence
- 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 must return the licence, for amendment, to the Licensing Team within 7 days of the change, together with the appropriate fee.
 - h) The licence must be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.
 - i) The Proprietor of a licensed vehicle must 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 must, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.
- b) Private Hire Vehicles must not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
- c) All bookings for Private Hire Vehicles must be made in advance.
- d) 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 must 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 must ensure that:
- a. There is no 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 passenger door window and one on the front dash.
15. The Proprietor of a Hackney Carriage and Private Hire Vehicle must, within fourteen days of receiving a fixed penalty notice, of being bailed, arrested, cautioned, reprimanded or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence, which you are suspected of having committed disclose to the Council, in writing.
16. The proprietor of a licensed vehicle must 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 must 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 must 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 must 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 must 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
- 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**

Section 1	-	Vehicle Exterior
Section 2	-	Hackney Carriage and Private Hire Vehicle Signs
Section 3	-	Licence Plates
Section 4	-	Tyres and Spare Wheels
Section 5	-	Boot/Luggage Compartment
Section 6	-	Engine Compartment/Transmission/Mountings
Section 7	-	Interior of Vehicles
Section 8	-	Wheelchair Accessible Vehicle
Section 9	-	Meters
Section 10		Trailers

1.**EXTERIOR OF THE VEHICLE**

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
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 must 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">1. Any fuel leakage.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.	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">3. Insecure battery.	
6.3	Examine all rubber/plastic hoses for signs of wear or deterioration.	<ol style="list-style-type: none">4. Significantly worn or deteriorated hoses.	
6.4	Check the fan belt for signs of incorrect adjustment and/or deterioration.	<ol style="list-style-type: none">5. An incorrectly adjusted or deteriorated fan belt.	
6.5	Examine the engine mountings for signs of deterioration.	<ol style="list-style-type: none">6. Insecure or deteriorated engine mountings.	
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">7. A leaking or inadequately secured radiator.	

- | | | | | |
|------|--|-----|--|--|
| 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	<p>Anchorage points for securing a Wheelchair must be suitable and comply to seat belt anchorage regulations.</p> <p>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.</p> <p>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.</p> <p>Seat belts must comply to any regulations in regard of seat belts.</p>
8.2	Check the operation of all wheelchair anchorage points.	2	Fail to securely hold any Anchorage straps in place	
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.	<p>No ramps in vehicle when vehicle presented for inspection. (see notes)</p> <p>Ramps damaged or unsuitable for vehicle. (see notes)</p>	

8.4	Check and inspect Wheelchair ramp securing points on the vehicle	1	Unsuitable for ramps to be securely fixed to vehicle.	
		2	Damaged, or corroded securing points	
8.5	Check and inspect securing belts and Wheelchair seat belts	1	<p>Frayed or damaged seat belt or securing straps (see notes)</p> <p>Unsuitable seat belts or securing straps. (see notes)</p> <p>Straps or seat belts not presented with vehicle for inspection.</p>	

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					

Page 120

Condition of parking brake system	3.1, 2, 5				
Service brake performance	3.7				
Parking brake performance	3.7				
ITEMS TESTED	M.O.T. MANUAL REF	SUPP. TEST MANUAL REF	PASS	FAIL	COMMENTS
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 must 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 must, 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 must 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 must 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 must have a complaints procedure in place which can be audited and checked by the licensing authority upon request.
6. The Operator must 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 must 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 must not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
9. The Operator must not take any bookings requested directly by the driver of any licensed vehicle.
10. The Operator must, 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 must 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 must 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 must make all necessary measures to ensure drivers in their employment do not park in a prominent position that may encourage unlawful hire.
14. The Operator must 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.

- 15.** The Operator must 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.

- 16.** The Operator shall inform the Council in writing, and within 14 days of him / her having received a fixed penalty notice, been bailed, arrested, cautioned, reprimanded or is involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.

- 17.** The Operator must 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.

- 18.** 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 must 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.

- 19.** The Operator must 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.

- 20.** The Operator must understand that a Private Hire Operator licence is not transferable.

- 21.** The Operator must 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 re-issue of the licence following such amendments being made.

- 22.** The Operator must 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.

- 23.** The Operator must 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.

- 24.** The Operator must inform the licensing authority if he/she intends to be absent or unavailable for 7 days or more, giving details of a responsible person.



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices	8
Duration of licences	9
Whistleblowing.....	9
Consultation at the local level	10
Changing licensing policy and requirements	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service	12
The Disclosure and Barring Service Update Service	13
Common Law Police Disclosure	13
Licensee self-reporting	13
Referrals to the Disclosure and Barring Service and the Police	14
Working with the Police	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees	17
Overseas convictions	17
5. Decision Making	19
Administration of the licensing framework	19
Training decision makers.....	19
The regulatory structure	20
Fit and proper test	21
Criminal convictions and rehabilitation	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation	24
Language proficiency	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines	28
8. Private Hire Vehicle Operator Licensing	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping	31
Use of passenger carrying vehicles (PCV) licensed drivers	31
9. Enforcing the Licensing Regime	33
Joint authorisation of enforcement officers	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions	35
Annex – Disclosure and Barring Service information	37
Annex – CCTV Guidance	38
Annex - Staying Safe: Guidance for Passengers	40

1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

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

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

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

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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

Dishonesty

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

Drugs

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

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

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

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

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Page no	Current policy wording	Amended policy wording
1	Not currently in Policy	Insert:- Statutory Taxi & Private Hire Vehicle Standards – July 2020
8	Licences will be issued for 3 years. The Council may in exceptional circumstances grant a licence for a lesser period	Licences will be issued at a standard length of 3 years. Any shorter duration licence will only be issued when a licensee has requested this and it is appropriate in the specific circumstance of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis, in accordance with the Statutory Taxi and Private Hire Vehicle Standards
8	The Council may directly access the DVLA records of applicants (via a completed DVLA mandate), or alternatively will employ the services of a third party to do this.	The Council may at any time request a DVLA check code from an applicant or licensed driver, in order to access DVLA records. The DVLA check code must be provided within 7 days of such a request.
8	The provision of 2 recent colour passport standard photographs that are of a good likeness of the applicant.	A recent passport standard photograph that is a good likeness of the applicant.
8	A completed DVLA mandate	A DVLA Check Code
11	<p>The Licensing authority requires all drivers to fund, obtain and produce an enhanced DBS check at least every three years. Licence holders will be required to subscribe to the Disclosure and Barring Service Online Update Service. 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 update service check 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.</p> <p>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.</p>	All licensed drivers should be able to evidence continuous registration with the DBS update service. The Licensing Authority will routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months.

Page no	Current policy wording	Amended policy wording
11	Not currently in Policy	Insert:- In the interests of public safety the licensing authority will not issue a licence to any individual that appears on the children and adult barred lists. There may be exceptional circumstances based on the balance of probabilities that an individual named on a barred list is a fit and proper person– eg The Head of Service will be consulted and reasons for reaching this decision will be recorded.
11	Certificate of Good Conduct	Certificate of Good Character
12	A signed mandate will be required as part of the application process	A valid DVLA check code will be required as part of the application process
12	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.	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 will enable the driver to understand written documents such as policies and guidance relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
14	Licences will be issued for 3 years. The Council may in exceptional circumstances grant a licence for a lesser period	Licences will be issued at a standard length of 3 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstance of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licenses will not be issued on a probationary basis, in accordance with the Statutory Taxi and Private Hire Vehicle Standards
14	All drivers are required to complete Child Sexual Exploitation training and existing drivers are required to complete refresher training every 3 years.	All drivers are required to complete Safeguarding training (including Child Sexual Exploitation and County Lines) and existing drivers are required to complete refresher training every 3 years.
18	Not currently in Policy	Vehicle Licensing Insert:-

Page no	Current policy wording	Amended policy wording
		<p>An application submitted from an individual who is not a licensed driver with Lichfield District Council will need to include as part of their application a basic disclosure from the Disclosure and Barring Service.</p> <p>If an individual has spent an extended period (three or more continuous months) outside the UK, or has not resided in the UK for less than 5 years a certificate of good character will also be required.</p>
21	<p>Licence applications for vehicles in “exceptional condition” which are outside of the council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must provide an independent automobile engineers report for vehicles outside 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)</p>	<p>Licence applications for vehicles in “exceptional condition” which are outside of the council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the required standard. This vehicle check must be completed at least a month before the licence plate expires. The Compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration. (see Schedule of Fees)</p>
22	<p>Licence applications for vehicles in exceptional condition which are outside of the council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must provide a council approved independent automobile engineers report for vehicles outside 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)</p>	<p>Licence applications for vehicles in “exceptional condition” which are outside of the council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the required standard. This vehicle check must be completed at least a month before the licence plate expires. The Compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration. (see Schedule of Fees)</p>
32	<p>A Basic DBS certificate A certificate of good conduct</p>	<p>A Basic DBS certificate (unless you are the holder of a combined Hackney Carriage & Private Hire drivers licence issued by Lichfield District Council) A Certificate of good character</p>

Page no	Current policy wording	Amended policy wording
32	Licenses will be granted for a period of 5 years. The Licensing Authority may in exceptional circumstances grant a licence for a lesser period.	Licences will be issued at a standard length of 5 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstance of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licenses will not be issued on a probationary basis in accordance with the Statutory Taxi & Private Hire Vehicle Standards
33	The Operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.	<p>The Operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. A register of all staff that will take bookings or dispatch vehicles will be kept.</p> <p>All individuals listed on the register will be required to provide the operator with a Basic Disclosure. DBS certificates should be recently issued. Individuals will be required to advise the operator of any convictions while they are employed in this role. A record that the DBS certificate has been seen will need to be recorded.</p> <p>Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on the register and ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.</p> <p>Registers are required to be retained for a period of not less than 12 months.</p>
35	All new operators are required to complete Safeguarding training and complete refresher training every 3 years.	All new operators, unless they are holders of a Hackney Carriage & Private Hire Combined Drivers Licence issued by Lichfield District Council are required to complete Safeguarding training (including Child Sexual Exploitation and County Lines) and complete refresher training every 3 years.
41	Not currently in Policy	<p>To insert:-</p> <p>Should Lichfield District Council receive information that a licence holder did not disclose that they hold or have previously held a licence with another authority or that an application for a licence was refused, a licence revoked or</p>

Page no	Current policy wording	Amended policy wording
		suspended, the authority will consider whether the non-disclosure represents dishonesty and will review whether the licence holder remains a fit and proper person.
41	Not currently in Policy	To insert:- Lichfield District Council will authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside this area
45	Not currently in Policy	To include in the list of Tariff's:- Failure to display information on how customers are able to make complaints to Lichfield District Council
48	Not currently in Policy	To insert:- A decision to refuse or revoke a licence on public safety grounds will be also referred to the Police.
50	Once a DBS certificate is received the applicant has period of 31 calendar days to subscribe to the DBS update service	The applicant has within 30 days of the issue date of their certificate to subscribe to the DBS update service.
51	Not currently in Policy	To insert:- In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Action taken by licensing authority as a result of information received will be fed-back to the police.
51	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	The applicant is required to notify the licensing authority within 48 hours of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which they are suspected of having committed. Failure to do so could result in the licence being reviewed.

Page no	Current policy wording	Amended policy wording
57	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 renewal of a drivers 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.	The Licensing Authority requires an Enhanced Disclosure from the Disclosure and Barring Service (DBS) for any applicant for a driver's licence. Applicants applying for the grant or renewal of a drivers 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, therefore subscription to the update service is strongly advisable
59	This section deals with offences and applies to new, renewal and review applications for Drivers and Operators Licences.	This section deals with offences and applies to new, renewal and review applications for Drivers, Vehicle Proprietors and Operators Licences. Each case will be considered on its own merits and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.
59	An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
59	Murder Manslaughter Manslaughter or culpable homicide while driving	All to be deleted
60	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:-	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 10 years have passed since the completion of any sentence and/or licence period:-
61	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:- Rape Assault by penetration	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 be refused a licence upon application, renewal or review. Such Offences include:- Rape Assault by penetration Offences involving children or vulnerable adults

Page no	Current policy wording	Amended policy wording
	<p>Offences involving children or vulnerable adults Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children) Making or distributing obscene Material Possession of indecent photographs depicting child pornography Sexual assault Indecent assault Exploitation of prostitution Any similar offences (including attempted or conspiracy to commit) offences which replace the above.</p>	<p>Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children) Making or distributing obscene Material Possession of indecent photographs depicting child pornography Sexual assault Indecent assault Exploitation of prostitution Any similar offences (including attempted or conspiracy to commit) offences which replace the above.</p>
61	Not currently In policy	<p>Include:- Is on the Sex Offenders Register or on any barred list</p>
62	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.	A licence will not normally be granted where the applicant has a conviction or caution for offences related to the supply of drugs or possession with intent to supply and has not been free of conviction for 10 years
62	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.	<p>A licence will not normally be granted where the applicant has a conviction or caution for offences related to the possession of drugs and has not been free of conviction for 5 years. Any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>
62	Not currently in Policy	<p>Insert:- Where an applicant has a conviction involving or connected with discrimination in any form, a licence will be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>
63	<p>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: Causing death by dangerous driving Causing death by careless driving whilst under the influence of drink or drugs</p>	<p>A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the death of another person or was intended to cause the death or serious injury of another person. A licence will not be granted.</p>

Page no	Current policy wording	Amended policy wording
	Causing death by driving unlicensed, disqualification or uninsured drivers Or any similar offences (including attempted or conspiracy to commit) offences which replace the above	
63	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: Causing death by careless driving Causing death by driving unlicensed, disqualification or uninsured drivers	Delete
63	Not currently in Policy	Insert: In the case of driving under the influence of drugs, any applicant may also at the request of the Licensing Authority have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
64	Not currently in Policy	Insert: Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
71	The driver must 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 of any appropriate fee.	The driver must report the loss of the licence and/or badge(s) to the licensing team as soon as such loss becomes known and arrange for the issue of any replacement and make payment for any appropriate fee.
73	The driver must have regard to: - https://www.staffordshire.police.uk/lost_and_found with regard to lost property. The Driver must ensure lost property found within or originating from the vehicle with a value over £10 is reported to the Lichfield District Council Licensing Team and if it were a pre-booked journey, the Operator.	The driver must have regard to: - https://www.staffordshire.police.uk/ro/report/lp/lost-or-found-property/ with regard to lost property. Any lost property found within or originating from the vehicle must be reported to Lichfield District Council's Licensing Team and if it were a pre booked journey, the operator.

Page no	Current policy wording	Amended policy wording
74	The Driver must within 14 days of received a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed give full details of it to the Council in writing.	Driver Licence holders are required to notify the licensing authority within 48 hours of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.
75	The Driver will complete Safeguarding and disability awareness training and a refresher every three years	The Driver will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years
76		Insert:- All of the offences listed in the Penalty Points Scheme are included as relevant conditions.
76	The vehicle licence must be valid for a period of one year and must be renewable on the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit	The vehicle licence will be valid for a period of up to 12 months and must be renewed on or before the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.
76	Not currently in Policy	To incorporate as a condition:- Information must be displayed within the vehicle, clearly visible on how customers are able to make complaints to Lichfield District Council
76	Not currently in Policy	To include in list of Conditions:- Side identity stickers are to be fixed by using the sticker adhesive. Magnets are not to be used.
79	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 must notify the Licensing Team in writing of such matter within 7 days of the date that he or she sold or transferred the ownership of the vehicle. 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	Should the licensed vehicle be sold to another person the vehicle licence will be required to be transferred. An application together with certificate of insurance and vehicle log book will be required to be submitted within 7 days of the sale.

Page no	Current policy wording	Amended policy wording
	the “transfer of ownership” of the vehicle licence, and submit to the licensing team his/her application.	
80	The proprietor of a Hackney Carriage and Private Hire Vehicle must within 14 days of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed disclose to the council in writing.	Vehicle Licence holders are required to notify the licensing authority within 48 hours of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.
81	Not currently in Policy	Insert: The vehicle proprietor will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years
82	Executive Hire Vehicles	Executive Hire Vehicles – Plate and Side Sticker Exemption
82	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 styles 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 are Private Hire Vehicles with an additional application to be made for an exemption to display the licence plate and side stickers. They are high value, prestige vehicles that are used by companies for transporting special guests or senior members of staff in luxury. Executive hire vehicles are styles more as chauffeur driven vehicles than standard private hire vehicles. Separate conditions apply to Executive Hire Vehicles with the exemption to display the vehicle plate and side stickers.
111	Not currently in Policy	Insert: All of the offences listed in the Penalty Points Scheme are included as relevant conditions.
111	Not currently in Policy	Insert:- A register of all staff that will take bookings or dispatch vehicles will be retained for a period of not less than 12 months.

Page no	Current policy wording	Amended policy wording
111	<p>The operator must 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:</p> <ul style="list-style-type: none"> 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 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 	<p>The operator must 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:</p> <ul style="list-style-type: none"> 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 name and driver licence number of the driver who will attend the booking 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 j) The name of the individual responding to the booking request k) The name of the individual that dispatched the vehicle.
111	Not currently in Policy	<p>To insert:- The use of a driver who holds a PCV licence and the use of a public service vehicle such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the hirer</p>

Page no	Current policy wording	Amended policy wording
113	The operator shall inform the Council in writing and within 14 days of Him/Her having received a Fixed Penalty Notice, of been bailed, arrested, cautioned, reprimanded, or is involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.	Operator Licence holders are required to notify the licensing authority within 48 hours of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.
114	Not currently in Policy	Insert: The Operator will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years

Minor Administration/ clarification Changes

Page no	Current Policy Wording	Amended Policy Wording
2	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.	The Council will review the policy statement at least every three years and re-evaluate it as required to include any necessary changes in legislation and/or best practice.
3	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.	The Licensing Authority will also have regard to any principles laid out in statutory guidance and recommendations from bodies such as the Cabinet Office, the Department for Transport and the Institute of Licensing.
3	“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	“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 the

Page no	Current Policy Wording	Amended Policy Wording
	under section 45 of this Act; or Section 255(4) of the Greater London Authority Act 1999;	Act of 1847;
4	“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 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 the LGMP Act 1976;
4	“Operator’s Licence” means a licence under section 55 of this Act;	“Operator’s Licence” means a licence under section 55 of the LGMP Act 1976;
4	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.	Vehicle Licence” means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 and in relation to a private hire vehicle means a licence under section 48 of the LGMP Act 1976.
5	The safety and health of the public and drivers by: Knowledge of the Lichfield area.	The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder by: Knowledge of Lichfield District
5	Vehicle safety, comfort and access by: Provision of disabled facilities.	Vehicle safety, comfort and access by: Provision of accessible vehicles.

Page no	Current Policy Wording	Amended Policy Wording
5	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 stated European Emissions Standards.	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 stated Emissions Standards.
6	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.	To be moved to page 8
6	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.	Insert: Adults may be vulnerable due to a disability, age, addiction or condition such as Dementia. This can mean that they are less able to protect themselves from abuse or neglect.
8	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.	The fitness and propriety of a driver will be monitored / assessed, throughout the period that the licence is held, by the Licensing Authority with assistance from Partner Agencies.
8	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).	In addition, the Local Authority may assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites). The Local Authority may appoint a third party service to assist with this.
9	A Group II Medical Certificate	A Group II Medical Certificate from the licensing authorities approved medical practitioner
9	If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to	Delete

Page no	Current Policy Wording	Amended Policy Wording
	provide clarification, or if appropriate to amend the application form.	
9	Detailed information can be found on the Council's website www.lichfielddc.gov.uk .	Detailed information can be found on the Council's website https://www.lichfielddc.gov.uk/taxi-private-hire-licences .
11	It is an Enhanced DBS Disclosure Certificate and has been processed in relation to the child and adult workforce employment position; and	It is an Enhanced DBS Disclosure Certificate and has been processed checking the child and adult barred lists; and
12	The Council approved provider have been employed to carry out the practical driving assessment & Knowledge Test. Applicants are required to pass a 2 hour assessment before a licence is issued. Photographic evidence is required before the test can be commenced.	The Council approved provider have been employed to carry out the practical driving assessment & Knowledge Test. Applicants are required to pass a 2 hour assessment before a licence is issued. Acceptable Photographic identification is required before the test can be commenced.
12		Insert:- Local authority officers will re design and amend the content of the knowledge test as required
15	UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),	UK passport confirming that the holder is a British Citizen
16	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. Appendix xxxxx	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. Appendix D
19	By 1 April 2022 (unless introduced by Government before that date) all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures.	By 1 April 2022 all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures.

Page no	Current Policy Wording	Amended Policy Wording
20	<p>From 1 April 2022 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. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.</p>	<p>From 1 April 2022 all new 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. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.</p>
21	<p>Private Hire Vehicles must not be white in colour</p>	<p>Private Hire Vehicles must not be white or similar in colour</p>
21	<p>From 1st April, 2022 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. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.</p>	<p>From 1st April, 2022 all new 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. Any charges imposed by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.</p>
25	<p>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.</p>	<p>When a Wheelchair Accessible vehicle is booked in to the Council approved testing station for its annual inspection or six month inspection, the Testing Station must be informed that the vehicle is a wheelchair accessible vehicle at the time of booking the vehicle in.</p>
28	<p>Where the Compliance Test identifies a significant number of advisory items or minor defects a more frequent test may be required</p>	<p>Where the Compliance Test identifies a significant number of advisory items or minor defects a more frequent test may be required as requested by an authorised officer.</p>

Page no	Current Policy Wording	Amended Policy Wording
30	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.	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. The price must not exceed that shown on the meter.
30	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.	On occasions where a price has 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.
31	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.	Private Hire 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.
32	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.	Delete
32	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.	The Licensing Authority will consider all relevant information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non- statutory bodies.
38	Each Operator must keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records must be maintained for 12 months and should be available at all times for inspection by a Police or	Each Operator must keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records must be maintained for 12 months and should be available at all times for inspection by a Police Officer or Authorised Officer.

Page no	Current Policy Wording	Amended Policy Wording
	Authorised Officer.	
	The current fees applicable are available on the Council's website (add in link), within the Application Packs, and upon request.	The current fees applicable are available on the Council's website https://www.lichfielddc.gov.uk/taxi-private-hire-licences , within the Application Packs, and upon request.
40	By 1 April 2022 (unless introduced by Government before that date) all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures.	By 1 April 2022 all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures.
42	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.	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 Head of Service.
48	Director Warning	Head of Service Warning

Executive Hire Vehicle with Plate & Side Sticker Exemption Conditions

Vehicle & Driver

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. These conditions only apply when driving an Executive Hire Vehicle with Plate & Side Sticker Exemption.

Not all the offences listed in the Penalty Points Scheme are included as relevant conditions, only those that are applicable.

1. The Driver must 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 be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver must carry the driver badge issued by the Council and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver must carry their dashboard licence and if requested produce it on demand to the passenger or Authorised Officer.
5. The Driver must not at any time lend or give his/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 must report the loss of the licence and/or badge(s) to the Council as soon as such loss becomes known, and arrange for the issue of any replacement and make payment or any appropriate fee.
7. The Driver must, 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.

8. The Driver must not drive a licensed vehicle without the windscreen/rear window identification notice being attached.
9. The Driver must ensure that before the vehicle is used, copies of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.
10. The Driver must not carry any other person in the vehicle without the permission of the hirer.
11. The Driver must if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
12. The Driver must deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause, or is otherwise directed by the hirer.
13. The Driver must:
 - 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.
14. The Driver must offer and provide any necessary assistance to wheelchair users when 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.
15. 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 must, 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.
16. The Driver must, 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.

17. The Driver must, if asked to transport an unaccompanied child and/or if a passenger requests that the Driver wait until they are safely inside the building, agree to such requests.
18. The Driver of a Private Hire vehicle must 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.
19. The Driver must 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.
20. The Driver must 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.
21. The driver must have regard to:-
<https://www.staffordshire.police.uk/ro/report/lp/lost-or-found-property/> with regard to lost property. Any lost property found within or originating from the vehicle must be reported to Lichfield District Council's Licensing Team and if it were a pre booked journey, the operator.
22. The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.
23. The Driver must not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages in connection with the operation of the vehicle, without the express consent of the hirer.
24. The Driver must not eat in the vehicle whilst a passenger or passengers are on-board.
25. The Driver/Proprietor must 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.
27. The Driver must 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 at the Council's third party approved provider.
28. The Driver must 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.

29. The Driver must 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.
30. Driver Licence holders are required to notify the licensing authority within 48 hours of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.
31. The Driver must 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.
32. The Driver must 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, within sight of 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.
33. The Driver must 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.
34. The Driver must 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.
35. All new proprietors, unless they are holders of a Hackney Carriage & Private Hire Combined Drivers Licence issued by Lichfield District Council are required to complete Safeguarding training (including Child Sexual Exploitation and County Lines) and complete refresher training every 3 years.
36. The vehicle licence will be valid for a period of up to 12 months and must be renewed on or before the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.
37. The Proprietor of a licensed vehicle must 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.

38. The Proprietor must 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.
- a) The vehicle must be a single uniform colour.
 - b) The interior and exterior of the vehicle must be kept in a clean condition and maintained in a safe condition by the Proprietor.
39. 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.
40. The Proprietor must permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
41. The Proprietor must present the vehicle for inspection and testing, to 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.

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.

42. 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.
43. The proprietor of a 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 Authorised 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 Authorised 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, the vehicle licence will be suspended.

The vehicle must be repaired before the suspension can be lifted and the vehicle can return 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.

44. General advertising is not permitted on any licensed vehicle.
45. 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.
46. Should the licensed vehicle be sold to another person the vehicle licence will be required to be transferred. An application together with certificate of insurance and vehicle log book will be required to be submitted within 7 days of the sale.
47. 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.
48. Any change of vehicle on insurance must be notified to the Council on or before the change takes place.
49. The licence must be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.
50. The Proprietor of a licensed vehicle must 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.
51. Where the vehicle is licensed as a Private Hire Vehicle 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.
52. 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 must, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.
53. Private Hire Vehicles must not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
54. All bookings for Private Hire Vehicles must be made in advance.

55. The Proprietor must 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.
56. The Proprietor/Driver of a licensed vehicle must ensure that:
 - a. There is no 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.
57. The proprietor of a licensed vehicle must 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.
58. The proprietor of a licensed vehicle must 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.

This page is intentionally left blank

Feedback Received	Reference in Policy currently	Amendment/Response
<p>I have quickly read through the document for Executive Hire Vehicles.</p> <p>Can I suggest that item 41 is looked at in regards to “in the Lichfield area” as is the case for my vehicle the testers are in Tamworth. I understand that they (CR MOT) may well become additional testers for Lichfield DC and if so item 41 may need amending.</p>	<p>Executive Hire Conditions</p> <p>The Proprietor must present the vehicle for inspection and testing, to 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.</p>	<p>The legislation stipulates that the authorised testing station must be in the local authorities area.</p> <p>The current contract for the authorised testing station expires on 31st March 2021. A review of these arrangements is currently being undertaken. The Licensing Team have written to all eligible MOT garages for them to express their interest.</p>
<p>The National Union of Rail, Maritime and Transport Workers (RMT) members response</p> <p>Full responses attached at appendix A to this document.</p> <p><u>Consultation.</u></p> <p>This document has been compiled following limited consultation with members since receiving the consultation documents from Lichfield District Council, over a period of several weeks because of the impact of the various restrictions and guidance issued nationally by the Government due to the “Coronavirus Pandemic”.</p> <p><u>Recommendation.</u></p> <p>That Lichfield District Council suspend the current round of consultation on the proposed amendments to current policy and to review the position in three months when hopefully we may</p>		<p>Clarification has been sought in relation to which Licensed Drivers the RMT are representing. Therefore members need to decide how much weight they give to the feedback received.</p> <p>Due to the introduction of the Statutory Standards by the Department for Transport in July 2020, Lichfield District Council feel that a further delay wouldn’t be reasonable. The team will facilitate regular trade meetings as soon as they are able to.</p>

Feedback Received	Reference in Policy currently	Amendment/Response
<p>be better placed with the lifting of some of the lockdown restrictions which will allow for a more genuine and meaningful consultation to take place and for interested parties to provide more detailed and formal responses for consideration and decision.</p> <p><u>Responses.</u></p> <p>P1. Amendment agreed.</p> <p>P8. All Amendments agreed.</p> <p>P11. All Amendments agreed.</p> <p>P12. All Amendments agreed.</p> <p>P14. All Amendments agreed.</p> <p>P18. All Amendments agreed.</p> <p>P21. We believe this proposed amendment needs more clarity and further in depth discussion relating to “exceptional condition”, particularly as additional fees will be applied. Discussion should be held beforehand.</p> <p>P22. As above.</p> <p>P32. All Amendments accepted.</p> <p>P33. Amendment agreed.</p> <p>P35. Amendment agreed.</p> <p>P41. All Amendments agreed.</p> <p>P45. Amendment agreed.</p> <p>P48. A decision to refuse or revoke a licence on public safety grounds will be referred to the Police. Such decisions will only be taken where such evidence proves on the</p>		<p>P 48. Agreed to expand wording as suggested</p>

Feedback Received	Reference in Policy currently	Amendment/Response
<p>balance of probabilities and subject to appeal, in the interests of natural justice.</p> <p>P50. Amendment agreed.</p> <p>P51 a. Amendment agreed.</p> <p>P51 b. Amendment rejected. Ideally seek to retain 7 days as a maximum. As a compromise can live with 72hours.</p> <p>P57. Amendment agreed.</p> <p>P59. All Amendments agreed.</p>	<p>P 51 b. -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</p>	<p>P 51b. Statutory Standards stipulate 48 hours.</p>
<p>P60. Amendment rejected. Ideally at least 7 years have passed since the completion of sentence and/or licence period.</p>	<p>P 60. 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:-</p>	<p>P 60. Statutory Standards state 10 years in relation to offences involving violence against a person.</p>
<p>P61. Amendments agreed.</p>		
<p>P62 a. Amendment rejected. Ideally at least 7 years have passed since the completion of sentence and/or licence period.</p>	<p>P 62 a. 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.</p>	<p>P 62a. Statutory Standards stipulate 10 years</p>
<p>P62 b. Amendment rejected. Ideally at least 7 years have passed since the completion of sentence and/or licence period.</p>	<p>P 62 b. - 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.</p>	<p>P 62b. IOL Suitability guidance and Statutory Standards recommends 5 years, therefore no justification to increase this to 7 years as requested..</p>

Feedback Received	Reference in Policy currently	Amendment/Response
P62 c. Amendment agreed with the insertion of "not" in 2 nd line following will and before be. P63. All Amendments agreed.		P62c. Agreed and amended to read:-Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
P64. Amendment rejected. Ideally a period of 3 years. P71. Amendment agreed. P73. Amendment agreed.	P64. not in policy currently proposed to Insert: Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later	P64. Wording taken from statutory standards.
P74. Amendment rejected. Ideally seek to retain 7 days as a maximum. As a compromise can live with 72hours. P75. Amendment agreed. P76. All Amendments agreed. P79. Amendment agreed.	P 74. The Driver must within 14 days of received a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed give full details of it to the Council in writing.	P74. Statutory Standards stipulate 48 hours.
P80. Amendment rejected. Ideally seek to consistently retain 7 days as a maximum. As a compromise can live with 72hours. P81. Amendment agreed. P82. All Amendments agreed.	P 80. - The proprietor of a Hackney Carriage and Private Hire Vehicle must within 14 days of receiving a Fixed Penalty Notice, of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for	P80. Statutory Standards stipulate 48 hours.

Feedback Received	Reference in Policy currently	Amendment/Response
<p>P111. All Amendments agreed.</p> <p>P113. Amendment rejected. Ideally seek to consistently retain 7 days as a maximum. As a compromise can live with 72hours.</p> <p>P114. Amendment agreed.</p> <p><u>Other Points of Concern to RMT members.</u></p>	<p>any offence which you are suspected of having committed disclose to the council in writing.</p> <p>P 113. - The operator shall inform the Council in writing and within 14 days of Him/Her having received a Fixed Penalty Notice, of been bailed, arrested, cautioned, reprimanded, or is involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.</p>	<p>P113. Statutory Standards stipulate 48 hours.</p>
<p>AGE & SPECIFICATION OF VEHICLES</p> <p>Our members being professional drivers providing a necessary public transport service believe that the age restriction for licenced vehicles should be increased to a maximum of 10 years following the regulatory periodic inspections. This will allow our members the opportunity to recoup the capital expenditure and associated running costs taking into consideration the fair wear and tear on vehicles. Vehicle manufacturers design and build to much higher and stringent requirements of vehicle strength and integrity along with lower exhaust emissions – which are often accompanied with inflated on the road costs.</p>		<p>The age restriction we feel has been dealt with together with points at P 21 & P 22 by the proposed easing of the restriction on obtaining an engineer’s report. 6 extensions have been granted due to exceptional condition since April 2019.</p>

Feedback Received	Reference in Policy currently	Amendment/Response
<p>Vehicles that fall within the category “exceptional condition” we believe requires further discussion and clarity.</p> <p>Our members remain concerned that such vehicles would require a costly independent Automobile engineer report that the vehicle is in immaculate condition. Furthermore, the Current policy fails to explain what exactly that report would be required to cover rather than a confirmation that a vehicle is in immaculate condition. RMT therefore respectfully suggest that further discussion is held with the trade representatives as soon as practical in the circumstances.</p> <p>TAXI RANKS</p> <p>Our members consistently report their concerns in respect of the taxi rank provided in town which due to the lack of monitoring has become a serious issue of them being used as “free” public parking and people leaving their vehicle after the permitted hours at the rank. The warning signage that says it is a designated taxi rank and a fine of up to £1000 for parking there is totally disregarded. We have evidence that confirms that our members have reported this to Lichfield District Council on several occasions with regrettably no visible action being pursued against offenders.</p>		<p>The point raised about ranks falls outside this consultation.</p>

Feedback Received	Reference in Policy currently	Amendment/Response
<p>As our members have a litany of other reports relating to rank access, road closures, external un-booked licenced vehicles “pirating” for trade, etc., we believe should be addressed at a regular Trade liaison meeting as soon as practical in the circumstances.</p> <p>Our members have also provided a list of issues that they perceive have not been addressed in any genuine or meaningful way which we list below and accordingly would seek to convene a meeting in order to resolve such matters.</p> <ul style="list-style-type: none"> • Introduction of WAITING TIME on to fare tariffs • Review of all tariffs • Driver Penalty Point scheme • Table of Tariff – point 60 • Table of Tariff – point 32 • Table of Tariff – point 3 		<p>The Taxi Tariff was reviewed last year and waiting time was incorporated.</p>
<p>Paul Grimley Driver/Operator PG Travel</p> <p>Online applications is an improvement since implementation of the Licensing Policy.</p>	<p>Executive Hire Conditions:-</p> <p>The Driver must ensure that before the vehicle is used, copies of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.</p>	<p>Clarification sought that non-smoking stickers are still required in exemption vehicles.</p> <p>Conditions to now read:-</p> <p>Executive Hire Conditions:-</p> <p>The Driver must ensure that before the vehicle is used, copies (either physical or electronic) of the Certificate of Insurance, Log Book and vehicle</p>

Feedback Received	Reference in Policy currently	Amendment/Response
<p>Too busy in 2019 and not busy enough in 2020 to judge what has not worked so well since the implementation of the Policy.</p> <p>Clarification on key documents V5 Log book etc can be held electronically on a mobile.</p> <p>Clarification re: executive travel – non-smoking stickers.</p> <p>Suggestions for amendments – copy of medical certificate to be held electronically on a mobile as well as V5 extract and DBS certificate.</p>	<p>The Proprietor/Driver of a licensed vehicle must ensure that:</p> <p>There is no smoking of electronic cigarettes/vaping equipment within the vehicle at all times. This applies to both drivers and passengers; and</p> <p>No smoking signs are displayed within the vehicle.</p>	<p>licence are available within the vehicle, so as to be available to an Authorised Officer upon request.</p> <p>The Driver must carry a copy (either physical or electronic) 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.</p> <p>Driver Conditions</p> <p>The Driver must ensure that before the vehicle is used, that copies (either physical or electronic) of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.</p> <p>The Driver must carry a copy (either physical or electronic) 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</p>

Feedback Received	Reference in Policy currently	Amendment/Response
		<p>Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.</p> <p>Hackney Carriage & Private Hire Vehicle Conditions</p> <p>The Proprietor of a licensed vehicle shall ensure that copies (either physical or electronic) 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 Insurance Vehicle Licence</p> <p>The proprietor of a Hackney Carriage or Private Hire vehicle must ensure that a copy (either physical or electronic) of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.</p> <p>Any other reference to copies will be amended to read (physical or electronic)</p>

This page is intentionally left blank

RMT - TAXI DRIVER MEMBERS RESPONSE TO LICHFIELD DISTRICT COUNCIL HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (PROPOSED AMENDMENTS)

Introduction.

The National Union of Rail, Maritime and Transport Workers (RMT) is Britain's largest independent and specialist Transport Union with over 80000 members working in various modes of transport.

We are writing to you on behalf of RMT Taxi Driver members who serve as both Hackney & Private Hire drivers licensed by Lichfield District Council in response to the above proposed amendments to policy which we have been invited to consult on.

We are grateful for the opportunity to put forward our responses and take this opportunity to thank you for trusting in our member's expansive knowledge and real-life roadside job experience, being the consummate professional drivers that they are.

It is stated at this very early stage that our members are respectful law abiding citizens and are mindful that policies are reviewed from time to time in order to ensure that such policies remain applicable in line with current legislation and best practice. Our members wish to work with Lichfield District Council in a collaborative manner and to build upon our previous harmonious working relations to ensure that the interests of our members are taken into full consideration at all stages.

Our members should not be expected to buy into change just for changes sake.

We firmly believe that any proposed changes should not be restrictive, unduly onerous, damaging to the taxi trade or our members economic viability taking into consideration the countless on costs incurred annually by our members in ensuring that their vehicle is roadworthy and meets the current licensing standards and mandatory testing regimes.

To this end our members have suggested that Lichfield District Council set up a formal Taxi Trade Liaison Committee to meet on a regular basis with the Councils Officers and Elected

Representatives so as to ensure that issues of concern are addressed swiftly on such matters as licensing, highways or planning.

As a vital form of public transport we wish to ensure that the general public that we serve are dealt with in a respectful and dignified manner taking into consideration the many and varied “protective characteristics” within our society. At the same time we wish to receive support and protection for our members when out on the frontline and facing unruly, anti-social and even potential criminal elements.

Consultation.

This document has been compiled following limited consultation with members since receiving the consultation documents from Lichfield District Council, over a period of several weeks because of the impact of the various restrictions and guidance issued nationally by the Government due to the “Coronavirus Pandemic”.

We respectfully refer you to the guidelines contained within the following link

<https://www.gov.uk/guidance/coronavirus-covid-19-taxis-and-phvs>

Therefore, in light of the respective lockdowns we have been unable to carry out a comprehensive consultation process or to bring together large numbers of our members for face to face meetings in a safe and responsible socially distanced manner so as to consider the proposed amendments to policy sufficiently and to provide a detailed response to each and every one of over 60 proposed amendment as contained within the summarised consultation document.

Furthermore, many of our members have had to shield or care for other family members throughout this awful pandemic, which has seriously restricted their ability to work and effectively “ply for hire” resulting in a significant impact on their potential earnings, financial security and standards of living.

We are sure that you will also consider that our members are heavily reliant upon a vibrant and active hospitality trade, where in the past many would work different shift patterns whether off a rank or via a radio. Regrettably that trade, due to the current pandemic and need for even more stringent lockdown measures has virtually disappeared because of the lack of travel and closure of theatres, hotels, pubs, bars, clubs, restaurants and other leisure facilities. Our members are struggling to come away with £10 per day, when all other vehicle running costs are taken into account.

Recommendation.

That Lichfield District Council suspend the current round of consultation on the proposed amendments to current policy and to review the position in three months when hopefully we may be better placed with the lifting of some of the lockdown restrictions which will allow for a more genuine and meaningful consultation to take place and for interested parties to provide more detailed and formal responses for consideration and decision.

Responses.

P1. Amendment agreed.

- P8. All Amendments agreed.
- P11. All Amendments agreed.
- P12. All Amendments agreed.
- P14. All Amendments agreed.
- P18. All Amendments agreed.
- P21. We believe this proposed amendment needs more clarity and further in depth discussion relating to “exceptional condition”, particularly as additional fees will be applied. Discussion should be held beforehand.
- P22. As above.
- P32. All Amendments accepted.
- P33. Amendment agreed.
- P35. Amendment agreed.
- P41. All Amendments agreed.
- P45. Amendment agreed.
- P48. A decision to refuse or revoke a licence on public safety grounds will be referred to the Police. Such decisions will only be taken where such evidence proves on the balance of probabilities and subject to appeal, in the interests of natural justice.
- P50. Amendment agreed.
- P51 a. Amendment agreed.
- P51 b. Amendment rejected. Ideally seek to retain 7 days as a maximum. As a compromise can live with 72hours.
- P57. Amendment agreed.
- P59. All Amendments agreed.
- P60. Amendment rejected. Ideally at least 7 years have passed since the completion of sentence and/or licence period.
- P61. Amendments agreed.
- P62 a. Amendment rejected. Ideally at least 7 years have passed since the completion of sentence and/or licence period.
- P62 b. Amendment rejected. Ideally at least 7 years have passed since the completion of sentence and/or licence period.
- P62 c. Amendment agreed with the insertion of “not” in 2nd line following will and before be.
- P63. All Amendments agreed.
- P64. Amendment rejected. Ideally a period of 3 years.
- P71. Amendment agreed.
- P73. Amendment agreed.
- P74. Amendment rejected. Ideally seek to retain 7 days as a maximum. As a compromise can live with 72hours.
- P75. Amendment agreed.
- P76. All Amendments agreed.
- P79. Amendment agreed.
- P80. Amendment rejected. Ideally seek to consistently retain 7 days as a maximum. As a compromise can live with 72hours.
- P81. Amendment agreed.
- P82. All Amendments agreed.
- P111. All Amendments agreed.

- P113. Amendment rejected. Ideally seek to consistently retain 7 days as a maximum. As a compromise can live with 72hours.
- P114. Amendment agreed.

Other Points of Concern to RMT members.

AGE & SPECIFICATION OF VEHICLES

Our members being professional drivers providing a necessary public transport service believe that the age restriction for licenced vehicles should be increased to a maximum of 10 years following the regulatory periodic inspections. This will allow our members the opportunity to recoup the capital expenditure and associated running costs taking into consideration the fair wear and tear on vehicles. Vehicle manufacturers design and build to much higher and stringent requirements of vehicle strength and integrity along with lower exhaust emissions – which are often accompanied with inflated on the road costs.

Vehicles that fall within the category “exceptional condition” we believe requires further discussion and clarity.

Our members remain concerned that such vehicles would require a costly independent Automobile engineer report that the vehicle is in immaculate condition. Furthermore, the Current policy fails to explain what exactly that report would be required to cover rather than a confirmation that a vehicle is in immaculate condition. RMT therefore respectfully suggest that further discussion is held with the trade representatives as soon as practical in the circumstances.

TAXI RANKS

Our members consistently report their concerns in respect of the taxi rank provided in town which due to the lack of monitoring has become a serious issue of them being used as “free” public parking and people leaving their vehicle after the permitted hours at the rank. The warning signage that says it is a designated taxi rank and a fine of up to £1000 for parking there is totally disregarded. We have evidence that confirms that our members have reported this to Lichfield District Council on several occasions with regrettably no visible action being pursued against offenders.

As our members have a litany of other reports relating to rank access, road closures, external un-booked licenced vehicles “pirating” for trade, etc., we believe should be addressed at a regular Trade liaison meeting as soon as practical in the circumstances.

Our members have also provided a list of issues that they perceive have not been addressed in any genuine or meaningful way which we list below and accordingly would seek to convene a meeting in order to resolve such matters.

- Introduction of WAITING TIME on to fare tariffs
- Review of all tariffs
- Driver Penalty Point scheme

- Table of Tariff – point 60
- Table of Tariff – point 32
- Table of Tariff – point 3

In light of the current issues which affect our members on a daily basis both prior to and during this world wide health crisis and pandemic we seek a degree of understanding and appreciation for the hardships our members have endured so far and accordingly we request that a meeting is convened as soon as practical to address our members legitimate and reasonable concerns.

I shall look forward to your response in due course.

With best wishes,

Ken Usher.
RMT Midlands Regional Organiser.

This page is intentionally left blank

The feasibility of using Parks Staff for Envirocrime Fixed Penalty Enforcement



Date:	25 th February 2021
Contact Officer:	Jack Twomey
Tel Number:	01543 308734
Email:	jack.twomey@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	Affects all Wards

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 Members requested that work be carried out into the feasibility of park staff undertaking fixed penalty enforcement duties at a previous Regulatory and Licensing Committee.
- 1.2 Following consultation with the Parks Manager and Human Resources team, the feasibility of such an approach has been considered.
- 1.3 This report details the findings of this work and recommends that the approach is not considered the most appropriate use of resources at the current time.

2. Recommendations

- 2.1 That the information now provided be noted and that the use of parks staff to issue environmental crime fixed penalty notices is not recommended to the relevant Cabinet Members at the current time for the reasons set out in the report.

3. Background

- 3.1 Powers under the Environmental Protection Act 1990 (as amended) allow the serving of fixed penalty notices for litter, waste and various other offences.
- 3.2 Powers are also available under the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to offences relating to dog control, including fouling, for which fixed penalty notices can be served.
- 3.3 The Council currently employs two part time Enforcement Officers who, amongst other duties, undertake the role of patrolling and serving these fixed penalty notices.
- 3.4 Under normal circumstances, these officers undertake work relating to patrols primarily relating to dog fouling. Whilst a very difficult offence to catch, the team do serve several fixed penalty notices per year. Where these are unpaid, the perpetrator is prosecuted. Members will be aware of one such prosecution recently in relation to dog fouling in Fazeley.
- 3.5 Work in relation to littering is more limited and generally covers hot spot areas where these are highlighted and can be patrolled. Much more work is carried out in relation to litter being present in

areas and taking action on the landowner to remove it. Obviously, where litter is present on Council land our staff clear this.

- 3.6 The Enforcement Officers have carried out less work in these primary areas through 2020 and into 2021 because they have been drawn away to other duties including assistance with food deliveries for the vulnerable as well as Covid enforcement work.
- 3.7 At the Regulatory and Licencing Committee on 25th February 2020, whilst it was considered that the Environmental Protection Team had some notable success in reducing dog fouling in particular, bearing in mind that there was only a 0.6 full time equivalent officer undertaking this range of duties it was resolved that “the feasibility of using parks staff to undertake enforcement be considered”.

4. Using Parks staff for enforcement

- 4.1 When considering this approach, the advantage is obvious– more eyes on the District’s parks meaning, in theory, more offenders would be seen and served with fixed penalties.
- 4.2 In terms of disadvantages, these are numerous and include:
- Lack of enforcement skills for the staff involved
 - Training needs on issues such as criminal justice procedures and enforcement techniques which are time consuming and require resourcing. Whilst such training costs have not been calculated, there would need to be several courses undertaken on matters such as the Police and Criminal Evidence Act, the Regulation of Investigatory Powers Act and fixed penalty notice serving techniques. These are by no means low cost courses.
 - Increased salary costs following a Job Evaluation exercise. Whilst HR advice is that the new roles should have entirely new Job Descriptions and be evaluated accordingly, it is expected that all roles would end up on at least the same pay as an Enforcement Officer usually receives. On the basis of an average salary for Enforcement Officers the increased pay for all the relevant staff based purely on salary costs would total approximately £41,500. On costs would be in addition to this figure. Clearly, given the potential cost, consideration could be given to simply employing a full time Enforcement Officer dedicated to this role.
 - A requirement that the officer is committed to the work of serving fixed penalties. Whilst some park staff may well be enthusiastic about the role, there will be others who are not skilled or have the aptitude to enter into what are confrontational situations. This is true when recruiting enforcement officers so it follows that park staff who didn’t necessarily want this role would be even more reluctant. This is an important consideration and is why the Environmental Protection team has a history of employing ex-police officers to these roles who bring with them the necessary skills, aptitude and training.
 - Much of the work relating to fouling in parks takes place under darkness and this is why winter months show an increase in fouling. Park staff are on a seasonal rota which means they work shorter hours in the winter at the time when this work would be needed most.
 - Time spent carrying out enforcement work is time taken away from normal duties. This may create capacity issues.
 - Finally, Park Staff obviously only work in parks, so they can only see the minority of potential offences which take place across the District.

Alternative Options

1. None explored as the report simply covers the issue of park staff carrying out

	fixed penalty enforcement. Other options, such as employing more staff directly to undertake this work were not part of this proposal.
Consultation	1. Consultation has been undertaken with the Parks Manager and Human Resources.
Financial Implications	1. Should Park Staff take on the enforcement duty, following a Job Evaluation exercise it is expected that their salaries would increase in line with their equivalent within the Envirocrime Enforcement field. Taking an average salary for the equivalent enforcement role based on a number of job advertisements currently available, would see salary increases of £4000 to £7500 depending on the post concerned. Given the staff employed by LDC this would equate to £41,500 in total. A slight increase in income should be achieved from increased FPN income but this would be marginal.
Contribution to the Delivery of the Strategic Plan	1. Shaping Place: to keep it clean, green and safe.
Equality, Diversity and Human Rights Implications	1. No implications directly relevant to this decision.
Crime & Safety Issues	1. Any additional resources for enforcement has the potential to positively impact on crime and safety issues. However, it is considered that this proposal is not the most cost effective or best approach to take.
GDPR/Privacy Impact Assessment	1. No impact identified.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	None – it is not proposed to change the current state of envirocrime enforcement		
B			
C			
D			
E			

This page is intentionally left blank