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Tuesday, 1 March 2022

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **WEDNESDAY, 9TH MARCH, 2022 at 6.00 PM IN THE COUNCIL CHAMBER** District Council House, Lichfield to consider the following business.

Access to the Council Chamber is via the Members' Entrance.

The meeting will be live streamed 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
Chief Operating Officer

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chairman), Checkland (Vice-Chair), Anketell, Baker, Barnett, Cross, Eagland, L Ennis, Evans, A Little, E Little, Ray, Salter and Warfield



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 4
4. Work Programme 5 - 6
5. Street Trading Policy Review - Consultation 7 - 30
6. Hackney Carriage and Private Hire Licensing Policy 31 - 126



REGULATORY AND LICENSING COMMITTEE

1 DECEMBER 2021

PRESENT:

Councillors B Yeates (Chair), Checkland (Vice-Chair), Anketell, Baker, Barnett, Cross, Eagland and L Ennis

13 APOLOGIES FOR ABSENCE

There were apologies from Cllr Diane Evans, Cllr Alistair Little, Cllr Paul Ray, Cllr David Salter and Cllr Mark Warfield

14 DECLARATIONS OF INTEREST

There were no declarations of interest received

15 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held 27 September 2021 were approved as read

16 WORK PROGRAMME

The Committee noted the current contents of the Work Programme

17 FOOD SAFETY SERVICE DELIVERY PLAN 2021-2024

The Head of Regulatory Services, Housing & Wellbeing presented the Food Safety Service Delivery Plan 2021-2024 to the committee. It was highlighted that although resources are tight, this remains a national issue with staff having been diverted to deal with work postponed by the Covid-19 pandemic. Funds have been provided from Staffordshire County Council and Central Government to manage the workload involved and secure additional staff.

It was noted that advice and guidance has been provided by the authority to local businesses to maintain safe standards throughout the pandemic, in order to aid with rapidly changing business models. As was the case before the pandemic, officers are once again returning to premises to conduct on-site inspections, prioritising the highest risk premises first.

Members thanked food safety inspection officers for their excellent work, following a recent inspection visit witnessed by a committee member. Members also thanked the Food and Health & Safety Manager and the Committee Clerk for providing information on how the plan is applied with regards to local village halls.

RESOLVED: That the committee approve the Food Safety Service Delivery Plan 2021-2024 to be received by the Cabinet Member for Regulatory, Housing and Health.

(The Meeting closed at 6.17 pm)

Following this meeting, the membership of the Committee was updated to reflect the appointment of Cllr E. Little on 12 October 2021. Attendance will be effective from the next meeting, scheduled on 24 February 2022.

CHAIR

**REGULATORY AND LICENSING COMMITTEE
WORK PROGRAMME FOR 2021-2022**

Item	24 Feb 2022	31 May 2022	Purpose of the Report	Lead
Street Trading Policy	✓		This policy sets out the decision-making framework and criteria that Lichfield District Council will apply when determining applications. It will also give prospective traders an early indication as to whether their application is likely to be granted or refused and provides prospective applicants with details of what is expected.	GD
Taxi Licensing Policy	✓		This report follows on from the Committee's consideration of the Taxi Licencing Conditions at the meeting on 29/07/2021	SB
Licensing Policy		✓		SB
Proposed Footpath Diversion No. 1 (part) in the Parish of Whittington		✓		RG
Proposed Footpath Diversion No. 7 (part) in the Parish of Elford		✓	Application received from Elan Homes & George Hodgetts Farms for the diversion of public footpath No. 7 (part) in the Parish of Elford.	RG
Proposed Footpath Diversion No. 8 (part) in the Parish of Mavesyn Ridware		✓	Application received from Fisher German LLP/Mr & Mrs B Wainwright for the diversion of public footpath No. 8 (part) in the Parish of Mavesyn Ridware.	RG

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STREET TRADING POLICY REVIEW - CONSULTATION



Date: _____
 Agenda Item: _____
 Contact Officer: Gareth Davies / Susan Bamford
 Tel Number: 01543 308741 / 01543 308170
 Email: Gareth.davies@lichfielddc.gov.uk/
Susan.bamford@lichfielddc.gov.uk
 Key Decision? YES
 Local Ward All wards
 Members

Regulatory and Licensing Committee

1. Executive Summary

- 1.1 The policy is designed to regulate street trading in order to:
 - Accommodate the wide ranging and diverse local environments in the District
 - Create a street trading environment which complements premises-based trading
 - Ensure activities involving street trading are sensitive to the needs of residents and do not cause unreasonable nuisance or annoyance
 - Protect public health and ensure public safety of the people using or impacted by trading
 - Complement and support other council policies including the Events and Festivals policy
 - The ambience and safety of local environments, recognising the impact that street trading can have on the local economy and the character of the area.
- 1.2 This review of the Council’s Street Trading Policy is intended to test whether the above objectives are being achieved and consider where there are alternative options to explore.
- 1.3 In addition to the above considerations it proposes the following key changes for consultation:
 - Local exemptions – some community events, goods from farms sold outside their premises
 - The addition of seasonal and multi-site consents
 - Making clear the requirement for DBS checks for mobile traders
 - Criminal record disclosures and declarations.
 - Consultation with key stakeholders for all traders other than those trading at events

2. Recommendations

- 2.1 The Committee agree the revised street trading policy for consultation and authorise the Chairman and Vice Chairman of Regulatory and Licensing Committee and Head of Regulatory Services, Housing and wellbeing to consider the consultation responses, make minor amendments and agree the Policy for publication.
- 2.2 The Committee authorise the Chairman and Vice Chairman of Regulatory and Licensing Committee and Head of Regulatory Services, Housing and wellbeing to make minor amendments to the Policy that may be required from time to time.

- 2.3 The Committee recommends that Council delegate the powers and functions of the Council in relation to Street Trading in Council owned parks and public open space to the Head of Operational Services.

3. Background

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982, “The Act”, allows for the council to adopt ‘streets’ in which trading requires the consent of the council. This is a means of regulating street trading within the council’s area. To this effect the Council adopted all streets in the Lichfield District as Consent Streets’ with the exclusion of the A38, which is designated a prohibited street. This allows for street trading to take place on these streets and be regulated.
- 3.2 The legal definitions of street are set out in the policy, in effect it refers to any road, footway, beach or other area to which the public have access without payment.

3.3 Street Trading

“Street trading” means – the selling, or exposing or offering for sale, of any article (including a living thing) in a street;

A summary and explanation of the main amendments is provided in the table below:

Section	Reason for amendment
2 – What is Street Trading	Public Access without Payment In light of recent challenges, this section provides clarity about the legal position with respect to what constitutes ‘public access without payment’.
7 - Types of Consents	The draft policy proposes changing the duration of issued consents from expiring on 31 March, to expiring 364 days after the date of issue. The issue of 12-month consents is beneficial to the applicant, who is then able to plan their business activities knowing their authorisation to trade is valid for a full year. The benefit to the Council is that it avoids the administrative burden of all annual consents, no matter when they were applied for or granted, expiring on the same day each year.
6.2.9 Goods offered for sale	Specific criteria for judging when consent won’t normally be granted to prevent unfair competition with fixed premises traders.
6 - Determining Applications	Consultation The existing consultation process has been reviewed and developed to focus on prevention rather than enforcement. Where traders on a regular basis wish to trade from locations within the district and where trading is not associated with an event all applications, will be subject to a full consultation with all relevant authorities, agencies and interested parties. This amendment ensures consistency (this was previously done on officer discretion) and allows the implications of trading from that location to be raised by interested parties. In the event that the consultation received valid objections, the consent would usually be revoked or, if trading had already taken place, future consents would usually be refused.

7 - Mobile Street Trading	Prevent mobile traders competing unfairly with fixed premises in town centres.
7 - Seasonal and multi-site consents	To provide a more flexible system for a diverse trading patterns and ensuring that appropriate fee levels can be charged
3 – Local exemptions	Farm/residential gate sales - It is not deemed proportionate to require this micro level of low risk trading to be consented
3 – Local exemptions	Community events such as school fetes to be exempted
15 - Disclosure and Barring Service	Clarity provided in the circumstances when criminal record checks and declarations and disclosures are required. This is designed to ensure consistent and proportionate standards.
Appendix - Standard Conditions	<p>Revised standard conditions are attached at Appendix A.</p> <p>The investigation and resolution of complaints and taking formal enforcement action are both costly and time-consuming functions of the Licensing Authority.</p> <p>Standard Conditions of operation are designed to be a preventative enforcement mechanism, whereby operation in compliance with conditions should reduce the likelihood of complaints and the subsequent need for investigation and enforcement action.</p> <p>The Act provides no right of appeal where a consent is revoked, which means clear, robust and specific conditions are an important mechanism for providing a framework of operation within which a consent holder can take confidence in how they operate and grow their business.</p>

3.4 Trading at an approved Event

Each trader operating at an event is currently issued with a street trading consent. This includes checks made of their Public Liability Insurance and food hygiene rating.

3.5 Trading on our parks or public open spaces

To remove some overlap with booking conditions. Responsibility for issuing street trading consents for parks bookings was handed over to the parks team in 2020. Recent legal advice has confirmed that street trading consents are required unless the area is exempted under street trading legislation.

<p>Alternative Options</p>	<ul style="list-style-type: none"> • Unadopting the relevant legislation so there is no control over street trading within the district. Whilst this would remove regulation it would also remove any control of standards and would allow any trader to trade on land where the prior permission of the landowner is not required or they have the consent of the landowner. • Excluding some streets that are currently consented. To achieve this would require the council to go through the requisite legal process. This would mean that unless designated as prohibited anyone could trade in these areas. For areas where the prior consent of the landowner is required this could be potentially regulated through robust booking procedures but would mean anyone could trade on streets where permission is not required • Excluding council owned land from streets that are currently consented. To achieve this would require the council to go through the requisite legal process. It would mean that the issuing of street trading consents is no longer
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	<p>required but it is likely that the parks booking conditions would still require Public Liability Insurance from traders and a minimum food hygiene rating. There is the risk with this approach that other land owners within the district may view this as the council placing different obligations on itself to those required of others.</p> <ul style="list-style-type: none"> • Excluding all land owned by key partners as a consent street. This could include land owned by the city council, the Cathedral, Town and Parish councils, schools and religious organisations. Whilst freeing up regulation, this could result in different standards being applied across large events such as the August Food festival and the risks associated with that. Event organisers could circumvent standards by placing those traders that aren't compliant on to private land negating the benefits of having any standards at all. To address this partners could be asked to sign up to minimum standards. There is also the risk that other private landowners may view this as the council and key partners having different obligations placed on them. • Adopting an approach where a street trading consent is given to event organisers and they then take responsibility for ensuring that the traders at the event operate legally and safely. Whilst this is an approach that has been adopted by other authorities, there is no legal basis for it and the council has received legal advice to this effect. The Local Authority would be knowingly acting outside of its legal authority with the associated risks this brings. • Removing the requirements for individual traders to each have their own Public Liability Insurance and allow this to be covered by an overall event organiser policy. This is theoretically possible as long as it is clear through consenting agreements that the organiser is responsible for all activities at their event including the activities of third party traders. Practically they are unlikely to be able to obtain this level of insurance at an affordable rate. When this has been suggested by organisers previously it has been found on examination that their policies specifically require their third party traders to have their own insurance. • In the main the de-regulation options will mean the Council has less ability to protect public safety and prevent adverse impacts on premises based businesses and residents in the District. A major incident could significantly damage the reputation of the District.
<p>Consultation</p>	<ol style="list-style-type: none"> 1. The revised policy will be consulted upon with the views of councillors, members of the public, interested parties and regulatory agencies invited. 2. If significant changes are proposed to the policy following consultation these will be brought back for consideration by the Committee.
<p>Financial Implications</p>	<ol style="list-style-type: none"> 1. There are no direct financial implications from the changes proposed in this policy review. Fees and charges are set separately to the review of the Policy. With the exception of events the aim is that fees charged will ensure viable and sustainable service, funded by fee-payers, as intended by statutory provisions.
<p>Approved by Section 151 Officer</p>	<p>Yes/no*</p>
<p>Legal Implications</p>	<ol style="list-style-type: none"> 1. Legal advice will be obtained on the policy during the consultation process to ensure the policy is legally sound.
<p>Approved by Monitoring Officer</p>	<p>Yes/no*</p>
<p>Contribution to the</p>	<ol style="list-style-type: none"> 1. A key theme of Lichfield District Council's Strategic P 2020-2024 is that we will

Delivery of the Strategic Plan	<p>work collaboratively to shape our place and develop prosperity across Lichfield District.</p> <ol style="list-style-type: none"> The revised policy is drafted to enhance the ambience and safety of local environments, recognising the positive impact that street trading can have on the local economy and the character of the area.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> An equality impact assessment will be undertaken once the final draft is finalised.
Crime & Safety Issues	<ol style="list-style-type: none"> The purpose of regulating street trading activities is to reduce/mitigate risk and protect the public. Specifically, protect the public from street trading activities being unsafe or being conducted in association with crime. The application of the provisions of this draft Street Trading policy would significantly promote only lawful trading and traders, from being authorised to operate in Lichfield District.
Environmental Impact	<ol style="list-style-type: none"> The environmental impact of street trading will be assessed, managed and mitigated through the robust application consultation procedure, involving all relevant and interested regulatory agencies, as described in the draft policy. The promotion of the Council's broader environmental aspirations for events are covered by the Event Policy.
GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> No direct impact.

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Traders at community events and others excluded from the scope of this policy won't be regulated which may give rise to unacceptable public safety risks.	Likelihood – Green Severity – Yellow Risk - Green	This level of risk will be accepted but kept under review. Given the size and nature of these type of events the overall risk from these types of events and activities is low. It is likely that some of these activities will remain in scope of the frameworks they are already regulated within. E.g. Schools and farms will be covered by Health and Safety legislation.	Likelihood – Green Severity – Yellow Risk - Green

	<p>Background documents Any previous reports or decisions linked to this item</p>
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	<p>Relevant web links Any links for background information which may be useful to understand the context of the report</p>
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STREET TRADING POLICY - February 2022

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1. Introduction, Purpose and Policy

1.1 Introduction

Lichfield District Council, hereafter referred to as ‘the Council’, is the Licensing Authority responsible for considering and determining applications for consent to engage in street trading activities under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, hereafter referred to as “the Act”.

This policy sets out the decision-making framework and criteria the Council will apply when determining applications. It also gives prospective traders an early indication as to whether their application is likely to be granted or refused and provides applicants with details of what is expected.

1.2 Purpose of the policy

- To provide a framework that clearly defines where street trading activities in Lichfield District are regulated and consent must be obtained,
- To set out circumstances where activities involving the sale of items in public places fall outside/within the scope of the policy, and
- To provide a procedural framework for council officers and elected members.

1.3 Aims of the policy

- To reflect the range of street trading options and the diverse trading locations across the district.
- To protect public health and ensure public safety (including road safety) of the people using or impacted by trading;
- To create a street trading environment which complements premises-based trading;
- To ensure activities involving street trading are sensitive to the needs of residents and do not cause unreasonable nuisance or annoyance;
- To enhance the ambience and safety of local environments, recognising the positive impact that street trading can have on the local economy and the character of the area.
- To complement and support other Council policies including those relating to events and festivals;

This policy acknowledges how street trading supports the Council’s priority to encourage a vibrant and prosperous economy – including successful Events and Festivals.

The Council recognises that, as well as being a seedbed of entrepreneurship – allowing new entrants to test their business skills and ideas in an environment with low start-up costs, minimal overheads and existing footfall – trading activities are often at the heart of events that bring local communities, charities, and fund raisers together through festivals, fetes and other special events. It also recognises that the traditional nature of our streets and trading is shifting, and that there is a genuine role for street trading in our local economy.

The Council therefore wishes to create a street trading environment that is sensitive to the needs of the public and businesses, which enhances quality consumer choice and contributes to the character and ambience of our local environment, whilst ensuring public safety and preventing crime, disorder, unfair competition and nuisance.

1.4 This policy

The Council’s original Street Trading Policy was last amended in December 2020 and at that time it was recognised a more substantive review needed to take place. This updated policy is subject to a full review and consultation with traders, event organisers and key stakeholders.

The policy will be reviewed again in April 2023 and then every 5 years; it is a living document, which means it will be kept under continuous scrutiny and where any significant amendments are considered necessary, these will be made by the Council after appropriate consultations have taken place.

Minor amendments that do not impact on the aim and objectives of the policy, for example due to changes in legislation etc. will be made in line with the Council's Scheme of Delegation. An Equality Assessment on this policy has been undertaken.

2. What is Street Trading?

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) enables a Local Authority to regulate those who sell goods to the public without the use of fixed business premises. The Council has adopted Schedule 4 of the Act for the whole of its area and all streets in the District are designated as 'consent streets', except for the A38, which is a prohibited street.

2.1 Definition of Street Trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

'the selling or exposing or offering for sale of any article (including living thing) in a street'.

The Act defines the term 'street' as including:

'any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980'.¹

The definition of street trading is broad and gives the Council the power to regulate all types of trading from all public places for the protection of the public. Any person street trading ²without a valid Consent commits a criminal offence.

2.2 Public Access Without Payment

To ensure the accurate interpretation of the legislation, the Council has also sought legal clarification regarding the specific interpretation of 'public access without payment'.

Where the trading site falls within an area to which the public may only access by the payment of a fee, or the purchase of a ticket, the trading is not within the scope of the Act³. An example of this would be a country fair in a showground, where payment for access is made at the entrance and the public must pay the fee to access the area, irrespective of whether they make a purchase. Payment must be for access and not for any other benefit or purpose, e.g. charitable donations.

In December 2016 the definition was considered again and was defined as unobstructed public access to the land. Public access therefore applies to the wider area in which the stall is located and not the specific piece of land upon which the stall sits.

3. Exemptions

Two types of exemption apply to the activity of Street Trading –

¹ From the above definition, any person offering purely a service – e.g. a shoeshine (where there is no tangible good such as a picture or sketch) – does not fall within the scope of the street trading legislation.

² The courts have held that the definition of a 'street' is not dependent upon the area of land in question being in public ownership and private land also falls under / within the definition of a street, where the public has free access to the area. Therefore, privately owned roads and property fall within the scope of this policy.

³ The definition has been tested through the courts and in the case of West Berkshire DC v Paine [2009] Lord Justice Scott Baker referred to the "wide definition" of a street and saw "no reason to narrow it down by introducing the concept of public place from other legislation".

1. Legal exemptions, provided by legislation, and
2. Local exemptions formally approved by the Council through this Street Trading Policy.

All traders who believe their activities are exempt are strongly encouraged to verify this with the Licensing Team.

3.1 Legal Exemptions

The Act in paragraph 1(2) of schedule 4 states the following types of trade are not street trading:

- a. a person trading as a Pedlar in accordance with the terms of a valid Pedlar's Certificate (issued by the Police);
- b. a market trader operating at a market venue or a fair which acquired this status by virtue of a grant, enactment, or order.
- c. a news vendor selling only newspapers and periodicals.
- d. trade which is carried on at premises used as a petrol station
- e. shops do not require a Consent even if they operate outside or directly adjacent to the commercial premises providing the items displayed for sale form part of the same business as the trade conducted inside i.e. where it is essentially an extension of the shop etc. e.g. where a grocer has a table of goods on display outside the shop. Again, this does not negate the need to comply with other legislation such as the requirement not to cause an obstruction of the highway
- f. trade carried out by 'roundsmen' (a 'roundsman' is defined as one who visits a 'round' of customers delivering only the orders of those customers". e.g. milkmen);
- g. items exchanged for a charitable collection e.g. selling poppies in aid of the Royal British Legion, which are regulated by way of a Street Collection Permit under the Charities Act 1992.
- h. Sale of articles by a charity, or for charitable purposes, are regulated under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 by the Council. Charities should contact the Council to check which scheme of regulation the activity falls under.

3.2 Local Exemptions

Having considered the character of the localities within Lichfield District, the Council regards the following activities as not requiring a Consent under the Local Government (Miscellaneous Provisions) Act 1982:

- a. Small scale sales of goods from farms and residential properties sold at/immediately outside the premises where they were produced will generally be exempt. This is intended to exempt someone who, for example, is selling on a small-scale items such as eggs, honey, plants, one off garage sales etc.
- b. A person trading at a community event held for non-commercial purposes, such as a fete or school fund raising activity, may be exempt from requiring a street trading consent, however, any stalls where any of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the trader will not benefit from the exemption;

4. Designation of Streets in Lichfield

For the purpose of street trading, streets may be designated as either 'prohibited', 'licensed' or 'consent streets'.

4.1 Prohibited Streets

Where a street is designated as 'prohibited' it means the Council has determined that specific circumstances exist, for which there are no exceptions, as to why no application to trade from the street can be made. There could be several reasons for wishing to designate a street as prohibited, for example the street may not be wide enough to facilitate a trader or the area may be dangerous – e.g., a layby on a main road offering no safe parking provision for customers.

The whole extent of the A38 is prohibited. Any unauthorised trading from a prohibited street is a criminal offence.

4.2 Licensed Streets

There are no licensed streets within Lichfield.

4.3 Consent Streets

The designation of 'consent street' means that a consent may be applied for. However, the effect of this designation is that trading in any street is an offence (subject to legal and other exemptions) without first obtaining a Street Trading Consent (a Consent) from the Council.

The Council has designated all streets within Lichfield District, other than the whole extent of the A38, as consent streets, and this policy applies to all street trading undertaken within the Lichfield District.

4.4 Trading from Private Property

The fact a person has a lease, licence or other contractual arrangement (i.e., a right to occupy the land, or has some other form of consent e.g., planning consent or a licence under the Licensing Act 2003) will not override the requirement to obtain a consent where the trading constitutes street trading under the terms of the Act.

Holding a consent for street trading will also not remove the obligation on the trader to comply with any other legal requirements e.g. holding a current food business registration, nor override the duty to comply with the general law concerning the traders' responsibilities e.g. highways, planning, licensing, health and safety, nuisance, waste disposal requirements and trespass i.e. where trading takes place from privately owned land, written permission to occupy the land must be obtained before making an application.

5. The Application Process

5.1 Who Can Apply?

To apply for consent a person must be:

- An individual or business
- 17 years of age or over
- Legally entitled to live and work in the UK

All applications will be considered on their individual merit, taking into account all relevant matters.

Consents will not normally be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any fees and charges.
- The location is considered unsuitable
- The stall will be within an unreasonable proximity of a shop selling similar goods. Unreasonable proximity constitutes being within a 100m radius and being within direct sight.
- The activities cause or are likely to cause a nuisance or annoyance to neighbouring properties
- The applicant is unsuitable. For an applicant to be suitable they must meet the assessment criteria outlined in section 5.2.
- An applicant has failed to appropriately use previous consents
- The stall is unsuitable. For a stall to be suitable it must meet the assessment criteria outlined in section 5.2.
- It causes or is likely to cause crime and disorder.

5.2 Making an Application

Exemptions and additional requirements apply to special events and events approved under the events and festival policy. A separate application form is made available for each event.

All applications must be made on the Council's application form. The application must be completed in full with all the required information before it will be considered. Applicants can apply online by visiting www.lichfielddc.gov.uk/streettrading

Applicants are encouraged to submit their applications as early as possible to ensure that if there are any problems they can be rectified or discussed before they intend to trade. Individual traders are advised to allow a minimum of 7 working days for their application to be determined. Those applying as part of an event are advised to allow a minimum of 20 working days for their application to be determined. Applications made outside these timescales may not be processed.

To apply for a street trading consent, you will need to submit the following:

- Complete and valid online application form;
- Proof of the your right to work in the UK – please click here to access the list of Acceptable Documents [\(add link\)](#);
- Photograph(s) of your stall set up as it will be for trading;
- If applying to trade in a fixed location (or a number of fixed locations – multi-site consent) you will need to provide a detailed location site plan showing the exact location you wish to trade from at each site. Please be sure to mark the plan to show where the stall will be sited as the plans will form part of the consent;
- Annual Consent: Confirmation of the *days* and times you wish to trade each week;
- Temporary Consent: Confirmation of the *dates* and times you wish to trade;
- If selling any consumable item (food or drink) you will need to provide evidence of a current Food Hygiene Rating of 4 or 5. The food rating must relate to the current business address and be registered with the correct Local Authority;
- Proof of public liability insurance cover of at least £5m;
- A full list of the commodities/items you wish to sell;
- Application fee
- Basic Disclosure Check if required (see sec 15) - <https://www.gov.uk/request-copy-criminal-record> - must be no more than 1 calendar month old at the time of application;
- Proof of waste disposal arrangements to prevent fly tipping, dumping in litter bins, oil being poured down public drains etc.
- Written consent of the landowner if applying to trade from privately owned land.

5.3 Determining Applications

All applications will be subject to consultation with relevant agencies and authorities.

These could be but not limited to:

- Environmental Health Team
- Highways Authority
- Staffordshire Fire and Rescue Service
- Planning Team
- Staffordshire Police
- Trading Standards
- Parish Council's
- Street Scene Team
- Relevant Ward Councillors

Each consultee authority or agency will be requested to consider the application from their area of expertise. If objections are received, they will be taken into consideration by the licensing officer when deciding to grant or refuse a consent.

An outline of any objections received will be shared with the applicant within 7 days. The applicant will then be given the opportunity to make submissions regarding any objection prior to any final decision.

If no objections are received and the licensing officer is satisfied the application meets the requirements of this policy, the consent will be granted and will be active from the date issued. Each consent may be granted for a maximum period of twelve months.

6. Departure from the Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy. Each application will be considered on its own merits based on the aims detailed and, where the Council considers it appropriate and necessary to depart substantially from this Policy, clear and compelling reasons for doing so will be given.

6.1 Key Assessment Criteria

The following criteria apply to all types of street trading.

Exemptions apply to special events and events approved under the events and festival policy where it is expected the event organiser will ensure the suitability of the applicant, site, trading unit, generators, barriers and the location of traders at the event. Additional expectations on event organisers are set out in the events policy and guidance.

6.2 Safeguarding

The Council is committed to promoting public safety and recognises its responsibilities for safeguarding children and adults at risk of abuse and neglect. This includes members of the public who use or may be impacted by street trading activities and the safety of the employees within the street trading businesses.

This policy is designed to ensure the individuals issued with trading consents are fit to hold a trading consent, but also extends to any person employed, by the consent holder, to work in the unit for more than just 'one off' holiday cover (i.e., cover on more than four weeks per year in total).

6.3 Applicant Suitability

When determining whether an applicant is suitable, the Council will consider:

- Any relevant criminal convictions
- The reliability of the applicant in paying fees and charges based on previous history;
- Compliance history;
- Any reasonable complaints; and
- Compliance with the street trading conditions.

6.4 Site Suitability

In determining whether street trading in an area is appropriate, the council will have regard to the following:

- Any effect on road safety and/or community safety, either arising from the siting of the pitch or from customers visiting or leaving;
- Any loss of amenity caused by noise, traffic, smell etc;
- Existing traffic orders e.g. waiting restrictions;
- Any potential obstruction of pedestrian, vehicular or disabled access;

- Any obstruction to the safe passage of pedestrians and wheelchair users;
- Any obstruction to an adjacent business
- The safe access and egress of customers and staff from the pitch and immediate vicinity.

The proposed location of the activity should also not present a significant risk to the public in terms of highway safety and obstruction.

- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.
- The proposed activity should not present a risk of crime and disorder to the public.
- Controls must be in place to ensure that the pitch does not cause nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur. This include neighbouring properties and businesses.
- If at any time the council receives complaints that nuisance is occurring, it will investigate and, if complaints are found to be justified, it may decide to withdraw the consent.

6.5 Trading Unit Suitability

The design, appearance and aesthetic suitability of each trading stall / vehicle will be considered in relation to the trading location applied for and once consented, any substantial changes to the stall must be agreed with the Council.

The Council values individuality and recognises that unique units can bring an attractive quality. However only trading stalls / units largely compliant with the specifications of this section are likely to be approved.

In design and build, the unit should be harmonious with the character of the locality, add to the quality of the street scene, and comply with the legal requirements for the activity proposed.

The design specifications apply to all annual, seasonal and multi-site consents:

One-off traders are exempt.

- The Council does not prescribe a design or style, but does require a high quality, standard and aesthetic appearance trading unit
- The unit shall comprise robust construction and materials, such that the daily removal will not result in the rapid deterioration in appearance of the unit
- The design must be commercially and aesthetically attractive, i.e. reflective of the quality and planning requirements of the facades of the surrounding retail area, where applicable
- The quality and appearance of the unit must be maintained at the standard approved in the original consent.
- The unit must meet with all the consent conditions including removal after trading, unless specifically permitted to remain.
- The unit will be inspected by an officer from the Council prior to consent being issued.
- Goods, ancillary equipment and stock must be contained within the unit when trading.

The proposed unit design must be agreed by the Council, therefore the Council strongly advises against making any significant financial investment in a trading unit or stock until the necessary consent has been approved.

In such circumstances, measurements and images provided with an application should accurately reflect the size, type, quality and overall appearance of the unit the applicant intends to purchase.

6.6 Generators

Generators must be positioned to reduce the length of cabling required to an absolute minimum and to minimise annoyance and/or nuisance to local residents or businesses from noise or fumes.

Where required, silenced generators or acoustically insulated generators must be sourced.

Where an application proposes the use of a generator, applicants should note the Environmental Protection Team will consider the proposal and may object to the grant of the consent where any use of a generator is considered inappropriate or unreasonable, based on the type of generator, location, environment, or days and times applied for.

6.7 Advertising

Advertising may only relate to goods offered for sale on that pitch.

Third party advertisements are prohibited.

It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the Council.

The use of 'A' boards will be permitted if considered necessary to alert customers to the trader location and taking account of the Council's 'A' board policy.

6.8 Barriers

Barriers will only be allowed on a consent pitch where they have been specifically included within the stall's approval.

6.9 Hours of Trading

Trading hours will be considered in line with promoting the following purposes:

1. Preventing crime, disorder and antisocial behaviour;
2. Avoiding disturbance due to noise, smell or any other matter the Council considers appropriate;
3. Protecting public safety;
4. Preventing obstruction of the highway.

6.10 Goods Offered for Sale

The Council has a responsibility to local businesses and will therefore not normally grant a Consent for the sale of goods which conflict with those provided by nearby shops. Businesses contribute to the locality through providing employment, paying business rates, and enhancing the amenity and permanent economic environment. Therefore, the Council does not want to grant an unfair economic advantage to the holder of a Consent.

Ordinarily the Council will not grant a consent to trade where an existing provision is available within a reasonable radius as the type of goods proposed. Reasonable radius constitutes being within a 100m radius and being within direct sight. This does not apply to one off large scale events and will not be applied retrospectively to existing annual or seasonal consent holders.

Commodities will be considered on a pitch-by-pitch basis having regard to local needs, product diversity and the suitability of the proposed location in terms of space and balance.

The nature of the proposed goods must be specified on an application, however the goods must not:

- a) Cause a nuisance or annoyance to nearby properties/ people.
- b) Cause or contribute to crime and disorder.

6.11 Stock Management

Siting of stock and trading area goods or equipment may not be displayed outside the authorised area of the unit of e.g., via build-outs, externally hung on the unit, sited on the public realm around

the unit, or by any other means. All produce / stock must be located and displayed within the unit.

Goods may not be displayed directly on the ground and must be presented from a product specific display unit (e.g., tiered shelving for flowers).

6.12 Other Criteria

The consent holder will at no time have the exclusive right to trade from the street or any part of it.

Street trading can take place in the area outlined in the consent and on days and hours detailed in the consent.

The consent holder may only trade in goods that are outlined on the consent.

A copy of the consent shall be made immediately available upon request to an authorised officer of the Council or the police.

Auction sales shall not be permitted as part of the consent.

All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.

Failure to comply with any of these requirements may result in refusal to issue consents or withdrawal of consent.

7. Types of Consent

Street trading consents are issued by the Council and fall under the following classifications, and each is explained in the following section:

- Annual Consent – 12 months
- Mobile Consent – maximum time of 20 mins or until queue is served, e.g. mobile ice cream sellers.
- Seasonal Consent – up to six months
- Multi-Site Consent – up to 5 specific sites per week or a specified schedule of times and locations. A multi-site consent would enable traders of hot food (such as a fish and chip mobile vendor) to remain on site in local villages for a number of hours each day/evening to cook and serve their food.
- Special Event Trading Consent – only available in association with an event approved as a special event or under the events and festivals policy.
- Temporary Consent – up to 30 individual days trading per annum.

7.1 Annual Consents

An annual consent enables the consent holder to trade on the days and times specified in the consent from a specified pitch within the District and runs for 12 months from the day of issue.

It is for the applicant to consider the location they are interested in trading from, having had regard to the criteria in this policy, and apply to trade from the site.

7.2 Annual Consent Renewal

Consent holders will be reminded that their consent is due to expire at least 28 days before the expiry date. This is to assist the trader and the Council accepts no liability if the trader does not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent and to ensure that they submit their application prior to the expiry of their consent.

Consent holders may submit their application to renew up to one month in advance of their current annual consent running out. Applications for renewal must be received 14 days before the consent is due for renewal. Failure to do so may result in a delay in processing the application and the loss of days trading.

7.3 Mobile Street Trading

Mobile street trading is specifically suited to such traders as ice cream vans, where the trader is not limited by times or days, but by geographical area. A mobile consent would authorise the consent holder to trade across the whole of the district, with the exclusion of areas like the city centre, which will be specified on the consent.

7.4 Seasonal Street Trading

A seasonal consent allows the trader to trade on a full-time basis, for the days and times specified in the consent for one to six months.

Seasonal may include the festive season, consents may be mobile or stationary and may be in any appropriate location on a consent street.

7.5 Multi-site Street Trading

A multi-site consent provides an opportunity to bring an otherwise unavailable service to smaller settlements in the District.

In locations, where local provision for that type of takeaway hot food is not available, a multi-site consent enables a trader to secure a trading arrangement and develop a customer base on a maximum of one occasion per week, permitting trading for a maximum of 3 hours or until they have served all queueing customers.

Trading locations are subject to there being no existing provision within a reasonable distance at days/times specified on the application.

7.6 Special Event Trading Consent

Where trading occurs within the footprint of an approved special event a daily (per day) consent may be applied for.

The consent permits trading exclusively at the location, on the dates and times of the event.

At a special event the person is not operating independently but under the direction and supervision of the event organiser, who has committed to undertaking their own checks – e.g. Right to work and Fire regulation checks.

7.7 Temporary Street Trading

A temporary consent, permitting the consent holder to trade for up to a maximum of 30 days per annum. The days need not be consecutive, however, the dates and times must be specified on application and included on the operating schedule forming part of the consent.

8. Events Eligible for Subsidised Street Trading

All events that are agreed through the [Events and Festivals Policy](#) will automatically receive a subsidy for street trading and traders will be charged a reduced fee.

For smaller events that fall outside the scope of the Events and Festivals Policy, the organiser may apply to the Council requesting their event to be considered for a street trading subsidy.

To be eligible to receive a subsidised street trading rate the event should include a theme, attraction or promotion to encourage visitors to the event and surrounding area.

If an event is approved for subsidised street trading fees the event organiser will be provided with a link to the Council's online application and will be responsible for co-ordinating the applications of street traders wanting to trade at the event. Consents will be issued by the Council to individual

traders on successful application to the council.

Where an event is agreed after street trading consents have already been issued for the same location, the street trading consents will be honoured, and the event organizer will be required to allow for the traders in the location and trading hours as set out in their consent.

8.1 Applying for a Street Trading Event Subsidy

Applicants must complete the online [event organiser's subsidy application](#).

Applications must be submitted as early in the year as possible but no later than 30 working days before the date of the event and be made via the Council's on-line form and the required documentation uploaded as required.

9. Vacant Existing Pitches for Annual Consents

When existing pitches in the Lichfield District become vacant the Council will advertise the vacancy and closing date for expressions of interest on the Council's website.

Applications will be assessed against the criteria detailed in this policy and, where a suitable proposal is received, the successful applicant will be selected and invited to apply for an annual street trading consent.

Should the selected person be unable to take up the pitch, the opportunity may be offered to the next appropriate person.

Where no suitable applications are received the Council may decide not to issue a consent.

10. Letting of Pitches

10.1 Sub-letting Pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.

10.2 Re-letting Pitches

Street traders must make full use of their consent. The Council will assess whether a consent holder has made a full use of their consent.

Street traders shall notify the Licensing Team in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Licensing Team of the date upon which they intend to resume trading.

In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

11. Fees and Charges

The Council sets fees and charges for street trading. Fees and charges are reviewed annually. Different fees may be set for the same type of consent to reflect factors that result in different costs to the Council for that consent/s.

The fees set by the Council for consents to trade will be set on a cost recovery basis.

An application is invalid unless accompanied by the appropriate fee.

Street trading fees are published on the [council's website](#).

Where a consent is surrendered or revoked, the council will consider all applications for the refund of part of the fee, which must be received in writing.

The decision will depend upon the remaining period of the licence and costs incurred prior to the surrender or revocation.

12. Invalid Applications

Invalid or incomplete applications will be rejected.

13. Consultation

Other than an application to trade at an approved event, all applications will be subject to a 28-day consultation in line with this policy.

Where the application is for a temporary consent, authorising up to 30 calendar days per annum, the trader will be permitted to trade during the consultation period.

The Environmental Health Team will be consulted in relation to health & safety, food safety, pollution and noise. The Planning Team will be consulted in relation to the aesthetic appearance of the trading unit and its suitability in relation to complementing the area and facades of surrounding premises.

Depending upon the location(s) applied for, the Council may include other relevant parties, but in accordance with the Council's policy, street trading applications are subject to a full consultation with some or all the following responsible authorities or agencies:

- Environmental Health Team
- Highways Authority
- Staffordshire Fire and Rescue Service
- Planning Team
- Staffordshire Police
- Trading Standards
- Lichfield City Council
- Street Scene Team
- Relevant Ward Councillors

Although the consultation period is 28 days, where responses have been received from all consultees before the end of the consultation period the Licensing Team will update you with the outcome of the consultation. If no objections are received the consent will be issued within 5 working days.

Once the consultation is complete, where no objections are received, the trader will be issued future consents without the need for further consultation provided no subsequent concerns are raised.

Where the application is for an annual consent, the consent will be granted on completion of the consultation period.

Should a consent holder wish to vary the consent substantially – e.g., type of provision offered or location – the relevant authorities will be reconsulted and an administration fee will apply.

14. Food Hygiene Rating – Food Traders

All food businesses must be appropriately registered with their local authority. Certain low risk businesses are exempt from the hygiene rating scheme; however, proof of their exemption must be provided by the applicant. This may be an email from their local authority confirming that the

business is registered and that a hygiene rating is not required. The council may contact their local council for information on the applicant's compliance history.

Other low risk food businesses may be approved to trade whilst awaiting inspection by their local authority or in other circumstances. The final decision of what is classed as a low-risk business will be determined by the Food Safety Team.

All other traders that sell or provide food must have a national food hygiene rating of a 4 or 5. Applicants and consent holders are required, by the conditions of consent, to notify the Council of any reduction in their national food hygiene rating.

If food safety is found to be below the specified standard, consent will be withdrawn until the issues are resolved.

15. Disclosure and Barring Service – Basic Disclosure (DBS)

The Council reserves the right to request a basic disclosure criminal record check or a subject access check from the police for a new application or existing consent for the applicant and each permanent/regular employee (paid or unpaid). (A regular employee is an individual providing more than just holiday cover maximum of four weeks per year) Unless specific concerns are raised about an individual these will only be routinely requested for mobile street trading applications.

In respect of all applications, a disclosure form must be completed by the individual of any convictions, cautions or fixed penalty notices they have received and if they are currently under investigation for any criminal matter (if they are aware).

In respect of any renewal applications a declaration must be made of any new convictions, cautions or fixed penalty notices they have received and if they are currently under investigation for any criminal matter (if they are aware).

At the time of application, the applicant must also provide details of all regular employees (paid or unpaid) associated with the street trading consent.

16. Refusal

Decisions will be made in accordance with the aims of the policy in relation to the protection of the safety of the public and safeguarding and having regard to unspent convictions under the Rehabilitation of Offenders Act.

Any convictions / cautions, which are not spent and relate to sexual or violent behaviour (including domestic violence), drugs, firearm offences, theft/fraud, dishonesty or any offences involving harm to children or vulnerable persons will be refused or the application may be referred to the Licensing Committee for further consideration depending on the circumstances.

Where serious allegations or cautions/convictions come to light during the period of holding the consent, the consent will be suspended, pending the outcome of investigations and, if convicted, revoked.

Only DBS certificates dated less than one month old at the time of the application will be accepted. Applicants that regularly apply may want to consider the DBS update service, further information is available at www.gov.uk.

17. Removal of Waste

Commercial waste must be stored within the stall / trailer.

Food stalls should make provision for the collection, removal and lawful disposal of customer waste as well as their trade waste and removing it from site in accordance with the trader's commercial waste contract.

The need for a waste container will be considered on a case-by-case basis acknowledging that there may be instances where the provision of a waste container will be required.

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the disposal of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

18. Revocation

There is no legal right of appeal against a decision to revoke a consent. Where a consent is revoked the council will advise the applicant verbally (where possible) and confirm the reasons for this in writing within 10 working days.

The Head of Regulatory Services, Housing and Wellbeing may allow an appeal to the Licensing and Consents Appeals Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

19. Conditions, Complaints and Enforcement

19.1 Conditions

General conditions will be attached to every consent.

Conditions on a Consent are important in setting the parameters within which a trader may lawfully operate.

Consent conditions must:

- be appropriate for the promotion of the policy objectives;
- be precise and enforceable;
- be unambiguous and clear in what they intend to achieve;
- not duplicate other statutory requirements;
- be tailored to the individual type, location and characteristics of the trading unit and location;
- be proportionate, justifiable and be capable of being met;
- not seek to manage the behaviour of customers once they are beyond the direct management of the consent holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- be written in a clear and prescriptive format.

Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, the revocation of a consent, and/or refusal to grant further consents on application.

19.2 Complaints

Complaints in relation to the administration of the policy will be fully investigated in accordance with the Council's Complaints Policy.

Substantiated complaints relating to the operation of the street trading consent may result in a consent being revoked and refusal to grant further consents on application.

19.3 Enforcement

Enforcement will be considered in line with our [enforcement policy](#).

19.4 Offences

A person commits an offence if they:

- Engage in street trading in a prohibited street.
- Engage in street trading in a consent street without first obtaining a street trading consent from the council.
- Contravene a condition imposed on a consent.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



Date: 9 March 2022

Agenda Item:

Contact Officer: Susan Bamford/ Gareth Davies

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Key Decision? YES NO (delete as appropriate)

Local Ward Members If any Wards are particularly affected insert the name of the Ward Members and their Ward. Ensure that the Ward Members have been consulted.

REGULATORY & LICENSING COMMITTEE

Restricted By virtue of paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972. **(Delete if Non Confidential)**

1. Executive Summary

- 1.1 The Hackney Carriage and Private Hire Licensing policy and related procedures guides the work of Lichfield District Council in the way in which it carries out its licensing functions. It provides the overall decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet.
- 1.2 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.
- 1.3 This revised draft proposes a number of changes to the policy including:
- The removal of the requirement to make CCTV mandatory in all vehicles
 - The addition of some wording about the use of personal information
 - The clarification of some timescales and point requirements
 - Some reordering and rewording to make more readily understood.
- 1.4 It also retains the requirements relating to vehicle age and emissions.
- 1.5 It is recognised that the policy is lengthy and includes some duplication. However it needs to be comprehensive to reflect legislation, guidance and case law and allows for the reader to be able to read the section required without having to read the whole document.

2. Recommendations

- 2.1 That members agree the proposed amendments set out in the revised Hackney Carriage and Private Hire Licensing Policy with authority delegated to the Chair of Regulatory and Licensing and the Head of Regulatory Services to make any interim minor changes.

3. Background

- 3.1 A consolidated taxi licensing policy was first agreed in 2019, with further amendments subsequently made to take account of the Statutory & Hire Vehicle Standards published in July 2020.

- 3.2 In July 2021 this committee agreed:
- The carrying out of a consultation exercise on the installation of CCTV in vehicles.
 - A temporary relaxation of the vehicle age rules from five to six years on first licensing and seven to eight years on renewal up to June 2022.
 - The extension of the vehicle age rules for electric /hybrid vehicles from five to six years on first licensing and seven to eight years on renewal.
 - The carrying out of an investigation into the implications of an extension to the requirement to upgrade vehicles to less polluting ones in line with the short term exemptions created by Birmingham City Council.
- 3.3 The Taxi Licensing Policy previously consulted upon included a condition that by 1 April 2022 all licensed vehicles must be fitted with CCTV (visual and audio). However whilst the mandating of CCTV in vehicles can undoubtedly provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers, the imposition of a blanket requirement to attach CCTV as a condition to a licence can give rise to concerns about the proportionality of such an approach.
- 3.4 Government guidance suggests a strong justification needs to be in place to support this condition. It is therefore recommended that 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.
- 3.5 A 6 week consultation was carried out on the mandatory requirement for CCTV cameras in all vehicles in autumn 2021. No responses were received to this consultation. In view of the lack of response, further consultation took place with a Trade meeting held on 2 February. 22 drivers joined the virtual meeting and there was a unanimous view that CCTV should not be mandatory. Drivers raised concerns about:
- Cost Implication of installations of systems certified to use and then reinstallation when changing vehicles.
 - Who would have access to said data – they would want to reserve the right to control the data
 - When and why data would be requested.
 - General worry about privacy of customers (including celebrities) and family members.
- 3.6 In the absence of a strong justification for making CCTV mandatory, it is recommended that this is optional for drivers.
- 3.7 Section 10 of the policy covers Communication and Information Security. Additional wording has been added to this section to make clear the limitations on the use of personal data.
- 3.8 There were a few areas of the policy where the timescales needed clarification – E.g. calendar or working days so that there is a precise time limit spelt out.
- 3.9 In the course of reviewing the policy the opportunity had been taken to change wording to more plain English- e.g. alighting to getting out from. The revised policy is attached at Appendix A.
- 3.10 The previously agreed vehicle age extension ends in June this year. There is the option to further extend but this would put at odds with vehicle emission requirements. All cars built and despatched from June 2015 and sold after September 2015 have to be Euro 6 compliant. Euro 4 emissions were introduced on all new cars from January 2006.
- 3.11 The current policy requires that:
- 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.

- 3.12 This condition was partly imposed because of the introduction of a Clean Air Zone by Birmingham City Council, which would apply to any of our vehicles taking passengers from our District into the zone. Following public consultation Birmingham City Council has approved some short term exemptions. The Taxi trade has requested that our Policy is amended to take account of those exemptions.
- 3.13 Applications are now open for temporary exemption permits in the Birmingham Clean Air Zone. However the exemption permits will be available to residents, low income workers and businesses in the Clean Air Zone for a period of one to two years. All of these exemption permits are subject to eligibility criteria, including the ownership of a vehicle that does not meet the emission standards for the Clean Air Zone, and only available on application through brumbreathes.co.uk.
- 3.14 The exemption permits available are:
- Residents living within the Clean Air Zone who own a vehicle that does not meet the emission standards for the Clean Air Zone.
 - **EXEMPTION PERIOD:** Two years from the date of launch for the Clean Air Zone
 - Low income workers (earning less than £30,000 p.a.) whose registered place of work is in the Clean Air Zone.
 - **EXEMPTION PERIOD:** One year from the date of launch for the Clean Air Zone
 - Commercial vehicles registered within the Clean Air Zone (maximum of two vehicles) can apply for a year of exemption as well as Commercial vehicles with existing finance agreement beyond commencement of the Clean Air Zone and registered within the zone.
 - Community and school transport vans and minibuses will be able to apply for an ongoing exemption if they are registered as [Section 19 or Section 22](#) for operation in Birmingham and not registered as a Hackney Carriage or Private Hire Vehicle.
- 3.15 The Clean Air Zone was launched 1 June 2021 so any exemption for commercial vehicles will expire 31 May 2022.

Alternative Options	<ol style="list-style-type: none"> 1. The policy needs to take account of the CCTV consultation. There is the option to keep CCTV mandatory but this would be difficult to justify if challenged. This is the key substantive change. 2. Members have the option to agree to a further extension of the vehicle age limit but this would mean that vehicles would be non Euro 6 compliant.
Consultation	<ol style="list-style-type: none"> 1. Mandatory CCTV was subject to a 6 week consultation back in the autumn, key stakeholders were advised of the consultation which was available on-line. Given the lack of response the Taxi trade were consulted directly with at a trade meeting held at the beginning of February.
Financial Implications	<ol style="list-style-type: none"> 1. The costs of administering the licensing function is recovered through the fees charged. The policy provides a clear decision making framework which supports the delivery of an efficient and effective service.
Approved by Section 151 Officer	Yes
Legal Implications	<ol style="list-style-type: none"> 1. The Taxi Licensing Policy sets out the overall decision making framework for the licensing of Drivers, vehicles and operators. Taxi licensing is also subject to a range of specific legislation as set out in the licensing policy, including the Local Government (Miscellaneous Provisions Act 19967, the Town Police Clauses Act 1847 and 1889 and Transport Acts 1985 and 2000.

	2. The Statutory Taxi & Private Hire Vehicle Standards 2020 state that an 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.
Approved by Monitoring Officer	Yes

Contribution to the Delivery of the Strategic Plan	1. The licensing of drivers and vehicles supports enabling people, shaping place and developing prosperity.
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Equality, Diversity and Human Rights Implications	1. An Equality Impact Assessment has undertaken in 2021 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.
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Crime & Safety Issues	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.
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Environmental Impact	1. The policy recognises that older vehicles can have a negative environmental impact and therefore wishes to encourage older hybrid and electric vehicles to be licensed as an incentive for use of these vehicles.
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GDPR / Privacy Impact Assessment	1. A Privacy Impact Assessment has been undertaken in terms of the application process.
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	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Policy does not provide robust decision making framework	Yellow	Checking against legislation, case law, guidance and standards	Green
B	Adverse response to any changes	Yellow	Consultation prior to any key changes	Green
C				
D				
E				

	Background documents Hackney Carriage and Private Hire Licensing Policy 2021
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	Relevant web links Any links for background information which may be useful to understand the context of the report Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk)
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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2022

Effective date 1 April 2022

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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.

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
- Statutory Taxi & Private Hire Vehicle Standards – July 2020

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 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.

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

2.2 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 Cabinet Office, the Department for Transport and the Institute of Licensing.

2.3 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.

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 the Act of 1847;
- **“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 the LGMP Act 1976;
- **“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 the LGMP Act 1976;
- **“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 and in relation to a private hire vehicle means a licence under section 48 of the LGMP Act 1976.

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 responsibilities.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Committing to work with the police and licensing authorities.

- Making clear an expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.
- Ensuring drivers have a knowledge of Lichfield District.

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

- Giving consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- 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:

- Ensuring standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks and use of ranks
- Provision of accessible vehicles.

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 stated 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.

3.1 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.

Taxi drivers are in a position of trust and the Licensing Authority has a safeguarding duty to ensure the Taxi and Private Hire Trade are aware of their safeguarding responsibilities 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 sexual exploitation and modern slavery crimes, and protect those who most need help.

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.

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.

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 should:

- 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 sexual exploitation, modern slavery or inappropriate behaviour 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.

5. Hackney Carriage & Private Hire (Combined) Driver Licensing Requirements

5.1 The 'fit and proper' test

The Licensing Authority has a duty to ensure that any person who is granted a drivers licence is 'fit and proper' to be 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 with assistance from 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.

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).

Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount.

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. If, on the balance of probabilities, the answer is 'no' the individual should not hold a licence. An applicant or licence holder should not be 'given the benefit of doubt'.

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.

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 sections (5.2-5.13) 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 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 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. 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 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.

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.

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

- The submission of a completed application form (including all relevant declarations)
- A recent passport standard photograph that is a good likeness of the applicant
- The submission of a DVLA driving photo-card
- A DVLA check code;
- 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 from the licensing authorities approved medical practitioner.
- 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 the relevant checks cannot be supplied the Licensing Authority will not be able to grant or renew a drivers licence.

For further information please see Appendix C.

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.

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](#)

5.3 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 checking the child and adult barred lists; and
2. It has been issued within the last three months.

All licence holders are required to notify the Licensing 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 these offences within this scope will result in a review by the licensing authority as to whether the licence holder is fit to continue to hold a licence.

This does not mean that a licence will be automatically withdrawn, the licensing authority will consider what, if any, action in term of the licence should be taken based on the balance of probabilities.

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 failure by a licence holder to disclose an arrest that the licensing 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.

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.

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.

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. In such circumstances the Head of Service will be consulted and reasons for reaching this decision will be recorded.

5.4 Applicants with periods of residency outside the UK

Where an applicant (for a new licence or a renewal) has spent six continuous months or more outside the UK 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. They will be required to provide a Certificate of Good Character from each country (unless previously seen by this Authority). For these purposes, a "Certificate of Good Character" 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.

5.5 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 valid DVLA check code 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".

5.6 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.

5.7 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. Acceptable Photographic identification 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.

Local authority officers will re design and amend the content of the knowledge test as required.

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.

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.

5.8 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 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 pay for 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.

5.9 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.

5.10 Duration of the Licence

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 circumstances 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.

5.11 Safeguarding Vulnerable Passengers and transporting passengers with disabilities

All new 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.

Drivers will be offered a choice of training dates but if they have not completed training within 6 months of being licensed their licence could be suspended, pending completion of safeguarding training.

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.

5.12 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.)

5.13 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

5.14 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,
- 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.

5.15 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 in Appendix D set out the standards of behaviour required

5.16 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.

5.17 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

5.18 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

5.19 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.

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.

Applicants should submit the following when making an application:

- The fee
- Completed application form
- (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)
- 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)

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 will be requested.

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

Consideration will be given to applications for Executive Hire Vehicles.

A Lichfield Private Hire Vehicle licence will not be issued to a vehicle which looks like a hackney carriage in any way.

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.)

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.

Attention should be given to the vehicle specification, age restrictions and the supplementary testing manual **before** purchasing a vehicle.

In order to operate a Lichfield Private Hire Vehicle you must hold a Private Hire Operator Licence, or work through a Lichfield licensed Operator.

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.

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.

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.

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](#).

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.

6.4 Hackney Carriage Vehicles

All Hackney Carriage vehicles will be white in colour

New Hackney Carriage Licences will **preferably** be issued for wheelchair accessible vehicles.

All new Hackney Carriage Vehicles must be less than **five** years old from date of first registration on initial application. 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.

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.

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.
- Electric /hybrid vehicles will be licensed from six years on first licensing and eight years on renewal.

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.

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 require 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).

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).

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 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.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey. Meters will be checked for accuracy by a measured mile distance or by waiting time.

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.

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.

No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

All glass (including windows or transparent material) behind the “B” post allows at least 70% of light to be transmitted through it.

6.5 Private Hire Vehicles

Private Hire Vehicles must not be white or similar in colour

All new Private Hire Vehicles must be less than five years old from date of first registration on initial application on initial application. 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.

New PHV licences will preferably be issued for wheelchair accessible vehicles.

The following upper age limits apply:

- No vehicle licence will be **renewed** on any vehicle that is of **seven** years of age or more

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.

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.

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 require 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).

The vehicle should display any scale of charges provided by the Operator who provides the bookings to the vehicle

6.6 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.

The vehicle must comply with the Council's current age and vehicle emissions policies.

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.

All vehicles must be right hand drive.

The vehicle must have:

- four passenger doors which includes the driver's door, except purpose built vehicles
- An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.
- at least one window on each side capable of being opened and closed
- A permanent roof which is watertight
- 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.
- Seat belts must be fitted for all seats and be in good working order.
- Nearside and offside exterior rear view mirrors.
- 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.
- No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
- All glass (including windows or transparent material) behind the "B" post allows at least 70% of light to be transmitted through it.

Hackney Carriages must have an appropriate taxi sign bearing the word "TAXI" on the front and the rear.

Hackney Carriages must have an appropriate taxi meter, positioned where it can clearly be seen by the passengers in the vehicle.

Hackney Carriages must also have sufficient means by which a passenger can communicate with the driver, and vice versa.

Vehicles shall have a clean and smart appearance both externally and internally.

The fittings and furniture shall be kept in a clean and well maintained condition fit for public service at all times.

Seating must be comfortable and provide the average passenger with adequate leg room. Sideways mounted seats will not be permitted.

The floor must be covered with a suitable carpet, mat or other floor covering.

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.

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.

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.

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.

The fitting of part worn tyres to licensed vehicles is not permitted.

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. '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.

Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable

6.7 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.

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.

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.

New or replacement vehicles may be either side or rear loading.

No fittings, other than those approved, may be attached to or carried on the inside or outside of the vehicle.

All tyres of purpose built vehicles must comply with the requirements of C & U Regulation.

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.

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.

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.

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.

6.8 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'.

6.9 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.

6.10 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

6.11 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 if viewed by an officer of the licensing team as minor may result in the vehicle not being required to be 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 H

6.12 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 as requested by an authorised officer.
- 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 I.

6.13 Advertisements on vehicles

No advertisements shall be placed on any licensed vehicle.

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

6.14 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 get out of 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.

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.

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 for Hackney Carriage Vehicles. 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.

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.

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

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.

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; (unless you are the holder of a combined Hackney Carriage & Private Hire Drivers Licence issued by Lichfield District Council).
- A certificate of good character (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.

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 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.

8.3 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 all relevant 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 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 circumstances 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 & Private Hire Vehicle Standards.

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.

8.4 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. A register of all staff that will take bookings or dispatch vehicles must be kept.

All individuals listed on the register will be required to provide the operator with a basic disclosure. DBS certificates should be issued within the last month. 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.

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.

Registers are required to be retained for a period of not less than 12 months.

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 safeguarding and Child Sexual Exploitation issues.
- Records of any public safety concerns/complaints 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.

8.5 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, hate crime or abuse of a child or adult risk, 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 5 working days
- b) Change of address, in writing within 5 working 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.

8.6 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.

8.7 Safeguarding Vulnerable Passengers Training and transporting passengers with disabilities

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.

Operators will be offered a choice of training dates but if they have not completed training within 6 months of being licensed their licence could be suspended, pending completion of safeguarding training.

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.

8.8 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.)

8.9 Right to Work in the UK

Please refer to section 5.12

8.10 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) a record is kept of the particulars of every journey invited or accepted, whether it is from the passenger or at the request of the operator
- c) 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;
- d) any telephone facilities and dispatch equipment are maintained in an effective working order;
- e) 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.
- f) 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.
- g) 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.

8.11 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 before any operator starts operating the business.

8.12 Insurance

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

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

8.13 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.

8.14 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.

8.15 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 Officer or Authorised Officer.

8.16 Exemptions

The Licensing Authority has considered requests from certain operators for their businesses or part of the business 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 above 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](#).

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](#) within the Application Packs, and upon request.

10. Communication & Information Security

10.1 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](#).

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls)

10.2 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 the [Ofcom website](#).

10.3 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.

Drivers and operators must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver or operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

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.

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 suspended, the authority will consider whether the non-disclosure represents dishonesty and will review whether the licence holder remains a fit and proper person.

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 that apply 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.

Lichfield District Council will authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside the area.

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 being considered:

- **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 Head of Service.

11.2 Driver Penalty Points Scheme

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.

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 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 licence until the accumulation of 12 points on the driver's record, where this will be reviewed by 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.

12. The Driver and Operator's Penalty Points Scheme - Tariff

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to 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	Yes	Yes
2	Failure to notify the licensing 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	9	Yes	Yes
3	Failure to notify the licensing authority within 5 working days of receiving a Fixed Penalty Notice	6	Yes	Yes
	Failure to notify the licensing authority as soon as possible and no later than 10 working days of any illness or injury affecting fitness to act as a driver	4	Yes	Yes
4	Failure to notify, in writing, the Authority of change of address within 5 working days	3	Yes	Yes
	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	Yes	Yes
5	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer.	6	Yes	
6	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	Yes	
7	Plying for hire by private hire vehicle drivers.	9	Yes	Yes
8	Using a mobile phone and/or electronic devices whilst driving as witnessed by an officer of the authority.	6	Yes	
9	Using unlicensed vehicle for carrying passengers for hire or reward or a licensed vehicle without insurance.	12	Yes	Yes
10	Failure to produce relevant documents within timescale, when requested by an authorised officer/ police officer	4	Yes	Yes
11	Failure to maintain vehicle in a satisfactory condition – including interior or exterior.	4	Yes	Yes
12	Failure to provide proof of insurance cover when requested.	6	Yes	
13	Failure to produce hackney carriage or private hire vehicle for testing when required.	6	Yes	Yes
14	Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.	12	Yes	Yes
15	Using a vehicle for which the licence has been revoked.	12	Yes	Yes
16	Failure to get approval in writing from the licensing authority before CCTV equipment is installed and used in the vehicle.	4	Yes	Yes
17	Carrying more passengers than stated on the vehicle licence.	12	Yes	
18	Failure to display external/internal licence plate as required.	4	Yes	Yes
19	Failure to correctly display authorised side identity stickers as required.	4 per sticker	Yes	Yes

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to vehicle proprietor or operator
20	Incorrectly displayed advertisements	3 per advert		Yes
21	Carrying an offensive weapon in the vehicle.	12	Yes	
22	Failure to notify the sale of private hire or hackney carriage vehicle or change of ownership.	4		Yes
23	Failure to apply for prior approval for advertising signage on the outside of the vehicle.	3	Yes	Yes
24	Failure to correctly display authorised no smoking stickers.	3 per missing sticker	Yes	Yes
25	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3	Yes	Yes
26	Failure to display authorised Hackney Carriage roof sign	4	Yes	Yes
27	Failure to use authorised roof light.	4	Yes	
28	Failure to electronically connect authorised roof sign to taximeter	4	Yes	Yes
29	Displaying unauthorised written or other material on any window.	4	Yes	Yes
30	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	Yes	Yes
31	Using a non-approved or non-calibrated taximeter.	6	Yes	Yes
32	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	Yes	Yes
33	Evidence of smoking in vehicle.	3	Yes	Yes
34	Failure to search the vehicle for lost property	3	Yes	
35	Failure to declare lost property	6	Yes	
36	Sounding horn when arriving at an address to pick up passengers	3	Yes	
37	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	Yes	
38	Playing a radio or other sound reproducing equipment against the request of the hirer and/or passenger(s)	4	Yes	
39	Evidence of food or drink (excluding water) left in vehicle whilst working	3	Yes	Yes
40	Displaying any feature on a private hire vehicle that may suggest that it is a taxi	6	Yes	Yes
41	Using a vehicle the appearance of which suggests that it is a taxi	6	Yes	Yes
42	Failure to carry an assistance dog without requisite medical exemption.	12	Yes	
43	Driver not holding a current DVLA Driving licence.	12	Yes	Yes
44	Failure to wear driver's personal badge, so it is visible to the public	4	Yes	
45	Failure to correctly display dash badge	4	Yes	
46	Failure to notify the Council, in writing, of a loss of identity badge or licence	4	Yes	

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to vehicle proprietor or operator
47	Lending or giving of his or her badge or licence to another person	12	Yes	
48	Failure to notify, in writing, a change in medical circumstances.	6	Yes	
49	Unsatisfactory appearance of driver.	3	Yes	
50	Failure to observe rank discipline (hackney carriage only).	4	Yes	
51	Failure to maintain proper records of private hire vehicle.	3		Yes
52	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		Yes
53	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		Yes
54	Failure to issue complete receipt on request.	3	Yes	
55	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4	Yes	Yes
56	Unsatisfactory behaviour or conduct of driver.	4	Yes	
57	Failure to notify the Authority, in writing, of any motoring or within 7 working days of said conviction or cautions during period of current licence	6	Yes	
58	Failure to behave in a civil and orderly manner	4	Yes	
59	Failure to take reasonable amount of luggage	3	Yes	Yes
60	Failure to give reasonable assistance to passengers entering or getting out of the vehicle or during the journey	3	Yes	
61	Failure to give assistance with loading/unloading luggage to or from any building, vehicle or place.	3	Yes	
62	Failure to display table of fares.	4	Yes	Yes
63	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	Yes	Yes
64	Failure to attend punctually at appointed time and place without sufficient cause.	4	Yes	Yes
65	Using a licensed vehicle with bald tyre(s).	4 per tyre	Yes	Yes
66	Failure to display a current licence plate.	4	Yes	Yes
67	Waiting or stopping in any area where parking is prohibited unless requested by a paying customer present in the vehicle.	3	Yes	
68	Drive where prohibited, unless directed by the hirer	3	Yes	
69	Failure to display within the vehicle information on how customers are able to make complaints to Lichfield District Council.		Yes	Yes
70	Failure to comply with any other licensing condition not detailed in the table. ** see below	3	Yes	Yes

** 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.

12.1 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.

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

- Suspension of the licence
- Revocation of the licence
- Head of Service 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.

12.2 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.

A decision to refuse or revoke a licence on public safety grounds will also be referred to the Police.

12.3 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.

12.4 Prosecution of licence holders

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

12.5 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.

12.6 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

13. Appendix A

13.1 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.

The applicant has within 30 days of the issue date of their certificate 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.

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 the licensing authority as a result of information received will be fed back to the police.

13.2 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 before 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.

All licence holders are required to notify the Licensing 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 these offences within this scope will result in a review by the licensing authority as to whether the licence holder is fit to continue to hold a licence.

This does not mean that a licence will be automatically withdrawn, the licensing authority will consider what, if any, action in term of the licence should be taken based on the balance of probabilities.

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 failure by a licence holder to disclose an arrest that the licensing 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.

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.

14. Appendix B

14.1 Certificate of Good Character: 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 three 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 Character from each country (unless previously seen by this Authority). For these purposes, a “Certificate of Good Character” 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.

15. Appendix C

15.1 Warnings, Offences, Cautions & Convictions Policy

15.2 Introduction

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.

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.

Public Safety is paramount and before 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.

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 or other agency, eg the police.

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.

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

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)]

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

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”.

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

15.3 General Policy

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:

- Remain free of conviction for an appropriate period as detailed below; and
- Evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

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.

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;

15.4 Non-conviction information

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

In making a determination, public safety of the public must be a paramount consideration for the Licensing Authority.

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.

15.5 Powers & Requirements

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:

- the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
- failure to comply with the provisions of the Town Police Clauses Act 1847;
- failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- or any other reasonable cause.

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.

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:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court and the Judges reasons (obiter dicta) for coming to that decision
- The applicant’s age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- 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 services.

All licence holders are required to notify the Licensing 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 these offences within this scope will result in a review by the licensing authority as to whether the licence holder is fit to continue to hold a licence.

This does not mean that a licence will be automatically withdrawn, the licensing authority will consider what, if any, action in term of the licence should be taken based on the balance of probabilities.

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 failure by a licence holder to disclose an arrest that the licensing 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.

Applicants can discuss further the implications of a caution/conviction may have on any application or existing licence with the Licensing Service.

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 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, therefore subscription to the update service is strongly advisable.

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.

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.

For renewal applications and current licence holders this policy will be applied retrospectively.

If an offence / information is not covered by this Policy it will not preclude the Licensing Authority from taking it into account.

[15.6 Immediate Revocation / Suspension of a Hackney Carriage & Private Hire \(Combined\) Driver Licence](#)

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.

The Licensing Authority can only suspend/revoke with immediate effect if it is in the interests of public safety to do so.

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.

The overriding consideration is the safety and protection of passengers and the general public.

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.

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.

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.

15.7 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)]

15.8 Offence considerations

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.

15.9 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. 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.

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:

- Terrorism offences
- Kidnapping or abduction
- Or any similar offences (including attempted or conspiracy to commit)
- offences which replace the above

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:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Threats to kill
- Resisting arrest
- Hate crime against a person
- Or any similar offences (including attempted or conspiracy to commit)
- offences which replace the above.

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:

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

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:

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

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.

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.

15.10 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.

15.11 Sexual and indecency offences

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
- 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.

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.

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:

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

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

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.

15.12 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.

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:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- or any similar offences (including attempted or conspiracy to commit)
- offences which replace the above

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.

15.13 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.

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.

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.

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.

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.

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.

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.

15.14 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 death of another person or was intended to cause the death or serious injury of another person. A licence will not be granted.

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.

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.

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.

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

15.15 Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

15.16 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.

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.

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 will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

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.

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.

A list of offences to which this section applies is attached as Schedule Two

15.17 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.

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.

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.

Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

Where an existing licence holder is disqualified from driving the licence will normally be revoked under delegated powers.

A list of offences to which this section applies is attached as Schedule Three.

15.18 Totting up disqualifications

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.

Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

15.19 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.

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.

15.20 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.

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.

15.21 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.

Private hire vehicles must not carry passengers if the journey has not been pre- booked with a private hire operator by the passenger.

All private hire vehicle journeys must be pre-booked through a licensed PH Operator.

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.

A PH driver is not permitted to make a booking on behalf of a prospective passenger e.g. via their radio or mobile telephone.

PH Operators / staff must not accept any booking made by a PH driver on behalf of a passenger.

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?".

In most cases, a Private Hire Vehicle will not be insured during a journey that has not been correctly pre-booked.

PH vehicles must not wait at any taxi rank / stand.

PH vehicles must not be hailed in the street.

16. 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 of 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

17. 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

18. 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
- 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

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)

19. Appendix D

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 their licence may be revoked for non-compliance.

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

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 feel uneasy or 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.

The Driver must be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

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.

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.

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.

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.

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.

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.

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.

The Driver must not carry any other person in the vehicle without the permission of the hirer.

The Driver must if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.

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.

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 getting out of the vehicle, and any other reasonable assistance during the course of the journey.

The Driver must offer and provide any necessary assistance to wheelchair users when entering or getting out of 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.

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.

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.

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.

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.

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.

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.

All licence holders are required to notify the Licensing 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 these offences within this scope will result in a review by the licensing authority as to whether the licence holder is fit to continue to hold a licence.

This does not mean that a licence will be automatically withdrawn, the licensing authority will consider what, if any, action in term of the licence should be taken based on the balance of probabilities. A failure by a licence holder to disclose an arrest that the licensing 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.

The Driver must notify the Licensing Officer in writing, within 5 working 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.

The Driver must notify the Council in writing as soon as possible and in any event within 10 working 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.

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.

The Driver must notify the Council in writing of the acceptance of any fixed penalty received within 5 working days. The driver must subsequently inform the Council immediately following its endorsement.

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. 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.

The Driver must have regard to Staffordshire Police's [policy](#) in relation to lost property. Any lost property found within or originating from the vehicle must be reported to the Lichfield District Council's Licensing Team and if it was a pre-booked journey, the Operator.

The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.

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.

The Driver must not eat or drink (with the exception of water) in the vehicle whilst a passenger or passengers are on-board.

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.

The Driver must not wilfully 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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

The Driver will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

20. 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.

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

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.

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.
- Side identity stickers are to be fixed to the vehicle using the sticker adhesive. Magnets are not to be used

The Licence Plate referred to in these Conditions will remain the property of the Council and must be returned within 7 days 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 or revoked.

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.

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.

The vehicle must be a single uniform colour.

The interior and exterior of the vehicle must be kept in a clean condition and maintained in a safe condition by the Proprietor.

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.

The Proprietor must permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.

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.

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.

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.

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

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.

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.

General advertising is not permitted on any licensed vehicle.

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.

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).

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.

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.

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.

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.

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.

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.

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

And the Proprietor shall produce the following original documents at the request of an Authorised Officer of the Council (either straight away or at the main Council Offices, within five working days of the request being made):

- Vehicle Log Book
- Valid Certificate of Insurance
- Vehicle Licence

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.

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

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.

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

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.

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.

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.

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.

All bookings for Private Hire Vehicles must be made in advance.

All Private Hire Vehicles must display door signs that state all bookings must be made in advance, i.e. **'ADVANCE BOOKINGS ONLY'**.

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.

The Proprietor/Driver of a licensed vehicle must ensure that:

- There is no smoking of electronic cigarettes/vaping equipment within the vehicle at all times. This applies to both drivers and passengers;
- and No smoking signs are displayed within the vehicle. One on each rear passenger door window and one on the front dash.

Vehicle Licence proprietors are required to notify the licensing authority within 48 hours 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.

The proprietor must notify the Council in writing of the acceptance of any fixed penalty endorsement within 5 working days. The proprietor must subsequently inform the Council immediately following its endorsement.

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.

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.

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.

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.

The proprietor of a Hackney Carriage or Private Hire Vehicle must ensure information is displayed within the vehicle, clearly visible on how customers are able to make complaints to Lichfield District Council.

The vehicle proprietor will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

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.

21. Appendix F

Executive Hire Vehicles – Plate and Side Sticker Exemption

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.

Executive hire vehicles are private hire vehicles with an additional application to be made for an exemption to display the licence plate and side identification 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 styled more as chauffeur driven vehicles than standard private hire vehicles.

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.

Separate conditions apply to Executive Hire Vehicles with the exemption to display the vehicle plate and side stickers. These are set out in Appendix G.

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.

22. APPENDIX G

Executive Hire Vehicle with Plate & Side Sticker Exemption Conditions

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.

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 feel uneasy or 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.

The Driver must be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

The Driver must carry the driver badge issued by the Council and if requested produce it on demand to the passenger or Authorised Officer.

The Driver must carry their dashboard licence and if requested produce it on demand to the passenger or Authorised Officer.

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.

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 of any appropriate fee.

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.

The Driver must not drive a licensed vehicle without the windscreen/rear window identification notice being attached.

The Driver must ensure that before the vehicle is used, 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.

The Driver must not carry any other person in the vehicle without the permission of the hirer.

The Driver must if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.

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.

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.

The Driver must offer and provide any necessary assistance to wheelchair users when entering or getting out of 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.

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.

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.

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.

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.

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.

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.

The Driver must have regard to Staffordshire Police's 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.

The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.

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.

The Driver must not eat or drink (except for water) in the vehicle whilst a passenger or passengers are on-board.

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.

The Driver must notify the Council in writing as soon as possible and in any event within 10 working 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.

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 calendar days.

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.

Driver Licence holders are required to notify the licensing authority within 48 hours 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.

The proprietor must notify the Council in writing of the acceptance of any fixed penalty endorsement within 5 working days. The proprietor must subsequently inform the Council immediately following its endorsement

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.

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.

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.

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.

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.

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.

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 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.

The vehicle must be a single uniform colour.

The interior and exterior of the vehicle must be kept in a clean condition and maintained in a safe condition by the Proprietor.

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.

The Proprietor must permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.

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.

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

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.

General advertising is not permitted on any licensed vehicle.

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.

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.

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.

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

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

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.

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.

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.

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.

All bookings for Private Hire Vehicles must be made in advance.

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.

The Proprietor/Driver of a licensed vehicle must ensure that:

- There is no smoking of electronic cigarettes/vaping equipment within the vehicle at all times. This applies to both drivers and passengers; and
- No smoking signs are displayed within the vehicle.

1. The proprietor of a licensed vehicle must within 5 working days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.
2. 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.

23. Appendix H

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 the 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 authorised 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.

24. Appendix I
Supplementary Vehicle Testing Manual

Section 1 Vehicle Exterior

Method of Inspection	Reason for failure	Notes
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.	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.
Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	Defective external catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
Check all doors to ensure that they are properly aligned and will close easily	Poorly fitting doors to the vehicles.	
Ensure that the door hinges are in good condition allowing free movement of the door.	Defective door hinges.	
Check all wind-check positions to ensure that doors are held in place when opened.	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.
Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	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.
Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	<p>Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed.</p> <p>Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicles.</p> <p>Renovations to paintwork which produce runs, flat or uneven finish or of non- matching colour, i.e. not compatible with adjacent panels.</p> <p>Repairs incomplete in primer or undercoat.</p> <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>

Method of Inspection	Reason for failure	Notes
Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	Missing or defective door/wing mirrors.	
Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	Damaged or inadequately secured front or rear bumpers.	
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.)	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.	Registration mark obscured or indistinguishable is contrary to Section 43(1) of vehicle excise and Registration Act 1994.1 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. 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.
Examine the rubber seals to every door for serious damage, looseness or absence	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.
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.	Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.	
Check the operation of the number plate light, reversing lights and front and rear fog lights.	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.
Check condition of any advertising material affixed to the exterior of the vehicle.	Damaged, peeling or defaced advertising material. Unauthorised advertising material.	
Tinted windows will only be permitted in accordance with the		

Method of Inspection	Reason for failure	Notes
manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations ,1986.		

Section 2 Hackney Carriage and Private Hire Vehicle

Method of Inspection	Reason for failure	Notes
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.	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).
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.	A sign that is not satisfactorily secured to the vehicle.	
Check that roof mounted signs are properly illuminated (see Notes).	A sign which is damaged or has lettering which is not clearly legible.	
Check that the roof mounted sign may be switched off by separate switch.	A sign which cannot be switched off by separate means.	The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (e.g. an isolator switch) automatically extinguishes the sign.
Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.	Non-compliance with conditions.	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.

Advertising of the company name and telephone number on the door panels of vehicles is permitted.

OTHER ADVERTISING IS currently not permitted.

Section 3: LICENCE PLATES

Method of Inspection	Reason for failure	Notes
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.	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.
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).	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.

Section 4: Tyres and spare wheels

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	Reason for failure	Notes
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). 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.	Variation in type of Tyre. No spare wheel or space saver provided with the vehicle. A tyre which is of a different size or construction.	SPARE WHEEL or space saver tyre and wheel as supplied by the manager MUST BE PROVIDED . Emergency Inflation kits are not accepted unless supplied by vehicle manufacturer when first registered.
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.	Damaged, worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum tread depth (see Notes).	A mix of steel and cord radials on one axle will not be accepted. Recut tyres are not acceptable. Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.
Check tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.	Under or over inflated tyres including spare.	
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.	Failure to provide a suitable jack and/or wheel brace with the vehicle.	
Check the spare wheel fixing bracket (or similar securing device) to ensure	Failure to satisfactorily secure the spare wheel.	

Method of Inspection	Reason for failure	Notes
that the wheel is property secured in the correct position.		
Check the rims of all wheels for any signs of distortion or damage.	A damaged or distorted wheel rim.	

Section 5: Boot/Luggage Compartment

Method of Inspection	Reason for failure	Notes
Examine for evidence of damage, corrosion or water penetration.	Any damage, corrosion or water penetration	
Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	Excessive wear, damage or staining of floor covering.	
Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	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.
Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	Panels insecure or missing.	
No loose tools or tool boxes to be carried in the vehicle.	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.

Section 6: Engine compartment/transmission/mountings

Method of Inspection	Reason for failure	Notes
Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	Any fuel leakage. 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.
Ensure that the battery is properly secured in position.	Insecure battery.	
Examine all rubber/plastic hoses for signs of wear or deterioration.	Significantly worn or deteriorated hoses.	
Check the fan belt for signs of incorrect adjustment and/or deterioration.	An incorrectly adjusted or deteriorated fan belt.	
Examine the engine mountings for signs of deterioration.	Insecure or deteriorated engine mountings.	

Method of Inspection	Reason for failure	Notes
Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	A leaking or inadequately secured radiator.	
Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes.	Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around headlamp mountings.
Check the master cylinders for any signs of spillage or leaking of fluid.	Leaking master cylinders.	
Check the clutch mechanisms for correct operation.	Fluid leakage or mechanical component wear in the clutch mechanisms.	
Check the operation of the bonnet release catch.	Defective bonnet release catch/ mechanism.	

Section 7: Interior of vehicle

Method of Inspection	Reason for failure	Notes
Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	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
Check that there are no excessive unpleasant odours noticeable inside the vehicle.	Unacceptable smells of vomit, food or other contaminants.	
Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
Examine any mats provided to ensure that they are not worn or damaged.		
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
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.	Seats which are not adequately secured to the vehicle.	
Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches. (see notes)	Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	
Examine the interior rear view mirror and ensure that it is securely fixed.	A loose, damaged or missing rear view mirror.	

Method of Inspection	Reason for failure	Notes
Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	Defective heater/windscreen demister.	
Examine the clutch and brake pedal rubbers for signs of excessive wear.	Worn or missing brake and/or clutch pedal rubbers.	
Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	Window winders that do not allow windows to be easily lowered or raised.	
Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	Defective interior door release catches.	
Ensure that child proof locks (if fitted) to rear doors are in working order.	Defective child proof locks.	
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).	Unserviceable ashtrays or ashtrays that have not been blanked off where removed.	
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.	Loose or incorrectly fitted grille or exposed parts which could cause injury.	The fitting of a metal grille is not compulsory.
Check that estate cars are fitted with a luggage guard or cover.	Luggage guard/cover not fitted or ineffective.	

Section 8: Wheelchair accessible vehicles

Method of Inspection	Reason for failure	Notes
<p>Examine the Wheelchair anchorage points Inside the vehicle for security, suitability, and ease of access.</p> <p>Check the operation of all wheelchair anchorage points.</p>	<p>Unsuitability of points, insecure or worn and damaged points</p> <p>Fail to securely hold any Anchorage straps in place</p>	<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>
Check and inspect Wheelchair ramps for operation and suitability, ensure suitability for access or	No ramps in vehicle when vehicle presented for inspection. (see notes)	

Method of Inspection	Reason for failure	Notes
egress of wheelchair in to and out of vehicle.	Ramps damaged or unsuitable for vehicle. (see notes)	
Check and inspect Wheelchair ramp securing points on the vehicle	Unsuitable for ramps to be securely fixed to vehicle. Damaged, or corroded securing points	
Check and inspect securing belts and Wheelchair seat belts	Frayed or damaged seat belt or securing straps (see notes) Unsuitable seat belts or securing straps. (see notes) Straps or seat belts not presented with vehicle for inspection.	

Section 9: Meters

Method of Inspection	Reason for failure	Notes
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.	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.
Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.	A meter which is not adequately secured within the vehicle.	
Check the meter to ensure that the figures indicating the fare are illuminated.	Lack of adequate illumination to the meter display.	
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.	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).
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.

Section 10: Trailers

Trailers must undergo an annual inspection and trailers must comply with all the following points:-

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.
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.
3. The vehicle must be suitable for towing the intended trailer.
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.

5. The trailer must be purpose built and manufactured for the purpose for which it was intended.
6. The trailer must be plated by the manufacturer, specifying the maximum load to be carried.
7. The trailer must be fitted with suitable brakes which must be maintained in a satisfactory condition.
8. The trailer must comply with current vehicular lighting regulations.
9. No advertising will be permitted on any part of the trailer.
10. The trailer must be fitted with a secure fastening cover, which must be of the hard top type.
11. A spare wheel of the same type and size fitted to the trailer must be carried in a secured position on the trailer.
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.
13. The two bars fitted to the licensed towing vehicle must be of a type approved by the manufacturer of the vehicle, be to a type approved to British Standard (Kite marked) and fitted by an approved agent.

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:-

1. M.O.T. Failure or
2. 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.
3. 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:-

4. 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.

5. 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:		Vehicle Make & Type	
		Colour	
		Chassis Number	
		Mileage	
		Registration No	
		Engine Size	
		MOT Expiry Date	

Vehicles will be tested to M.O.T. standard unless otherwise indicated in Supplementary Test Manual

ITEMS TESTED	M.O.T. MANUAL REF	SUPP. TEST MANUAL REF	PASS	FAIL	COMMENTS	
Lighting Equipment						
Front & rear lamps	1.1					
Headlamps	1.2					
Headlamps aim	1.6					
Stop lamps	1.3					
Rear reflectors	1.4					
Direction indicators & hazardous lamps	1.5					
Steering and Suspension						
Steering control	2.1					
Steering mechanism/system	2.2					
Power steering	2.3					
Transmission shafts	2.5					
Wheel bearings	2.5					
Front suspension	2.4, 5					
Rear suspension	2.4, 6					
Shock absorbers	2.7					
Brakes						
ABS warning system/controls	3.4					
Condition of service brake system	3.3, 5, 6					
Condition of parking brake system	3.1, 2, 5					
Service brake performance	3.7					
Parking brake performance	3.7					
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			

EVALUATION OF INSPECTION

PASS/FAIL

Test Date

Signature

FULL RETEST REQUIRED? YES/NO

RETEST

PASS/FAIL

Test Date

Signature

Under the provisions of Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage/Private Hire Vehicle Licence No. is hereby suspended. The suspensions will remain in force until the defects have been rectified and the vehicle re-inspected.

Signature

Date

25. Appendix J

Private Hire Operator: Conditions attached to Licence

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

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.

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:

- the date and time of the booking;
- 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;
- the manner in which the booking was made (i.e. whether by telephone, in person, or by electronic means);
- the time and place at which it is intended that the passenger shall be collected;
- the destination (which may be recorded electronically at the conclusion of the journey using GPS tracking);
- the time at which the driver was allocated the booking;
- the registration number and licence plate number of the vehicle allocated to the booking;
- the name and driver licence number of the driver who will attend the booking;
- 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;
- the name of the individual responding to the booking request;
- the name of the individual that dispatched the vehicle.

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.

A register of all staff that will take bookings or dispatch vehicles will be retained for a period of not less than 12 months.

The Operator must within 5 working 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 an Authorised Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.

The Operator must have a complaints procedure in place which can be audited and checked by the licensing authority upon request.

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.

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.

The Operator must not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.

The Operator must not take any bookings requested directly by the driver of any licensed vehicle.

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.

The Operator must provide, and ensure that any vehicle that is fitted with a taxi-meter carries and displays a list of the tariffs charged by the Operator.

The Operator must take all necessary measures, including those requested by an Authorising Officer or Police Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.

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.

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.

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.

Operator licence holders are required to notify the licensing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any monitoring offence. An arrest for any of these offences within this scope should result in a review as to whether the licence holder is fit to continue to do so.

This should not 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. A failure by a licence holder to disclose an arrest that the licensing 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,

The operator must notify the Council in writing of the acceptance of any fixed penalty endorsement within 5 working days. The driver must subsequently inform the Council immediately following its endorsement.

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.

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.

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.

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

The Operator must notify the Council immediately (and in any case within 5 working 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.

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.

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.

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.

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.

The Operator will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

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