



Hackney Carriage & Private Hire Licensing

Policy

2015

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Foreword

The aim of the policy is to secure the safety and amenity of the travelling public and to ensure that the drivers, operators and vehicle proprietors provide a taxi services while facilitating a sustainable taxi industry.

The Council, in adopting the licensing policy recognises both the needs of residents for safe, healthy, convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the Borough.

Taxi drivers and operators are ambassadors for the Borough through their interaction with businesses, visitors and tourists, and high standards are expected of their vehicles, their local knowledge, and their customer service skills.

In carrying out its regulatory functions, the local authority will have regard to this policy when making licensing decisions regarding taxis and private hire vehicles, drivers and operators. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

The policy will be subject to regular review particularly when legislation and guidance from Government changes. In reviewing the policy the Council will seek views from representatives of the hackney carriage and private hire trade, other organisations involved in transport and licensing, crime reduction professionals, and groups and individuals with involvement or interest in access and equality matters. This includes those professionals dealing with child sexual exploitation and vulnerable persons and groups.

1. Introduction

- 1.1. This Statement of Licensing Policy is based upon the powers granted to the Council by the Town and Police Clauses Act 1847 and the Local Government Miscellaneous Provisions Act 1976.
- 1.2. The policy relates to the regulation of the hackney carriage and private hire trades within the Borough of East Staffordshire through a licensing process.
- 1.3. The aim of the licensing process is to regulate licensable activities.
The Council will work with licence holders to ensure professionalism, customer care, crime prevention and protection of the environment. It is the Council's wish to facilitate well run and managed businesses.
- 1.4. The Licensing Authority recognises that the hackney carriage and private hire trade is a major contributor to the economy of the Borough, providing an important service to tourists and visitors, to the Borough that is accessible to all.
- 1.5. The purpose of this policy document is to provide clarity for licensed vehicle owners, drivers, operators and the public as to the way that East Staffordshire Borough Council will undertake its licensing functions. In addition, the policy document seeks to assist the Council

in reaching a decision on a particular application, setting out those matters that will normally be taken into account.

1.6. The Council will formally review the policy statement every three years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

1.7. In undertaking its licensing function, the Council will have regard to the following legislation:

1.8. Town and Police Clauses Act 1847

1.9. Local Government (Miscellaneous Provisions) Act 1976

- Transport Act 1985
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006 and Smoke-free Regulations 2006/7
- Deregulation Act 2015

1.10. In determining a licence application the overriding principle adopted by the Council will be that each application will be determined on its merits.

2. Consultation

2.1. Before determining this policy statement the Council has consulted with the following:

- The Police
- Staffordshire Fire and Rescue Service
- A body competent to advise on child protection
- A representative sample of licence holders
- Local businesses and their representatives
- Local residents and their representatives
- Representatives of the transport industry serving East Staffordshire
- Environmental Health
- Office of Fair Trading
- Department for Transport
- Planning Authority
- Health Authority
- Local Authority Testing Stations
- Taxi Conversion Companies

2.2. Proper weight has been given to the views of all those consulted prior to this policy statement taking effect.

3. Conditions

- 3.1. Licensing relates to the control of licensed hackney carriage vehicles and drivers and private hire vehicle, operators and drivers. The Council has adopted conditions or byelaws. These conditions or byelaws will relate to the licensable activities and the impact of those activities.
- 3.2. The Council has standard conditions on licences, but also has the discretion in appropriate cases to allow additional conditions if it can be demonstrated to the satisfaction of the Council. Conditions will only be attached if they are practical and achievable.

4. Provision for Safeguarding the Vulnerable Population

- 4.1. The Council expect applicants to satisfy and demonstrate to the authority that they have considered the provision of facilities and operating practices in relation to taxi and private hire services for the young, aged and vulnerable.
- 4.2. The use of appropriate seatbelts and restraints for disabled users and their chairs will be expected.

5. Enforcement

- 5.1. The Council will establish partnership working with other enforcing authorities. These practices will look to address the targeting of agreed problems. Enforcement will be proportionate and intelligence-led.
- 5.2. In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. The key principles of consistency, transparency and proportionality will be maintained. The Council will follow the process laid out in the Internal Warning System – Enforcement Interventions to deal with breaches of conditions and non-compliance with the relevant acts.

6. Other Legislation

- 6.1. In reaching a decision on whether or not to grant a licence, the Council may take account of any non-compliance with other statutory requirements brought to its attention. This is because any non-compliance with other statutory requirements may demonstrate that the licence holder, vehicle or premises are unsuitable for the activities proposed.
- 6.2. The grant of a licence does not imply the approval of other legislative requirements.

7. Decision making

7.1. The powers of the Council may be carried out by the Licensing Committee or by one or more officers acting under delegated authority.

7.2. Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry these out. Authorised officers of the Council will investigate complaints and will take appropriate action.

8. Administration, Exercise & Delegation

8.1. Full Council and Full Licensing Committee will generally undertake formulation and review of policies.

8.2. Other recommended delegation functions:

Matter to be dealt with	General Licensing Sub Committee	Officers	Head of Service
Application for Driver Licence with unspent convictions	√	√	
Application for Driver Licence with spent convictions or no convictions	√	√	
Application for Private Hire Operators licence	√	√ refuse to process an incomplete application	
Application for Driver Licence Renewal	√	√ refuse to process an incomplete application	
Application for Vehicle Licence (application and renewal)	√	√	
Suspension of Licence (Vehicle)	√	√	
Revocation of Licence (Driver)	√		√

9. Conditions of Licence

9.1. Vehicles

9.2. The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences.

9.3. In accordance with those powers the Licensing Authority has set standard conditions of licence with respect to hackney carriages and private hire. However where it considers it reasonably necessary additional conditions may be imposed.

10. Funeral and Voluntary/Ambulance Vehicles

10.1. 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.

11. Courtesy and Novelty/Speciality Vehicles

11.1. People that offer any form of private hire vehicle with a driver passenger service should be licensed with the local authority. These include executive hire, chauffeur services, park and ride and airport travel etc. Courtesy vehicles used for transporting customers to and from specific venues such as hotels and nightclubs, for the purpose of hire and reward is considered as private hire vehicles. The Licensing Authority requires the requisite licences to be in place for this service to be provided.

11.2. The Council considers the following types of vehicle to be “Novelty/Speciality Vehicles” when considered in the context of licensing:

- American stretched limousines with less than 9 passenger seats;
- Decommissioned emergency service vehicles;
- Other non-standard type converted vehicles used for special events
- Vehicles deemed exceptional by a delegated officer

11.3. The above list is not exhaustive, and other types of vehicle may be considered from time to time.

12. Consideration of Applications

12.1. The Licensing Authority will consider all applications for vehicle licences on their own merits, once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete and the relevant fee paid. A licence will be issued. There are no limits on the number of private hire and hackney carriage vehicle licences which may be issued by this authority.

13. Grant and Renewal of Vehicle Licences

- 13.1. The Licensing Authority will, providing all requirements are met, issue a 12-month vehicle licence for vehicles under 7 years old for a private hire vehicle and non wheelchair accessible hackney carriages and 10 years old for a purpose built hackney carriage and providing it has passed a Council compliance test at an appointed test station.
- 13.2. In the final year of licensing the Council will issue a licence until the day before the vehicle is 7 years old for a Private Hire Vehicle and Non wheelchair accessible Hackney Carriages and 10 years old for purpose built Hackney Carriage.
- 13.3. Private hire and non wheelchair accessible hackney carriage vehicles over 3 years of age will be issued with a yearly licence but will be required to be compliance tested after six months of the licence being issued. Wheelchair accessible hackney carriages over 5 years will be required to be compliance tested after six months of the licence being issued. The pass certificate from that test must be produced as evidence that the vehicles still meets the required standard.
- 13.4. In all instances, the Licensing Authority retains its discretion to issue any vehicle licence for a period of less than 12 months, should individual circumstances determine that this is a reasonable course of action to follow.

14. Signage

- 14.1. The Council requires hackney carriages and private hire vehicles to clearly indicate to the public that they are licensed vehicles.
- 14.2. Hackney carriage and private hire vehicles must be clearly distinguishable to allow the public to clearly identify them from other vehicles and each other. The Council accept that clear signage and door panels can achieve this.
- 14.3. The Council has set standards on the acceptable type of signage for hackney carriages and private hire vehicles; they include:
- The permitted position of licence plates
 - Colours to be used for licence plates
 - Permitted positioning of door panels for private hire vehicles
 - Permitted positioning of door panels for hackney carriage vehicles
 - Requirements for internal signage such as display of tariff in hackney carriage vehicles and no smoking signage.

15. Advertisements

- 15.1. The Council do not permit advertising on hackney carriage and private hire vehicles.

15.2. Hackney carriage and private hire proprietors must use the design of door panels provided by the Council. The acceptable size for the door panels are 35cm by 25cm. A template will be provided to all proprietors on submission of an application for a vehicle licence. The company name on the door panels must be exactly the same as the name on the operator licence. The door panels must be displayed on the vehicle at all times. The only exception is when the vehicle is parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.

15.3. Door panels are subject to approval being received from licensing officers.

16. Enforcement Action

16.1. A breach of the requirements of the conditions of licence may result in the vehicle being considered unfit for its purpose. In addition such a breach of these requirements may be considered a breach of the conditions of the vehicle licence, which could result in the suspension or revocation of the licence.

17. Specifications

17.1. There will be no limit to the number of private hire and hackney carriage vehicle licences issued by this authority.

17.2. All vehicles, which are presented to the Council for licensing, and all vehicles whilst licensed must comply with the vehicle specifications contained within Appendices M, N and O.

17.3. The Council reserve the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing. The applicant will be expected to cover all the Council's costs incurred in making this determination.

17.4. The Council whilst making standard conditions of licence and vehicle specifications, may amend those conditions and specifications, or make additional conditions for a vehicle, as individual circumstances require.

18. Novelty/Speciality Vehicles

18.1. All vehicles used for the purpose of the business must meet relevant British or European standards. Any imported vehicle, which falls within the requirements of Individual Vehicle Type Approval (IVA) will require a compliance test certificate or equivalent.

18.2. These vehicles will only be licensed by the authority provided they have 8 or less passenger seats.

18.3. The Council will have regard to the points below when considering the suitability of the vehicle, to be licensed as a Novelty/Speciality Vehicle.

18.4. It is noted those vehicles:

- Do not normally overtake
- Are easily recognisable by the hirer
- Are heavier and/or considerably longer than standard vehicles
- Are converted or adapted vehicles
- Generally travel at lower speeds than other vehicles

18.5. When considering an application for a Novelty/Speciality Vehicle the Council will have regards to existing specification, conditions and policies. The decision to licence this type of vehicle will be made by delegated powers.

19. Emissions

19.1. Any application for the grant or renewal of a hackney carriage or private hire vehicle licence shall not be granted unless the vehicle complies with the current Euro technology.

20. Hackney Carriage Construction

20.1. All wheelchair accessible vehicles or converted vehicles to be licensed for service in East Staffordshire must meet the vehicle specification at Appendix N. Such vehicles may provide greater disability access and the ability to carry a greater number of passengers.

20.2. Applications for converted vehicles must be accompanied by written confirmation from the conversion company.

21. Disability Access

21.1. All hackney carriage vehicles on first being licensed by East Staffordshire Borough Council must be wheelchair accessible and capable of carrying wheelchair passengers safely.

22. Enforcement

22.1. East Staffordshire Borough Council endorses the principles of good enforcement as set out in the Enforcement Policy published and adopted by Borough. The Council shall take enforcement action where it considers it necessary and proportionate to do so. Having considered all relevant information and evidence, the enforcement options are to take informal action or to take formal action.

22.2. A record of any action whether informal or formal will be recorded on the licensee's file and may be brought to the attention of the General Licensing Sub Committee or the Court if further action is undertaken.

23. Informal Action

23.1. Informal action to secure compliance with legislation will include offering advice, requests for action and written warnings.

24. Formal Action

24.1. The Council in dealing with a breach of any licence condition or any law or byelaw relating to the hackney carriage or private hire trade in East Staffordshire may;

- Issue a Warning;
- Issue a Simple Caution;
- Suspend a licence issued by ESBC;
- Revoke a licence issued by ESBC;
- Refuse to renew a licence;
- Institute criminal proceedings in a magistrates court;

24.2. The Council These powers may be exercised by the General Licensing Sub Committee or where appropriate by authorised officers.

25. Notices and Directions

25.1. An authorised officer of the Council may issue a notice that requires a vehicle to be inspected, tested or to be rectified. Where statute allow, the notice may also temporarily suspend the licence until the specified actions or works are completed to the satisfaction of the officer.

25.2. Notices may include time limits within which the requirements of the notice must be met.

26. Internal Warning System – Enforcement Intervention

26.1. The Council operates an Internal Warning System - enforcement interventions for specified breaches of statutory provisions or conditions of licence all of which are listed in Appendix.

26.2. The scheme is voluntary and is used as a more formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what to expect for a particular breach. If a licence holder accumulates two or more warnings within a period of two years from the date they are imposed, they will be required to attend the appropriate General Licensing Sub Committee for possible further action to be considered.

26.3. Operation of the scheme does not preclude the Council from taking any other actions, which it is entitled to take under legislation or byelaws.

27. Simple Cautions

27.1. Cautions may be used for minor or first time transgressions. Cautions may be considered where:

- There is sufficient evidence to justify a prosecution;
- The licence holder admits guilt and;
- The licence holder agrees to the caution.

28. Suspension of Licences

28.1. Drivers Licence

28.2. Where the appropriate Licensing Committee is satisfied that a person is no longer a “fit and proper” person or a breach of a condition of licence has been proved they may suspend a driver’s licence for any specified period.

28.3. Authorised officer(s) of the Council shall be permitted to revoke the licence of a driver of a licensed vehicle should they have reason to believe that the safety of the public warrants such action.

28.4. Vehicle Licence

28.5. Vehicles will be subject to periodic, random inspections by authorised officers of the Council or its agents (e.g. VOSA) to ensure the vehicle and/or its taximeter is fit for purpose.

28.6. Where a delegated officer is satisfied that a vehicle fails in any respect to meet any specification or condition of licence or the relevant construction and use regulations require by law they may suspend a vehicle licence for any specified period.

28.7. Where an authorised officer of the Council has reasonable grounds to suspect that the condition of the vehicle poses a danger to either passengers or other members of the public, he/she may serve on the driver / proprietor a vehicle defect notice. In such cases the vehicle licence shall immediately be suspended, until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to the authorised officer that the vehicle defect has been corrected. The defect notice may require the vehicle to be tested at an approved Council appointed testing station, at the proprietor’s expense.

28.8. Failure to comply with a vehicle defect notice within the statutory period for compliance will result in the revocation of the vehicle licence as required by law.

28.9. Where an authorised officer of the Council has reasonable grounds to suspect that the vehicle has defects of a minor or cosmetic nature, he may serve the driver / proprietor with a vehicle defect notice, and may specify a period of time to allow for those defects to be remedied to his satisfaction. The authorised officer may also direct that the vehicle be made available for further testing at a Council appointed testing station to ensure the defects have been satisfactorily rectified.

29. Revocation of Licences

29.1. The Council through the General Licensing Sub Committee or Authorised Officer may exercise its discretion to revoke any licence it issues where it is satisfied that a licence holder is no longer a “fit and

proper" person, or a breach of a condition of licence has been established.

29.2. When considering the revocation of any licence, authorised officers or the Committee (as appropriate) will take into account all relevant facts and circumstances, the nature of the breach and any other information thought pertinent to the matter being considered.

30. Prosecution of Licence Holders

30.1. The Council having regard to our enforcement policy will consider prosecuting licence holders for relevant offences in the following circumstances:

- Where the allegation is of a serious or repeated offence;
- Where the Council proposes to caution the licence holder, but the offence is not admitted or the caution is not accepted;
- Where there have been repeated breaches of legal requirements;
- Where a particular type of offence is prevalent;
- Where a particular contravention has caused public harm or extreme inconvenience.

30.2. When a decision is being taken on whether to prosecute, the factors to be considered may include: -

- The seriousness of the alleged offence;
- The risk of harm to the public;
- Failure to comply with a statutory notice served;
- Disregard of safety for financial reward;
- The previous history of the party concerned;
- Offences following a history of similar offences;
- Failure to respond positively to past warnings;
- The ability of any important witnesses and their willingness to co-operate;
- The probable public benefit of a prosecution and the importance of the case;
- Whether other action, such as issuing a simple caution, would be more appropriate or effective.

31. Offences

31.1. Offences in relation to hackney carriages and private hire are derived from the following sources:

- Town Police Clauses Act 1847;
- Local Government (Miscellaneous Provisions) Act 1976;
- Hackney Carriage Byelaws;
- Conditions of licence
- Road Traffic Acts.

32. Appeals

- 32.1. Any notifications of enforcement actions will include information on how to appeal and where that right of appeal exists. This will include where and within what period an appeal may be brought.

33. Fees

- 33.1. The Council will set fees for licences at a level that will recover the costs incurred by the Council for issue, administration, control and supervision of that type of licence.
- 33.2. The Council will not make a profit from providing services to the trade.

34. Review of Fees

- 34.1. Generally, the fees will be reviewed annually. The fees will be advertised before implementation for a 28-day consultation.
- 34.2. The Council reserves the right to review the fees at any time.
- 34.3. The list of current fees is set out in Appendix Y and this appendix will be up-dated following a review of fees.

35. Hackney Carriage Fares Tariff

- 35.1. The maximum fares charged for a journey in a hackney carriage within the Council shall be clearly displayed in the passenger compartment.
- 35.2. No fare greater than this shall be charged by the driver of the hackney carriage, unless the journey ends outside the Council area of authority and the fare is agreed with the hirer before the journey commences.
- 35.3. Hackney carriage drivers must always put their meter on irrespective of whether a fare has been agreed in advance.

36. Fares Tariff Review

- 36.1. The Council shall review the prescribed fare tariff for hackney carriage vehicles when requested to do so by the trade. Following this a 14-day period of consultation with the trade will take place and an advertisement will be placed in the local press.
- 36.2. The Council reserves the right to review the fare tariff at any time.
- 36.3. A fares tariff is enforceable as a byelaw, and it is an offence for any person to charge more than the metered fare.
- 36.4. Tariffs may be set by the Council relating to: -

- Distance travelled by the vehicle.
- Time of journey and waiting time.
- Passengers or goods carried.
- Day and time of travel
- Soiling of vehicle by passenger.

37. Meters

- 37.1. The Council may from time to time publish a list of meters approved by the Council for use to calculate fares.
- 37.2. Meters used to calculate fares must be accurate and checked for accuracy by a mile distance (or part thereof).
- 37.3. Meters in use must not facilitate fraudulent use and must clearly display the fare to the passenger throughout the journey.
- 37.4. Meters must comply with “The Measuring Instruments (Taximeters) Regulations 2006.

38. Vehicle Compliance Testing

- 38.1. Prior to the issue of a vehicle licence the Council requires the vehicle to have passed a vehicle test conducted at a Council appointed vehicle-testing station.

- 38.2. The table below shows the Council’s appointed testing stations:

Alan’s Test Centre Unit 1/2 H C M Industrial Estate Wetmore Road Burton upon Trent Staffordshire DE14 1QR 01283 510272	M& P Testing Unit 12 Anderstaff Industrial Estate Hawkins Lane Burton upon Trent Staffordshire DE14 1QH 01283 540558
Arriva The Garage Spath Uttoxeter ST14 5AE 01889 560381	Limousine and Novelty Veh’s Jeffrey’s Haulage Swadlincote Road Swadlincote DE11 8DD Tel: 01283 817316

- 38.3. The vehicle must pass the Council's specific test and if compliant will be issued with a Certificate of Compliance.

39. Certificates of Compliance

- 39.1. The Council is permitted by law to issue a certificate of compliance confirming that a vehicle has reached the standard required to pass an MOT test plus additional requirements of the Council concerning safety, comfort and the aesthetics of the vehicle.
- 39.2. The compliance certificate only relates to a vehicle for a maximum period of 12 months, provided that the vehicle is licensed as a hackney carriage or private hire vehicle during that period. The Council reserves the right to request that the compliance test be completed at any time at the proprietor's expense.

40. Appointment of Testing Stations

- 40.1. The Council may appoint currently registered MOT stations as an "Appointed Testing Station" who will conduct tests on its behalf.

41. Conditions of Agreement

- 41.1. Every garage granted the status of an "Appointed Testing Station" shall abide by the conditions of agreement contained within Appendix T. Testing Stations will be appointed by the General Licensing Sub Committee.

42. Permitted Test Fee

- 42.1. The Council will from time to time determine the maximum fee appointed and testing stations may charge a vehicle proprietor for presenting the vehicle for test. The fee will be reviewed during the annual fee review.
- 42.2. The fee shall be based on the maximum amount recoverable for the performance of a Department of Transport Vehicle Class IV MOT inspection, plus an additional fee to cover the other additional testing and assessments required.

43. Termination of Agreement

- 43.1. The Council reserves the right to terminate the registration of an Appointed Testing Station. Should the Council decide to terminate an appointment the Council shall give not less than 28 days notice.

44. Drivers

44.1. Requirements for a licence

- 44.2. It is a legal requirement that drivers of either hackney carriages or private hire vehicles obtain a licence to drive those vehicles from the Licensing Authority.

- 44.3. The Licensing Authority will issue a licence to an applicant provided the applicant has held a full UK driving licence for at least 12 months, and is a “fit and proper” person.
- 44.4. In assessing whether an applicant is a “fit and proper” person to hold a licence, the Licensing Authority will consider each case on its own merit.
- 44.5. In determining whether a driver is “fit and proper” the Authority will consider amongst other things; the applicant’s relevant skills, knowledge, experience, qualifications, medical fitness, criminal record and previous history as a licence holder.
- 44.6. The convictions that the Council consider to be relevant offences when considering an application for either the grant or renewal of a licence are provided in Appendix E.
- 44.7. New driver applications will only be valid for a period of 6 months from the date of submission, in this time all relevant documentation must be produced and tests must be passed. Failure to do so will result in the application being cancelled. If an applicant has to appear before the
- 44.8. Licensing Committee the application will be valid for a further 3 months from the date of the Committee hearing. If the application is not completed within 3 months it will be cancelled. If a further application is submitted a new DBS and medical will be required. The applicant will also be required to take all tests again.
- 44.9. If the applicant has not been licensed as a private hire or hackney carriage driver with East Staffordshire Borough Council within the last 12 months they are required to comply with all licensing requirements. All applicants on renewal will be expected to take the Child Sexual Exploitation and Disability Awareness parts of the knowledge test within a one year period of the renewal being granted.
- 44.10. Therefore applicants will still be required to take the knowledge test and driving test if they have:
- a) Been without a private hire/hackney carriage drivers licence issued by East Staffordshire Borough Council for more than 1 year
 - b) The previous licence was revoked
 - c) The licence has been endorsed with 1 serious offence (i.e. drink driving offence) or 2 or more less serious driving offences since the last time they held a licence with East Staffordshire Borough Council (in which case tests would be required)
 - d) If the applicant has not completed a knowledge test for the type of licence they are applying for.

44.11. Qualification by age

44.12. The Licensing Authority does not currently have regard to the age of an applicant when determining their suitability providing they have had a UK DVLA driving licence for 12 months and reach the required medical standards entitling the driver to drive in the UK without restriction.

44.13. Driver qualification

44.14. The Licensing Authority currently has regard to the driving qualification of the DSA private hire and hackney carriage driver assessment and the Council's knowledge and conditions test. All hackney carriage drivers will be required to take the wheelchair accessible test. The Knowledge and Conditions Test comprises of a questions paper (based on the conditions/byelaws of the type of licence being applied for), a route/location test and a receipt exercise. All drivers will be required to undertake a test in respect of understanding their responsibilities and role in respect of Safeguarding and recognising and reporting Child Sexual Exploitation and dealing with vulnerable people and Disability Awareness and also on initial application and all existing drivers by December 2016. All drivers will be expected to take parts of the knowledge test relevant to their application on renewal of their licence and within one year of the grant of the renewal.

44.15. The hackney carriage and private hire industry provides an essential integrated transport system and is the only form of transport that is door to door. It also provides an important service to many disabled persons.

44.16. The Authority would encourage licensees to undertake formal training such as an NVQ or BTEC that is relevant to the role for transporting passengers by taxi and private hire or equivalent. A course should consist of the following: -

- Customer Service for Passenger Transport
- Passenger Transport and Equal Opportunities
- Passenger Transport and Disability Awareness
- Taxi and Private Hire Safety
- Carriage of Luggage and Parcels by Taxi
- Route Planning

- The course is optional for new and existing drivers.

44.17. Medical fitness

44.18. The Licensing Authority requires new and existing drivers to produce a medical certificate from their own GP that satisfies the requirements of DVLA Group I medical standards of fitness.

44.19. All applicants for the grant of a drivers licence have to provide evidence, in the form of a certificate available from the Licensing

Team, signed by their own medical practitioner stating that the applicant satisfies the requirements of the DVLA Group I medical standards of fitness to drive. All costs associated with obtaining the medical certificate are to be met by the applicant. The Licensing team will not accept medical certificates that are over 3 months old.

44.20. Every 3 years during the life of a licence the applicant must provide the Licensing Authority with a medical certificate unless the medical practitioner states otherwise and that a medical should be carried out annually.

44.21. All licence holders are required to inform the Licensing Authority of any illness or condition that affects their ability to drive. Notification should be given to the licensing team in writing the next available working day after diagnosis.

44.22. In all cases, it is for the applicant/drivers to obtain the required medical certificate as evidence of their fitness to drive, and to satisfy the Authority that they are “fit and proper” to be granted a licence.

44.23. The Licensing Authority may direct any licence holder to supply satisfactory evidence, in the form of a medical certificate stating the licence holder meets the required Group I standards, should their medical fitness be called into question. The cost associated with obtaining this will rest with the licence holder.

44.24. Any applicant for the grant or renewal of a licence that is unable to satisfy the Authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.

44.25. **Disclosure and Barring Service (DBS)**

44.26. Applicants and licence holders are required to submit to an Enhanced DBS disclosures check for each new application and at 3 yearly intervals thereafter. All applicants, new and existing are obliged to notify the Licensing Authority of any convictions, cautions, reprimands or warnings recorded against them. The results of this disclosure will be used to assist the Licensing Authority in deciding whether or not the applicant is a “fit and proper” person in accordance with the Council’s Guidelines on the relevance of convictions document.

44.27. For renewal applicants, the DBS disclosure is applied for every 3 years at the time renewing a licence or during the course of the licence. The licence issued is conditional upon there being no adverse information revealed on the DBS disclosure that would otherwise render the applicant not “fit and proper”. If a licence is issued and relevant information is later revealed on a disclosure certificate, then that licence holder will be required to appear before the Licensing Committee.

44.28. **Certificates of Good Conduct**

44.29. The Licensing Authority recognise there are occasions where requiring a DBS certificate from an applicant will not achieve its original aim, for example, where the DBS are unlikely to have any information recorded against them, due to the short period of time they have resided in this country.

44.30. The Licensing Authority requires all such applicants to obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate.

44.31. If the applicant has not resided in the United Kingdom for 5 years or more a certificate of good conduct will be required upon application.

44.32. **Relevance of Convictions, Cautions, Reprimands and Warnings**

44.33. When considering the relevance of convictions the Licensing Authority will have regard to Appendix E.

44.34. In assessing whether an applicant is a "fit and proper" person to hold a licence, the Licensing Authority will consider each case on its own merit.

44.35. It will take account of cautions, convictions, reprimands and warnings, whether they are spent or unspent. Upon receipt of an enhanced disclosure from the DBS, the appropriate officer will assess whether any or all of the convictions are capable of having real relevance to the issue of whether or not the applicant is a "fit and proper" person to hold a licence.

44.36. Taxi drivers are excluded from the effects of the Rehabilitation of Offenders Act 1974, by the Rehabilitation of offenders Act 1974 (except) Order 1975 (as amended). This means that all convictions including cautions, reprimands and warnings are considered during the application process. All convictions are relevant and therefore the officer will refer the application to members of the Licensing Committee for determination.

44.37. At any Committee hearing the members will be entitled to ask questions relating to any convictions including cautions, reprimands or warnings.

44.38. Guidance in relation to determining the relevance of offences, together with the principles of the Rehabilitation of Offenders Act 1974, is provided in Appendix E, which forms part of this policy. In general terms, the more recent, serious and relevant to the Council's licensing objectives the offence is, the less likely that an application shall be granted.

44.39. **DVLA Driving Licence Endorsements**

44.40. The Licensing Authority will have regard to fixed penalties and matters contained on a driving licence when considering if an applicant is a “fit and proper” person. A check via the DVLA website will be carried out by a licensing officer with the applicant present using the new view and share facility on a yearly basis.

44.41. Having more than 10 penalty points endorsed on a driving licence will require the application to be determined by the Licensing Committee. The licensing authority will have regard to Guidelines on relevance of convictions document.

44.42. **Grant and Renewal of Driver Licences**

44.43. From October 2015 the Licensing Authority will issue three yearly licences.

44.44. **Conditions of Drivers Licence**

44.45. The Authority is not permitted to attach conditions to a hackney carriage driver's licence. Byelaws are used for this purpose. The Authority may attach such conditions to a private hire driver's licence as are considered necessary.

44.46. The hackney carriage byelaws are contained in Appendix G. The byelaws will be reviewed from time to time.

44.47. The conditions that the Authority considers reasonable to attach to a private hire driver's licence are contained in Appendix F.

44.48. **Driver's Dress Code**

44.49. The Licensing Authority considers that, in order to raise the profile of the licensed trade, drivers should operate in a professional manner and conform to a minimum standard of dress. The Drivers dress code is provided in Appendix D.

44.50. **Medical Exemptions**

44.51. Hackney carriage drivers are not permitted to refuse disabled persons, unless the driver holds a medical exemption certificate excusing him from such duties, or, for example, the physical characteristics of the person's wheelchair prevent access to the vehicle. This should only be in exceptional circumstances.

44.52. The Licensing Authority expects drivers of both hackney carriages and private hire vehicles to accept assistance dogs, unless the driver holds a medical exemption certificate excusing them from such duties.

44.53. The Licensing Authority will not accept a medical certificate that is more than three months old and will, as a consequence, require new

medical certificates where a medical condition continues for an extended period.

44.54. In circumstances where a driver either has a temporary or permanent medical condition preventing the performance of their duty towards disabled passengers, or the ability to carry assistance dogs, the driver may apply for a medical exemption certificate from the Licensing Authority. The applicant is responsible for the payment of any costs in relation to this. The authority reserves the right to review a licence on medical grounds.

44.55. An applicant for a medical exemption certificate will be required to have their application determined by the Licensing Committee in the following circumstances: -

- Where there is an application for a “lifetime” exemption; or
- Where an applicant already holding a medical exemption, not being a lifetime exemption, applies for an extension of the exemption period.

44.56. If a licence expires, is suspended or revoked, all badges remain the property of the Licensing Authority and **must** be returned prior to a new licence/badge being issued. If the badge cannot be returned, you will be required to pay the fee for a replacement badge.

44.57. **Trade Meetings**

44.58. Trade meetings will be held as requested or required. Licence holders will be informed of the scheduled dates by letter. Licence holders will be given the opportunity to raise any issues or clarify any working practices and items can be placed on the agenda at any time prior to the meeting.

44.59. **Going Away**

44.60. The Licensing Authority requires all licence holders to inform the licensing office in writing of any period of absence of seven days or more for example due to holiday. The letter should, where possible, give the approximate period of absence and also explain any special arrangements for vehicles, naming the person being left in charge. Vehicle plates should be returned to the licensing office if no one is left in charge of a vehicle whilst the proprietor is away. Documents are still required to be produced during this period; otherwise the vehicle will be cancelled. Exceptions to this rule will only be considered in exceptional circumstances.

45. **Private Hire Operators**

45.1. **Requirement for a Licence**

45.2. Any person who operates a private hire service must apply to the licensing authority for a private hire operator's licence to ensure safety of the public. All operators' licences will be granted for five years. All operators will be required to take the operators knowledge

test on initial application and on renewal. Existing operators will be expected to complete the operator's knowledge test by December 2016.

45.3. All applications for a grant or renewal of a private hire operator's licence will be determined in the same manner as that of a driver, but also having regard to any previous business activities performed by the applicant.

45.4. **Criminal Records**

45.5. Private hire operators will require a DBS check unless they are an existing driver. A disclosure from the DBS and/or a certificate of good conduct from a relevant embassy for foreign national applicants is seen as appropriate.

45.6. If the applicant has not resided in the United Kingdom for 5 years or more a certificate of good conduct will be required upon application.

45.7. **Operator's Conditions of Licence**

45.8. The Licensing Authority has the power to impose such conditions on an operator's licence, as it considers necessary.

45.9. Standard conditions are provided in Appendix I of this document.

45.10. **Record Keeping**

45.11. The Licensing Authority requires operators to keep records of each booking and those sub contracted to operators in other districts. Information should include the date and time of the booking, the name of the passenger, a contact number for the customer, the destination, the name of the driver and the licence number of the vehicle. The records must be in the format required by condition of licence.

45.12. The Licensing Authority requires that comprehensive records are kept in respect of all bookings, vehicles and drivers, and this shall be the minimum requirement of the licensing authority. The standard conditions are provided in Appendix I.

45.13. The operator shall permit an authorised officer of the Authority access to records required by their licence at all reasonable times.

45.14. **Operators Insurance**

45.15. Before an application for private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

45.16. All operators are similarly required to ensure that they have public liability insurance indemnifying those vehicles operated by

virtue of their operator's licence, from any claim arising as a result of the use of that vehicle.

45.17. Planning

45.18. Prior to submitting an application for an operator's licence, advice should be taken from the Council's Planning department to ensure that the appropriate consent is in place. Failure to do so may result in enforcement action being taken against the operator.

45.19. Going Away

45.20. Once licensed, if you are going to be unavailable at the base for 7 days or more, you should notify the licensing department in writing, giving the name of the responsible person being left in charge and giving an approximate date of your return.

45.21. Granting a Licence to Operate Private Hire Vehicles

45.22. An operator's licence will be issued for a period of five years from the date of grant of the licence. Operators will still be required to provide public liability insurance and an updated record of drivers and vehicles associated with the base on a yearly basis.

45.23. Operator's Offices outside the East Staffordshire Licensing Area

45.24. The Licensing Authority shall not grant a private hire operator's licence to any person intending to have a base of operation that is located outside the East Staffordshire Borough Council area.

45.25. Airport / Seaport Transfer

45.26. Any person providing the services of an airport transfer company or other similar service must hold a private hire operator's licence issued by the Authority.

Hackney Carriage and Private Hire Licensing Policy

Appendices

2015

Appendix A

Procedure for Hackney Carriage & Private Hire Driver's Licence Application



How to become a Hackney Carriage or Private Hire Driver

This document is a general statement of East Staffordshire Borough Council's Licensing Authorities policy in relation to applicants for hackney carriage or private hire driver's licences and existing drivers of those vehicles. It will provide information on what the authority requires of drivers and applicants before the Council issues a licence. It is not a complete and authoritative document in itself, and other guidelines are available for the Council when determining who is fit and proper etc.

The purpose of the licensing regime is, in short, to ensure the safety of the travelling public, and that vehicles are safe and comfortable, that drivers are courteous not only to passengers but to other members of the public, and that licensing rules are obeyed. To achieve this, the Licensing Authority sets certain standards for applicants to meet, and existing drivers to maintain, and this document does in part go some way to providing what is expected of you from the authority.

Making an Application

When you submit your application, you will be required to bring with you the following forms of identification:

- Fully completed driver's licence application form (available from the licensing office);
- Your UK DVLA driver's licence (Card part only)
- Completed Medical Certificate issued by your GP;
- Supporting identity evidence for the DBS application of which a leaflet is included in the pack;
- The application fee.

If the application form is completed incorrectly, or the documents required for application are not provided, incomplete, out of date or are not correct, the application will not be accepted.

Existing Driver Applying for another Licence

If you currently hold a private hire or hackney carriage driver's licence with this authority and wish to apply for another licence, you will be required to submit a new application form along with the necessary fee and your driving licence. You will not need to undertake another DBS check or medical because these will have been done with your existing licence. You will however need to take a knowledge test for the licence that you are applying for and if you are applying for a hackney carriage driver's licence you will need to arrange to take the wheelchair loading exercise with the Driving Standards Agency. Your knowledge test appointment will be arranged by a

licensing officer and sent out to you in the post. When you pass the knowledge test (and wheelchair test if necessary) your licence will be granted for 3 years unless there are exceptional circumstances and the General Licensing Sub Committee determines that this should be for a shorter period. If you would like to combine your two separate licences into combined private hire and hackney carriage drivers' licence you can do this on your next renewal.

Application Forms

All applications for the grant of a hackney carriage, private hire or combined driver's licence must be made on the application form supplied by the Licensing Authority for that purpose. The person making the application should complete the form, but where this is not possible, it can be completed by another person provided the relevant section on the form reflects that fact, and more importantly, no false statements are made. The applicant must sign the form. From the date of submission, your application will only be valid for a period of 6 months. If you have to appear before the Licensing Committee and they approve your application, you will be given 3 months from the date of your Committee hearing to pass the required tests. Failure to pass tests by the stated expiry date will result in your application being cancelled; any owed fees will be refunded to you automatically. If you wish to apply for a licence again, your application will be treated as a new application (see 'Making an application' above) i.e. you will need to produce a newly completed application form, medical, DBS disclosure, take any tests and pay the relevant fees.

Disclosure and Barring Service Application Forms

The Disclosure and Barring Service (DBS) application form will be completed with a licensing officer at your application appointment. You must bring any supporting identity documents to the application appointment. The Licensing Authority has a statutory duty to ensure that all licence holders are "fit and proper" to hold a licence. The DBS is the body that will supply the certificate listing any convictions recorded against any applicant. Please note, your licence cannot be granted until your disclosure certificate is returned from the DBS and licensing officers have seen the original certificate.

There are several elements taken into account when considering who is a "fit and proper" person to be granted a licence issued by the Licensing Authority. This comprises of the following items: -

Applicants Knowledge Test

The Council requires all applicants to demonstrate certain competencies in relation to their knowledge of East Staffordshire and importantly customer care. These competencies are achieved by completing a Knowledge test conducted by a licensing officer. The knowledge test will be a written assessment and will be split into SIX four parts, part one conditions test, part two a receipt exercise, part three identification of landmark/premises locations and part four identification of routes. Part five will include recognising and reporting child sexual exploitation and part six will be in respect of Disability Discrimination and customer care.

If you fail 3 times you will be required to undertake tuition with the private hire operator/hackney carriage proprietor you intend to work for.

Verbal knowledge tests will be considered however the applicant should have undertaken the written test in the first instance.

Note: If you are required to re-sit the knowledge test you will only be required to re-take the part of the test you have failed but you will still be required to pay the full fee.

Driving Standards Test

It is important that each applicant for a driver licence issued by the Licensing Authority can also demonstrate that they are a competent and safe driver. The Licensing Authority will require that an applicant pass a driving standards agency test. This test is arranged when the applicant contacts the Driving Standards Agency (DSA). The test comprises of a practical driving standard test, answering questions on customer care and the Highway Code, and basic mechanical principles. If you are applying for a combined or hackney drivers licence you will be required to take an additional test called the wheelchair exercise. This test is to demonstrate that you can safely load a person travelling in a wheelchair into a hackney carriage. The applicant will need to provide a wheelchair accessible vehicle in order to take this test. Any test fee is payable to DSA in advance of taking a test. Full details of the pass requirements can be found in the DSA application pack.

Medical Fitness

All drivers have to meet certain medical criteria. This is important as you will be transporting members of the public, and therefore must be medically fit to drive. The standard to be reached is that of group I of the DVLA medical fitness criteria. Licensed drivers must also continue to satisfy this requirement during their licence duration, and are required to undergo medical examination at certain intervals. Should a medical practitioner declare that you do not meet the standards required; the Council will not issue a licence. The Council does not perform medicals for potential or existing licence holders, and will not reimburse any expenses incurred in obtaining a medical certificate. New and existing licence holders may be referred to the general licensing sub-committee should concerns be brought to our attention regarding medical fitness.

Applicants considering obtaining a hackney carriage driver licence should carefully consider their medical fitness to do so, as drivers of such vehicles are required to take as passenger's members of the public who may be wheelchair users or other disabled sections of our community.

Driving Licences

By law you must have held a full UK driving licence for at least a period of 12 months prior to applying for a licence to drive hackney carriage or private hire vehicles, entitling you to drive motorcars. Before accepting any application for a licence, you must ensure that the DVLA driving licence is in your correct address and free from defects. A check via the DVLA website will be carried out by a licensing officer with the applicant present using the new view and

share facility on a yearly basis. A reminder will be sent for the licensee to attend the licensing office to undertake the check.

If a potential driver is from one of the EU countries and wants to take theory or practical driving test, they will firstly need to apply to the DVLA for a UK driving licence and have held the UK licence for 12 months or more.

Non EU Applicants

Applicants for a taxi licence are required to provide documentary evidence confirming their right to work in the UK.

Licences granted to drivers whose leave to remain in the UK is time-limited will only be granted a licence for the period in which they are entitled to work in the UK. In order for the licence to be renewed the driver will be required to produce further evidence to prove that they have the right to work in the UK.

Appendix B

Procedure for Renewal of Hackney Carriage & Private Hire Driver's Licence



Reminders

Applicants for the renewal of existing hackney carriage and private hire drivers' licences will be sent a renewal reminder approximately six weeks before their existing licence is due to expire. This is a courtesy service only and licence holders are reminded that ultimate responsibility for ensuring that their licence is renewed on time remains with them. All applications for renewal are only dealt with in person at the licensing office during the allocated times. Once a licence has lapsed, it cannot technically be renewed and a new application will be required, along with all necessary documentation and fees. A new licence will not be granted until all necessary checks have been carried out. The applicant **will not** be entitled to drive during this period.

Application Procedure

All renewal applications for a driver's licence issued by the Licensing Authority shall be made on the specified application form supplied by the Licensing Section. The application form must be signed by the applicant in all instances. All applications for renewals must be submitted in person.

Requirements for Applicants

The Licensing Authority will only renew licences when it is satisfied that the applicant for renewal continues to satisfy the criteria for determining who is "fit and proper". The Licensing Authority has the expectation that renewal applicants continue to satisfy the requirements for the grant of a driver licence, by maintaining their knowledge of East Staffordshire and standard of driving.

Disclosure and Barring Service (DBS)

Every 3 years, hackney carriage or private hire driver licence will be required to obtain a DBS enhanced disclosure certificate. The Licensing Authority will grant a licence on the understanding that the DBS certificate, once received, will not reveal any convictions, cautions or other relevant information which may affect the status of the licence holder. Should information be revealed on the DBS certificate, which was not previously considered by the Licensing Authority, then the matter will be referred to the Licensing Committee for their consideration.

DVLA Driving Licence

Applicants for renewal must produce the DVLA driving licence issued to them in accordance with the provisions of the Road Traffic Act. The licence must be valid, free from defect. Driving licences that show an address other than the applicant's home address, or are defaced to such a degree as to make the

licence unclear, will not be accepted under any circumstances, and the renewal of licence will not take place. A check via the DVLA website will be carried out by a licensing officer with the applicant present using the new view and share facility on a yearly basis.

Medicals

Every three years a driver licence issued by the Licensing Authority will be required to provide a duly signed medical certificate (obtainable from the licensing section) signed by a their own medical practitioner, stating that the applicant satisfies Group I of the DVLA medical fitness criteria for drivers. See Appendix C for information on Group I medical standards.

Grant of Licence

Once an applicant for renewal has satisfied the Licensing Authority that they are “fit and proper” to hold a licence, a hackney carriage or private hire driver licence shall be granted. The duration of this licence will be for 3 years. Drivers must return the expired badge before a new badge is issued; failure to do so will result in a charge for the new badge.

Group I Medical Examinations



**GROUP I MEDICAL EXAMINATIONS
FOR AN APPLICANT FOR A LICENCE TO DRIVE HACKNEY CARRIAGES
/PRIVATE HIRE VEHICLES**

**(SECTION 57, (2) LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT, 1976**

For the Applicant:

All medicals for applications for a hackney carriage or private hire driver's licenses must be carried out by your own GP. Further medicals will be required every three years unless specified by the GP. Medicals will not be accepted if they are over 3 months old.

For the Applicant's GP:

This certificate is for the confidential use of the Council. Any fee charged is payable by the applicant.

Medical Policy

- The Council adopted the Group I Medical standards for fitness to drive hackney carriage & private hire vehicles in accordance with the DVLA and Department for Transport best practice guidance.
- Group I Medical reports are only accepted from the applicant's own GP, or another doctor in the same practice.
- Any significant change in medical conditions that could affect driving must be reported immediately to DVLA and the Licensing Authority.

Contact us; Licensing Office, Town Hall, King Edward Place Burton upon Trent, Staffordshire, DE14 2EB.

Appendix D

Driver's Dress Code



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

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

Acceptable Standards of Dress

Tops

- Shirts, blouses, T-shirts, or sweat top should cover the shoulders and be capable of being worn tucked inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

Trousers/Shorts/Skirts

- Trousers may be either full length or shorts
- Shorts shall be tailored
- Trousers/Shorts or Skirts shall be of material of one colour

Footwear

- Footwear for all drivers shall fit around the heel of the foot

Unacceptable Standards of Dress

The following are deemed unacceptable

- Clothing not being kept in a clean condition and free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football / rugby kits, track suits, beach wear, baseball caps etc)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed.

Guidelines on the relevance of convictions



Statement of Policy Regarding the Determination by the Council of Applications for Hackney Carriage and Private Hire Driver Licences

1. The Council when fulfilling its statutory obligations will require an applicant to complete a Disclosure and Barring Service application form. The information divulged from this check will be kept confidential and will be used only for the application process. The certificate or other information will not automatically prevent any applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable. In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour.
2. The Council considers the following offences to be relevant offences when considering the suitability of a person to hold or retain a licence:
 - Dishonesty
 - Violence (including Criminal Damage & Sexual Offences)
 - Alcohol Related Offences
 - Public Order Offences
 - Motoring Offences
 - Substance Abuse (which includes the possession or distribution of unlawful substances)
 - Obscene Materials (which includes the retention or distribution of unlawful obscene images/materials on computer or the internet)
 - Discrimination
 - Offences involving Indecency or other offences of a Sexual Nature
 - Contravention of Licensing Laws or Conditions
 - Disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence (the time to run from the expiry of the disqualification)
3. Generally licences will not be granted to people who have convictions involving the taking of life; offences of a sexual related nature or offences involving drugs and those with such offences might be referred to the Licensing Committee for the matter to be considered.
4. The following section from the Rehabilitation of Offenders Act 1974 will be applied to all new and existing applications for Drivers.

“In accordance with the Rehabilitations of Offenders Act 1974, spent convictions or evidence of them should not be admitted unless the committee considers that justice cannot be done.

Hackney carriage drivers and private hire drivers are excluded from the effects of the Rehabilitation of Offenders Act 1974 ("the Act") by the Rehabilitation of Offenders Act 1974 (exceptions) and order 1975 (as amended).

In particular Article 3 provides:

"None of the provisions of s.4(2) of the Act shall apply in relation to

(a) Any question asked by or on behalf of any person, in the course of the duties of his office or employment, in order to assess the suitability

(b) If the person to whom the question relates or of any person to hold a (taxi driver licence)..... Or to hold it subject to a particular condition or restriction,

Where the person questioned is informed at the time the question is asked that, by virtue of this order, spent convictions are to be disclosed".

5. All new applications with matters recorded on the DBS certificate shall be determined by the General Licensing Sub Committee. Similarly, if a person has been disqualified from driving at any time in the five years prior to making an application for a licence, then the Committee will determine the application.

6. Penalty Points

As the grant of a private hire or hackney carriage licence permits the transport of members of the public about the Borough, it follows that driving licence endorsements, which include fixed penalties, are highly relevant. Having an endorsement upon a licence will not automatically preclude a person from obtaining a licence, subject to the following guidance: -

If a person has 10 or more penalty points on their driving licence that are less than 12 months old from the date of conviction at the time of application, then the application shall be determined by the Committee

7. Cautions

If a person has cautions, this will not automatically preclude that person from obtaining a licence; however the application will automatically be referred to the General Licensing Sub Committee.

8. Any driver who receives a relevant conviction, caution or reprimand within their licence period will be referred to the Licensing committee in order that the status of their licence may be reviewed. The above guidance will be followed in such cases.

Note: This policy shall apply to all applicants for a licence and existing licence holders on or after the effective date, and super-cede any previous policy in relation to the relevance of convictions.

Conditions of Private Hire Driver's Licence

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976



These Conditions are to be read and complied with in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976, Part II & the Council's Enforcement Intervention Scheme.

1. Conduct of Driver

The Driver shall:

- a) Wear the driver's badge issued by the Council at all times when acting in accordance with this licence. The badge is to be worn in a position where it can be clearly visible to your passengers;
- b) Offer assistance in loading and/or unloading your passenger's belongings;
- c) Operate in a professional manner and conform the Council's Driver's Dress Code;
- d) Take all reasonable steps to ensure the safety of passengers entering, being carried in or leaving the private hire vehicle;
- e) Not without the consent of the hirer play any radio, cassette or CD player. The driver must also not allow any of the equipment to cause annoyance to any person, whether inside or outside the private hire vehicle;
- f) Not unnecessarily prolong, in distance or in time, any private hire journey.
- g) Not to wait or ply for hire on a road or other public place. Drivers are only permitted to carry a hirer that has made a prior booking through the operator.
- h) Not park a private hire vehicle attended or unattended on a hackney carriage rank.
- i) Not sound the horn of a private hire vehicle to attract the attention of the hirer.
- j) As instructed by the operator, arrive at the appointed time and place agreed with the hirer, unless delayed or prevented by some unforeseeable cause.

2. Passengers

The Driver shall:

- a) Not carry a greater number of passengers than the vehicle is licensed for;
- b) Comply with the law on child restraints and seatbelts – see 'Child restraints and seatbelts leaflet available from the licensing office:
- c) Not carry any other person in the vehicle without the consent of the hirer.

3. Lost Property

At the end of every journey the driver shall carefully search the vehicle for any property, which may have been accidentally left in the vehicle.

If the driver finds or is handed by any other person carried in the vehicle, property, that is left in the vehicle, he/she shall report the particulars of the property to the operator. If the property is not claimed within 48 hours of being reported, the driver shall take the property to the nearest police station and obtain a receipt for it.

4. Written Receipts

The driver, if requested, shall provide a written receipt in respect of the fare paid for any private hire journey.

5. Animals

The driver shall ensure that any animal belonging to or in the care of the hirer is suitably restrained in the rear of the vehicle so as not to cause a nuisance.

The driver is not allowed to carry his/her own dog in a private hire vehicle whilst it is in use for the purpose of hire and reward.

6. Fare to be demanded

The driver shall not demand from the hirer of a private hire vehicle a fare that is more than that previously agreed between the hirer and the operator.

7. Change of Address/Operator

The driver shall notify the Council in writing of a change of address /operator within 7 days of the change-taking place.

8. Convictions

You must notify the Council IN WRITING within 7 days of being

- bailed, involved in an investigation, charged with or convicted of any criminal offence and/or
- interviewed under caution at a police station for any offence, which you are suspected of having committed.

9. Disclosure and Barring Service (DBS)

Licence holders will be subject to a DBS check every 3 years. A renewal licence will be issued on the condition that there will be no adverse information revealed on the Disclosure that would render the applicant not 'fit and proper'.

If information is revealed on a Disclosure, the licence holder may be required to appear before the General Licensing Sub-Committee.

Certificate of Good Conduct to be produced if applicant has not been in the country long enough to complete a DBS.

10. Driving Licence Endorsements

You must notify the Licensing Office within 7 days of being notified that you have committed an offence. This can be by way of the fixed penalty notice, charge sheet issued by the Police or letter advising you have been caught by a speed camera. You must also complete a Disclosure Form, which you can obtain from the licensing office.

You must attend the licensing office within 3 months of the date of the offence or attendance at court for a DVLA record check using the DVLA's view and share facility.

Drivers who have 10 or more Penalty Points endorsed on a driving licence will automatically be referred to the General Licensing Sub-Committee.

Notes: Please be aware that if you are convicted of a motoring offence at Court, this conviction may also be recorded with the Disclosure and Barring Service and be disclosed on a Certificate.

11. Return of Badge

A driver's badge and licence issued by the Council shall remain the property of the Council at all times.

If a driver's licence expires, is revoked or suspended, both the licence and driver's badge, issued by the Council, must be returned within 7 days of being requested to do so.

12. Benefit of Licence

The driver shall not give or allow anyone else to use the licence issued to him/her by the Council.

13. Private Hire Vehicles

Drivers must make sure that any private hire vehicle they drive has a valid insurance certificate which covers themselves to drive (a copy of which must be deposited with the operator) and a valid certificate of compliance.

Driver's, who agree to take responsibility for a private hire vehicle in the absence of the proprietor, must comply with the Council's private hire vehicle conditions.

14. Absence

The Council requires drivers to complete the standard form available from the licensing office prior to a period of absence of 7 days or more. Exceptions to this rule will only be granted in exceptional circumstances.

15. Medical Conditions

You are obliged to immediately report any changes in your medical condition to the licensing office.

The Council may require evidence in the form of a medical certificate or confirmation letter.

If you are unable to satisfy the Council that you meet the required medical standard, your licence may be suspended, not be renewed or revoked.

16. Medicals Exemptions

Drivers of private hire vehicles must accept assistance dogs unless the driver holds a Medical Exemption Certificate excusing them from such duties. The Council will not accept a Medical Exemption Certificate that is more than 3 months old.

A new Medical Exemption Certificate will be required every 6 months if the medical condition continues.

If a driver has a condition that requires a lifetime exemption, the driver will be required to appear before the General Licensing Sub-Committee.

17. Wheelchair Passengers

Prior to carrying any wheelchair bound passenger, the driver must ensure that the wheelchair is secured properly in the vehicle.

If a wheelchair bound passenger cannot be secured by the appropriate equipment the driver must arrange with the operator for suitable vehicle to be provided for safe passage of the hirer.

18. Expenses

Any expenses incurred in satisfying the Council that a person is 'fit and proper' to hold a private hire drivers licence must be paid for by the driver.

19. Variation of Conditions

The Council may vary any or all of these conditions, following consultation with the Trade.

20. Appeals

A Licensee who is aggrieved by any of these Conditions has a right of appeal to a Magistrates' Court.

Hackney Carriage Byelaws



BYELAWS OPERATIVE FROM 1ST APRIL 1988

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the East Staffordshire District Council with respect to Hackney Carriages in the area of East Staffordshire.

Interpretation

1. Throughout these Byelaws "the Council" means The East Staffordshire Borough Council.

Provisions relating the manner in, which the number of each Hackney Carriage corresponding with the number of its Licence, shall be displayed

2.
 - (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
 - (b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or materials particular is illegible.

Provisions regulating how Hackney Carriages a to be furnished or provided

3. The proprietor of a Hackney Carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. (1) The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
 - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE" -
 - (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action
 - (b) and cause the word "HIRED" to appear on the face of the taximeter;

- (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
 - (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the Byelaw in that behalf for the hire of the carriage by distance;
 - (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage and, for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.
- (2) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least one and half inches in height;
 - (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the Carriage is for hire.

5. The driver of a hackney carriage shall:

- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":

- (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
- (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
 - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 4(2) so that words "FOR HIRE" are clearly and conveniently legible by persons outside the Carriage;
 - (b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
 - (c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- (iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages in their several employment, and determining whether such drivers shall wear any and what badges

- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter, which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

- (a) proceed with reasonable speed to one of the stands fixed by the Byelaw in that behalf;
 - (b) if a stand, at the time of his/her arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
- 8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the rear of the carriage.
- 13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;

- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
- 15. The proprietor or driver of a hackney carriage shall make available a suitable and sufficient supply of sick bags or other receptacle approved by the Council for use by the passengers.

Provisions fixing the rates or fares to be paid for Hackney Carriage within East Staffordshire and securing the due publication of such fares

- 16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the tariff card, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the tariff card which it may not be possible to record on the face of the taximeter.
- 17.
 - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Byelaw in that behalf to be exhibited inside the hackney carriage, in clearly defined letters and figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof

- 18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
 - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be re- delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from

place of finding to the Police Station, whichever be the greater) but not more than five pounds.

Penalties

20. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.

Appendix H

Procedure for Private Hire Operators Applicants



These guidance notes have been compiled to assist applicants for a private hire operator's licence. The Licensing Authority when determining an application for an operator's licence will concern itself with only licensing issues for which it has responsibility. The grant of any licence by the Authority does not absolve the applicant or licence holder from any other responsibilities whilst running their private hire business.

Applicants should note that a current enhanced DBS certificate will be required for all operators unless they are an existing driver.

Premises

The Licensing Authority does not require operators of private hire vehicles to have commercial premises. An applicant may run the operation from his home address, but in doing this there may be other authorities that require notification of the change of use. Such interested parties may be your mortgage company and insurance company and the planning office of the Council.

If the applicant has not applied for the appropriate planning permission prior to operating any base within East Staffordshire, action may be taken against the operator.

The Licensing Authority does prefer that private hire operators have adequate parking for the vehicles operating from their premises. If this is not practical, operators should ensure that vehicles operating through their company are not parked in contravention of parking regulations, residents parking areas or causing a nuisance to other road users or residents.

The operator shall at all times have valid Employers' Liability (Compulsory Insurance) Act 1969 in place and Public Liability Insurance. A copy of both of these certificates must be provided with the application (new and renewal).

Employment

If you intend to employ someone, to take the bookings for example, you need to ensure that the premises you are using comply with all aspects of Health and Safety Legislation and any other related legislation. There may be other requirements and you should ensure that you comply with the law if you employ any person in your operation. All staff employed by a private hire operator should be deemed 'fit and proper' to work within the base.

Knowledge Test

From the approval date of this policy, operators will be required on initial application and then subsequently at renewal, to undertake the Councils

operator knowledge test. All existing operators will be required to pass the knowledge test by December 2016.

**Private Hire Operators Conditions of Licence and
LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976**



These conditions are to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976, Part II & the Council's Enforcement Intervention Scheme.

1. Records

The operator under this section shall keep records of all private hire and hackney carriage bookings in a suitable book or a software package; the pages of the book must be numbered and the operator shall make sure that all bookings are entered before the commencement of each journey.

The following particulars of every booking of a private hire vehicle invited or accepted by him:

- (a) the time and date of the booking;
- (b) contact number for the customer;
- (c) the name and address of the hirer;
- (d) how the booking was made (i.e. by telephone, in person etc);
- (e) the time of pick- up;
- (f) the point of pick up;
- (g) the destination;
- (h) the time at which the driver was allocated the booking;
- (i) the registration number of the vehicle allocated for the booking;
- (j) remarks (including details of any sub-contract);
- (k) the name of the Driver allocated to each booking taken
- (l) If a journey is sub contracted to another operator the details must be recorded and include the operators details.

If a driver is referred to by a driver call sign, then an up to date record shall be kept identifying the full name of the driver using that call sign.

- (2) The operator shall keep a copy of any private hire vehicle licence and private hire drivers licences that are working for him/her.

Private hire operators shall keep a copy of any hackney carriage vehicle licence and hackney carriage drivers licences that are affiliated to the firm.

The operator shall keep a valid copy of the insurance certificate for drivers and vehicles.

- (3) All records kept by the operator shall be produced upon request to an authorised officer of the Council or Police Officer.
- (4) All records kept by the operator shall be kept for a period of 6 months following the date of the last entry.

- (5) The operator shall ensure that a full up to date list of drivers and vehicles working for the firm are completed and presented to the licensing team on a yearly basis and when requested by the licensing office.
- (6) Private hire operators must have a complaints procedure in place which can be audited and checked by the licensing authority
- (7) Private hire operators within the Borough of East Staffordshire shall only operate with vehicles and drivers licensed by East Staffordshire Borough Council and shall only operate from premises within the Borough boundary.

2. Standards of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all times and for this purpose shall in particular:

- (a) the operator shall make sure that the driver arrives at the appointed time and place agreed with the hirer, unless delayed or prevented by some unforeseeable cause.
 - (b) the operator will make sure that any premises, which the operator provides and to which the public have access, whether for the purpose of booking or waiting are kept clean, tidy, adequately heated, ventilated and lit.
- All staff employed by a private hire operator should be deemed 'fit and proper'.

3. Lost Property

The operator shall keep a record book of particulars of any property accidentally left in a vehicle and reported to him by the driver.

4. Benefit of Licence

The operator shall not give or allow anyone else to use the licence issued to him/her by the Council.

5. Change of Circumstances

The operator shall notify the Council of any change of circumstances relating to the business including changes of vehicles and drivers operated by him/her.

6. Change of Address

The operator shall notify the Council in writing of any change to the details shown on the licence, within 7 days of the change-taking place.

7. Disclosure and Barring Service (DBS)

Licence holders will be subject to a DBS check every 3 years. A renewal licence will be issued on the condition that there will be no adverse information revealed on the Disclosure that would render the applicant not 'fit and proper'.

If information is revealed on a Disclosure, the licence holder may be required to appear before the General Licensing Sub-Committee.

8. Convictions

You must notify the Council IN WRITING within 7 days of being

- bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and/or
- interviewed under caution at a Police Station for any offence which you are suspected of having committed.

Note: Please be aware that if you are convicted of a motoring offence at Court, this conviction may also be recorded with the Disclosure and Barring Service and be disclosed on a Certificate.

9. Production and Display of Licence

The operator holder shall at all time keep on public display at the premises from which he/she operates, a copy of the Licence.

If the public do not have access to the premises, the operator shall produce the licence issued to him/her by the Council, upon request by an authorised officer.

10. Absence

If the operator intends to be absent or will be unavailable for 7 days or more he/she must inform the licensing office in writing and give details of a responsible person. Exceptions to this rule will only be considered in exceptional circumstances. (Standard form)

11. Fares

The operator shall not allow any driver to demand from the hirer of a private hire vehicle, a fare that is more than that previously agreed with the hirer.

12. Insurance Requirements

The operator shall at all times have valid Employers' Liability (Compulsory Insurance) Act 1969 in place and Public Liability Insurance. A copy of both of these certificates shall be displayed on the premises where the public can view them.

13. Vehicles

Operators must make sure that all hackney carriages and private hire vehicles operated by you are fully insured for use as a hackney carriage or a private hire vehicle at all times and has a valid Certificate of Compliance and a valid licence in force.

14. Other Requirements

An operator cannot operate from any premises other from that stipulated on the licence.

Unless the appropriate planning permission for the premises has been granted, the Council will not amend a licence in order for the operation to commence at those premises.

15. Variation of Conditions

The Council may vary any or all of the conditions at any time after consultation with the trade.

16. Appeals

A licensee who is aggrieved by any of these conditions has a right of appeal to the Magistrates Court.

Appendix J

Private Hire (Special Event) Vehicle Operators Conditions of Licence



These Conditions are to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976, Part II & the Council's Enforcement Intervention Scheme.

1. **Records**

The Operator under this Section shall keep records of all private hire (Special Event) bookings in a suitable book; the pages of which are numbered and the operator shall make sure that all bookings are entered before the commencement of each journey.

The following particulars of every booking of a private hire vehicle invited or accepted by him:

- (a) the time and date of the booking;
- (b) contact number for the customer;
- (c) the name and address of the hirer;
- (d) how the booking was made (i.e. by telephone, in person etc);
- (e) the time of pick- up;
- (f) the point of pick up;
- (g) the destination;
- (h) the time at which the driver was allocated the booking;
- (i) the registration number of the vehicle allocated for the booking;
- (j) remarks (including details of any sub-contract);
- (k) the name of the driver allocated to each booking taken.
- (l) If a journey is sub contracted to another operator the details must be recorded and include the operators details.

If a driver is referred to by a driver call sign, then an up to date record shall be kept identifying the full name of the driver using that call sign.

- (2) The operator shall keep a copy of any private hire vehicle licence and private hire drivers licences that are working for him/her.

Private hire operators shall keep a copy of any hackney carriage vehicle licence and hackney carriage drivers licences that are affiliated to the firm.

The operator shall keep a valid copy of the insurance certificate for drivers and vehicles.

- (3) All records kept by the operator shall be produced upon request to any authorised officer of the Council or Police Officer.
- (4) All records kept by the operator shall be kept for a period of 6 months following the date of the last entry.

- (5) The operator shall ensure that a full up to date list of drivers and vehicles working for the firm are completed and presented to the licensing team on a yearly basis and when requested by the licensing office.
- (6) Private hire operators must have a complaints procedure in place which can be audited and checked by the licensing authority
- (7) Private hire operators within the Borough of East Staffordshire shall only operate with vehicles and drivers licensed by East Staffordshire Borough Council and shall only operate from premises within the Borough boundary.

2. Standards of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all times and for this purpose shall in particular:

- (a) The operator shall make sure that the driver arrives at the appointed time and place agreed with the hirer, unless delayed or prevented by some unforeseeable cause.
- (b) The operator will make sure that any premises, which the operator provides, and to which the public have access, whether for the purpose of booking or waiting are kept clean, tidy, adequately heated, ventilated and lit.
All staff employed by a private hire operator should be deemed 'fit and proper'.

3. Lost Property

The operator shall keep a record book of particulars of any property accidentally left in a vehicle and reported to him by the driver.

4. Benefit of Licence

The operator shall not give or allow anyone else to use the licence issued to him/her by the Council.

5. Change of Circumstances

The operator shall notify the Council of any change of circumstances relating to the business including changes of vehicles and drivers operated by him/her.

6. Change of Address

The operator shall notify the Council in writing of any change to the details shown on the Licence, within 7 days of the change-taking place.

7. Disclosure and Barring Service (DBS)

Licence holders will be subject to a DBS check every 3 years. A renewal licence will be issued on the condition that there will be no

adverse information revealed on the Disclosure that would render the applicant not 'fit and proper'.

If information is revealed on a Disclosure, the licence holder may be required to appear before the General Licensing Sub-Committee.

8. Convictions

You must notify the Council IN WRITING within 7 days of being

- bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and/or
- interviewed under caution at a Police Station for any offence which you are suspected of having committed.

Note: Please be aware that if you are convicted of a motoring offence at Court, this conviction may also be recorded with the Disclosure and Barring Service be disclosed on a Certificate.

9. Production and Display of Licence

The operator shall at all times keep on public display at the premises from which he/she operates a copy of the licence.

If the public do not have access to the premises, the operator shall produce the licence issued to him/her by the Council, upon request by an authorised officer.

10. Absence

If the operator intends to be absent or will be unavailable for 7 days or more the operator must inform the licensing office in writing and give details of a responsible person. Exceptions to this rule will only be considered in exceptional circumstances. (Standard form)

11. Fares

The operator shall not allow any driver to demand from the hirer of a private hire (Special Event) vehicle, a fare that is more than that previously agreed with the hirer.

12. Insurance Requirements

The operator shall at all times have valid Employers' Liability (Compulsory Insurance) Act 1969 in place and Public Liability Insurance. A copy of both of these Certificates shall be displayed on the premises where the public can view them.

13. Vehicles

Operators must make sure that all private hire (Special Event) vehicles he/she operates are fully insured for use as a private hire (Special

Event) vehicle at all times and has a valid Certificate of Compliance and a valid licence in force.

Special Event Vehicles - An operator shall ensure that he is in possession of all relevant licences for the sale or supply of alcohol if sale or supply of alcohol is to take place during the vehicle period of hire. No alcohol of any description shall be supplied to any person under the age of 18.

14. Other Requirements

An operator cannot operate from any premises other from that stipulated on the Licence.

Unless the appropriate planning permission for the premises has been granted, the Council will not amend a licence in order for the operation to commence at those premises.

15. Variation of Conditions

The Council may vary any or all of the conditions at any time after consultation with the trade.

16. Appeals

A licensee who is aggrieved by any of these conditions has a right of appeal to the Magistrates Court.

- 17.** An operator shall ensure that he is in possession of all relevant licences for the sale or supply of alcohol if sale or supply of alcohol is to take place during the vehicle period of hire. No alcohol of any description shall be supplied to any person under the age of 18 years.

Procedure for Vehicle Licence Application



Reminders

Applicants for the renewal of existing hackney carriage and private hire Vehicle licences will be sent a renewal reminder approximately four weeks before their existing licence is due to expire. This is a courtesy service only and licence holders are reminded that ultimate responsibility for ensuring that their licence is renewed on time remains with them.

Application Procedure

All applications for a vehicle licence issued by the licensing authority shall be made on the specified application form supplied by the licensing team. The application form must be signed by the vehicle proprietor in all instances. All applications for renewal should be submitted by the proprietor in person to the licensing office during the allocated times. If the application is not submitted before the expiry, the licence will lapse and a new application will be required.

Making an Application

Before any application for a vehicle licence can be accepted, the vehicle, which it is intended to be licensed, has to meet all aspects of the licensing authority vehicle specifications. This is achieved by making an appointment for a vehicle inspection with the licensing team and also by presenting the vehicle to one of the Council's appointed testing station where the vehicle will be subjected to the licensing authority vehicle compliance test. All vehicles must pass this test and be awarded a compliance test pass certificate by the testing station. Once received the test pass certificate shall only be valid for a period of 14 days. If a licence is not granted within that time, the vehicle must be presented for further test and a new compliance test pass certificate obtained.

Once the vehicle has passed the compliance test and been inspected by a licensing officer a licence can then be applied for in the following manner.

Applications for converted vehicles must be accompanied by written confirmation from the conversion company.

Vehicle Licence – New Issue

The operator of the firm for which the vehicle will be used must sign the application form for a new private hire vehicle.

The following documentation is required for the issue of a vehicle licence:

- Compliance test pass certificate not more than 14 days old

- Vehicle insurance certificate 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 or reward”
- Vehicle V5 document (log book). If the full (V5) logbook document cannot be produced on application it must be produced to the licensing office within 30 days of submitting the application. Failure to do so may result in the vehicle being cancelled
- Vehicle licence application fee
- Vehicle insurance certificate 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 or reward”.
- Plates will not be issued until original documents have been produced.

Vehicle Licence – Renewal

Upon renewal all vehicles will be subject to a vehicle inspection by a licensing officer. Appointments should be made for this service.

The following documentation is required for the issue of a vehicle licence:

- A current Compliance test pass certificate
- Vehicle insurance certificate 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 or reward”.
- Vehicle licence application fee

Upon collection of the new licence plates the expiring/expired plates must be returned to the Council. Failure to do so will result in the proprietor having to pay for replacement plates.

Licence Issue

Once the licensing authority is satisfied that the vehicle is suitable to be licensed the following will be issued:

- Vehicle licence
- Licence plates
- Conditions of vehicle licence

Transfer of Vehicle Licence

Vehicle proprietors may transfer vehicle licences to another person, provided that person is over the age of 18.

Responsibilities of Existing Proprietor

The proprietor has a duty by law to notify the licensing authority in writing of the transfer within 14 days of the transfer-taking place. The notice which takes the form of an application must be signed by both the existing proprietor and the proposed proprietor. The compliance certificate should be given to the new vehicle proprietor. The existing proprietor must sign the transfer application form.

Before you are able to transfer your vehicle to a new proprietor the licensing office must have seen the V5 (log book) in your name or the transfer cannot take place.

Responsibilities of New Proprietor

The new vehicle proprietor must make an application to transfer the vehicle licence into his / her name. The transfer must take place within 14 days of the proprietorship of the vehicle. The following documentation must be produced when making application for transfer:

- Vehicle licence
- The V5 (log book) must be produced within 30 days confirming you are keeper of vehicle
- Insurance certificate entitling you to drive vehicle for the purpose the licence is to be issued
- Compliance test pass certificate
- Transfer licence application fee

Production of documents following licensing

It is the vehicle proprietor's responsibility to ensure that continuous cover of insurance and compliance test certificates are produced to the licensing office.

One telephone reminder will be made to proprietors on the working day prior to the document expiring, but this is just a courtesy service. No further calls will be made.

Upon expiry of a document the proprietor will have 48 hours in which to produce another compliance test, certificate of insurance or cover note.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document.

Should there be a break in cover a written explanation will be required and a warning may be issued.

Failure to produce the relevant document within the time limits will result in the vehicle licence being suspended.

Accidents and Damage

The proprietor must inform the licensing authority within 72 hours if a vehicle has been involved in an accident or sustained damage. The proprietor will

then have 5 working days to produce a slip from a testing station confirming the roadworthiness of the vehicle. If the vehicle is not roadworthy plates must be returned to the licensing office for the licence to be suspended until the repairs have been completed.

If a vehicle is found not to be in a safe roadworthy condition then the plates will be removed from the vehicle by the testing station.

The proprietor will then have 8 weeks from the date of the accident to have the repair work carried out.

Failure to either return the plates, produce an accident slip or have the repair work carried out in the required time may result in enforcement action being taken.

The proprietor of the vehicle can only apply to licence a vehicle from a hire company if the vehicle is not in a roadworthy condition and is suspended or the vehicle is going into a garage for repair. In this instance confirmation from the garage as to how long the vehicle will be off the road will be required.

Once the vehicle has been repaired it will then need to be re-inspected by the Council appointed testing station to confirm that the repair work is satisfactory. Another slip will be given to the proprietor, which must be submitted to the licensing office upon production of this document the suspension will be lifted.

Cherished plates / Vehicle detail change

If the proprietor of a licensed vehicle purchases 'cherished plates' or modifies the vehicle in anyway, i.e. has an additional seat installed, then a vehicle amendment application will need to be submitted. The following documents will also need to be produced with the application form:

Cherished Plates:

- Documentation from DVLA confirming the transfer of the registration number
- Application Form
- Amended insurance documentation
- Amended certificate of compliance
- Fee*

Vehicle Detail Change:

- Written confirmation from the approved garage confirming that the alteration has been made.
- Application Form
- Amended certificate of compliance
- Amended insurance documentation or written confirmation from the insurance company that the insurance policy has been amended
- Fee*

*The application fee will include the fees to cover the cost of replacement plates and licence.

Note: if a vehicle is cancelled for any reason a refund will not be given.

Location of Vehicle Licence Plates and Door Panels



All licensed vehicles are required to display licence plates issued only by the authority, which readily identify the vehicle as being licensed by the licensing authority. The following will explain the location of those plates and other identifying items, which must be affixed to the vehicle.

Hackney Carriage

Hackney carriages shall display the licence plate issued to them by East Staffordshire Borough Council externally on the rear of the vehicle and be clearly visible and not obscured. Brackets can be purchased from the licensing office. The plate background shall be white in colour, with green and black lettering and numbering.

Hackney carriages will also be required to display the Council's standard door panel on both front doors, centrally where practicable. The door panel shall be fixed directly to the vehicle so as to provide a sufficient degree of permanence. The acceptable size for the door panels is 35cm by 25cm. A template will be provided to all proprietors on submission of an application for a vehicle licence. The company name on the door panels must be exactly the same as the name on the operator licence if undertaking a journey on behalf of a private hire operator. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.

Private Hire

Private hire vehicles shall display the licence plates issued by the local authority externally on both the front and rear of the vehicle and be clearly visible and not obscured (or obscure the registration plate). Brackets can be purchased from licensing office.

The plate background shall be green in colour with black numbering.

Private hire vehicles will also be required to display the Council's standard door panel on both front doors, centrally where practicable. The door panel shall be fixed directly to the vehicle so as to provide a sufficient degree of permanence. The acceptable size for the door panels is 35cm by 25cm. A template will be provided to all proprietors on submission of an application for a vehicle licence. The company name on the door panels must be exactly the same as the name on the operator licence. Private hire operators must not have the word TAXI in the name of their company. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force. The panel **must not** contain the word 'TAXI'.

Specifications for Private Hire Vehicles

1. East Staffordshire Borough Council may licence as a private hire vehicle, any vehicle suitable for carriage of up to and including eight passengers provided that it has European Whole Vehicle Certification, and such vehicle complies with the requirements as laid down in these vehicle specifications.
Such vehicles may, if the Council so require, be presented to the Vehicle Inspectorate or Council approved testing station for examination and receive from them a report indicating that the vehicle is fit for use as a private hire vehicle, prior to the issue of a licence plate from the Council. The fee for such a test, which shall be determined by the Council, shall be met by the vehicle owner, or such person presenting the vehicle for test.

The vehicle must not be of such design or type as to lead the public to be confused with a hackney carriage. Additionally, all vehicles must have a category M1 classification. Vehicles will only be licensed up to 7 years old, unless it is suitable to be considered as an “exceptional vehicle” and meets the criteria.

2. All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any conditions of licence issued by the Council.
3. The vehicle must be of ‘manufacturers’ colour coding.
4. The body must be a fixed head type. A sunroof may be fitted at the time of manufacture.
5. The steering wheel and driving controls must be fitted to the off side of the vehicle and shall have been at the time of registration.
6.
 - a All vehicles must have at least four doors, excluding any tailgate.
 - b Estate and MPV type vehicles must be fitted with a grille or other manufacturer approved device, which prevents luggage entering the passenger compartment.
 - c All vehicles should have a wheelbase of at least 96” (2.4384 metres) and an engine size not less than 1200cc.
6.
 - a Windows must be provided at the sides and rear of the vehicle.
 - b Rear passenger door windows must be available for adjustment.
 - c No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
 - d Vehicles with a third row of seats fitted at the rear of the vehicle must have ventilation windows available in the absence of an approved air conditioning system.

7.
 - a Passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
 - b Approved central locking systems are permitted and must be in full working order. Double catches of approved types must be fitted to all doors.
 - c The door to the offside of the vehicle fitted with sliding doors, must be capable of being opened **ONLY** in the case of an emergency, unless that vehicle has an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but not so as to obscure the driver's vision, indicating that the doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated. A warning notice must be affixed securely to the inside of the door so as to be easily seen, advising passengers to exercise caution when alighting from the vehicle.
8. Seating capacities:
 - a Where separate seats for each person are provided: one person shall be counted for each separate seat.
 - b Where the vehicle is fitted with a continuous seat, one person shall be counted for each completed length of the seating area provided that the seat restraint belts are fitted for each seating position.
 - c All seats must be forward facing and adequate in size, shape and condition for passengers.
 - d All vehicles must have a minimum length of rear seat of 122cm in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4.
 - e The licence number of the vehicle together with the number of persons that the vehicle is licensed to carry shall be permanently affixed and exhibited at all times on the outside of the vehicle in the form of the vehicle licence plate as issued by the Council i.e. on the front and rear of the vehicle. Council approved door panels must be displayed at all times.
Any proprietor of a private hire vehicle licensed by East Staffordshire Borough Council may not display advertisements.
9. A manufacturer's specified original heating and ventilation system must be fitted and fully operational for the driver and passengers.
10. All body parts and trimmings that are manufacturers original equipment such as wheel trims, mirrors, bumpers, valances, fabrics, switches, internal and external door handles and locks must be fitted and in good working order and or suitable condition.

- 11.** All tyres and wheels (including the spare) must meet the legal requirements as to suitability for use on the vehicle. Tyres must have a minimum tread depth as required by law. They must be kept in good order and at the correct pressures. A wheel brace and car jack to enable the effective change of a tyre and wheel must be carried. If a vehicle is equipped with a space saver spare tyre or similar emergency repair system, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre. It is not permitted to carry passengers using a space saver tyre.
- 12.** No luggage will be carried on the roof of a vehicle or within the passenger's compartment unless a grill is in place to partition the luggage space from the passengers. No roof top signs will be permitted.
- 13.** Vehicles commonly referred to as Euro taxis or Euro cabs or vehicles which could lead the public to believe that such a vehicle is a hackney carriage, will not be licensed as a private hire vehicle by the Council.
- 14. a** Any electronic communication equipment must be of an approved standard and type as required by regulation at the time of installation or test.
- b** Radio TX aerials must be adequately affixed to the body of the vehicle, and if not permanently fixed must have a spring incorporated into the aerial between the magnet and the aerial so as to provide flexibility.
- c** Vehicles fitted with TX aerials whilst being used for the purpose of private hire, must, when presenting the vehicle for testing, have such items fixed in their normal working positions.
- d** All registration marks must comply with the latest regulations.
- e** roofs signs must be of an approved type and meet the specifications of the Council.
- 16. a** The vehicle including all fittings must be well maintained and kept clean.
- b** The vehicle will at all times be subject to test and inspection and may if not properly maintained, or any part is found to be defective or missing, be served with a notice prohibiting the use of the vehicle until the defect has been remedied.
- c** A set of spare lamps to allow replacement of the following on the vehicle, HEADLAMPS, REAR LAMPS, BRAKE LIGHTS, DIRECTIONAL INDICATORS and REVERSING LAMPS must be carried in the vehicle at all times. It shall only be necessary to carry one bulb for each type of external lamp. It shall also be a requirement that a spare fuse for each fuse rating shall be carried in the vehicle at all times.
- d** A fire extinguisher with registration number of vehicle clearly written on the extinguisher shall be carried in the vehicle at all times.
-
- e** A vehicle shall be provided with such equipment as is adequate and appropriate in the circumstances to enable the driver to render first aid to himself only whilst at work.
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16. Video camera monitoring devices, for the purpose of assisting driver, or passenger safety, shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored / recorded. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.
17. Bio-diesel, bio fuel or LPG conversions will no longer be accepted as a way to meet the emissions policy. No further vehicles will be licensed that use LPG after the date this policy is adopted by the Council.
18. All newly licensed vehicles must comply with the current Euro emission standards as a minimum requirement for licensing purposes.

These specifications will be applied to all vehicles presented for licensing on or after the *** 2016, and supersede all previous documents relating to vehicle specifications made prior to this date.**

Specifications for Hackney Carriage Vehicles

- 1** East Staffordshire Borough Council may licence vehicles of a purpose built design for use as hackney carriages, and the body must be of a fixed head type and have a bulkhead partition. All vehicles must have European Whole Vehicle Certification or Low Volume Type Approval, and have category M1 classification. Such vehicles may be licensed to carry up to 8 persons providing the vehicle meets the requirements as laid down in these vehicle specifications. Vehicles generically referred to as either “saloon” or “hatchback” or MPV’s, or derivatives of these vehicle types will only be licensed on the existing Hackney Carriage licence plates numbers 1 – 22D inclusive. Any Hackney Carriage vehicle on being first licensed with East Staffordshire Borough Council must be wheelchair accessible.
- 2** All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any requirements under East Staffordshire Borough Council conditions of licence.
- 3** The vehicle must be of ‘manufacturers’ colour coding.
- 4** The steering wheel and driving controls must be fitted to the offside of the vehicle.
- 5** All vehicles must have at least four doors and four wheels. Vehicles must also have available a serviceable spare wheel.
- 6** Windows must be provided at the sides and rear of the vehicle. Sunroofs will be permitted only if fitted by the manufacturer as new.
- 7** Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism. Central locking systems are permitted and must be in full working order. Double catches of approved types must be fitted to all doors. Sliding doors will be permitted, but such doors must have displayed a warning notice affixed securely to the inside of the door-advising passengers to exercise caution when alighting from either side of the vehicle.
- 8** Seating Capacities:
 - a** Where separate seats for each person are provided one person shall be counted for each separate seat.
 - b** Where the vehicle is fitted with a continuous seat, one person shall be counted for each seating area provided that seat restraint belts are fitted for each position.
 - c** The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35cm.
 - d** Where the seats are placed facing each other there must be a clear space of 38cm between any part of the front of a seat and any part of any other seat that faces it.

- e** Occasional (tip up) seats must be so arranged as to rise automatically when not in use.
 - f** Suitable means must be provided to assist persons to rise from the rear seat.
 - g** The front seat of a vehicle may be utilised for the use of conveying fare paying passengers, providing such seat is fitted by a suitably qualified mechanic, and provided such seat is fitted with a seat restraint belt. If the front seat is to be utilised in such a manner, the vehicle licence of the vehicle must reflect the additional passenger i.e. If the vehicle is currently licensed to carry 6 persons using the standard passenger compartment, then such a vehicle can be licensed to carry 7 persons if the front passenger seat is used. No person shall be permitted to be carried in the front seat as a passenger, over and above the permitted capacity displayed on the vehicle licence.
 - h** The number of persons the vehicle is licensed to carry shall be permanently affixed and exhibited at all times on the outside of the vehicle in the form of the vehicle licence plate as issued by the Council. The licence plate shall bear the words *"licensed to carry up to ...passengers"*.
 - i** Hackney carriage saloon vehicles must have a minimum length of rear seat of 122cm in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4.
- 9** An adequate heating and ventilation system must be fitted for the driver and passengers.
 - 10** Adequate lighting must be provided for the passenger's compartment and must be capable of being controlled by the driver. Adequate lighting must also be provided in the driver compartment.
 - 11** All body parts and trimmings that are manufacturers original equipment such as wheel trims, mirrors, bumpers, valances, fabrics, switches, internal and external door handles and locks must be fitted and in good working order.
 - 12** All tyres and wheels (including the spare) must meet the legal requirements as to suitability for use on the vehicle. Tyres must have a minimum tread depth as required by law. They must be kept in good order and at the correct pressures. A wheel brace and car jack to enable the effective change of tyre and wheel must be carried. The tyre must be of such a size so as to ensure the correct operation of the fare meter. If a vehicle is equipped with a space saver spare tyre, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre. It is not permitted to carry passengers using a space saver tyre.
 - 13** Any proprietor of a hackney carriage vehicle licensed by East Staffordshire Borough Council may not display advertisements.
 - 14** An illuminated taximeter of an approved type must be fitted in an approved position.

- 15** An illuminated “Taxi” sign of approved design, clearly visible both by day and by night when the cab is not hired, must be fitted and in full working order.
- 16** A current fare table must be displayed in a position, which is clearly visible in the passenger compartment.
- 17** Any vehicle to be licensed must have a maximum step height of 43cm.
- 18** Vehicles offered for approval must be constructed so as to facilitate the carriage of a disabled person, and capable of accommodating a disabled person in a wheelchair in the passenger compartment. These wheelchair accessible vehicles must have ramps or other approved devices readily available for use, to enable the loading of wheelchair passengers. They should also carry the approved straps and fixings for securing the wheelchair and passenger safely in the vehicle.
- 19**
- a** The vehicle including all fittings must be well maintained and kept clean inside and out.
 - b** The vehicle will at all times be subject to test and inspection and may if not properly maintained, or any part is found to be defective or missing, be served with a notice prohibiting the use of the vehicle until the defect has been remedied.
 - c** A set of spare lamps to allow replacement of the following on the vehicle, HEADLAMPS, REAR LAMPS, BRAKE LIGHTS, DIRECTIONAL INDICATORS and REVERSING LAMPS must be carried in the vehicle at all times. It shall only be necessary to carry one bulb for each type of external lamp. It shall also be a requirement that a spare fuse for each fuse rating shall be carried in the vehicle at all times.
 - d** A fire extinguisher suitable for use on a motor vehicle with the registration number of vehicle clearly written on the extinguisher shall be carried in the vehicle at all times.
 - e** A vehicle shall be provided with such equipment as is adequate and appropriate in the circumstances to enable the driver to render first aid to himself only whilst at work.
- 20** No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
- 21** Video camera monitoring devices, for the purpose of assisting driver, or passenger safety shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.
- 22** Vehicles (commonly referred to as “Eurocabs” or Eurotaxis”) being of such a design as approved by the Council, may be granted a licence providing all such vehicles meet the criteria above and the additional specifications herewith:
- a** All such vehicles must be wheelchair accessible, and be fitted with a bulkhead partition.

b Such vehicles being fitted with sliding doors must have a motion locking device in operation to prevent the doors from being opened by passengers whilst the vehicle is in motion. The doors must also have a warning notice affixed securely to the inside of the door so as to be easily seen, advising passengers to exercise caution when alighting from the vehicle.

c Vehicles with sliding doors shall also have displayed an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but so as not to obscure the driver's vision, indicating that the passenger doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated, and a warning device is activated in the driver compartment.

23 No vehicles using bio-diesel, bio fuel or LPG conversions will be accepted after the date of adoption of this policy.

24 No Luggage shall be allowed to be carried on the roof of the vehicle. All luggages shall be carried in a separate area away from the passenger area. If it is contained in an area to which passengers have access, then a permanent grille must be fitted to prevent luggage from coming into contact with passengers travelling in the vehicle.

25 No tow bars will be allowed to be fixed to the vehicle.

26 All newly licensed vehicles must comply with the current Euro emission standards as a minimum requirement for licensing purposes.

These specifications will be applied to all vehicles presented for licensing on or after *** 2016, and supersede all previous documents relating to vehicle specifications made prior to this date.**

Appendix O

Private Hire (Novelty/Speciality) Vehicle Specifications



1	The licensing authority may licence as a Private Hire (Novelty/Speciality) Vehicle, for the carriage of up to eight passenger's dependant on the Council being satisfied that the vehicle is suitable in size, type and design. This type of vehicle is a special vehicle, which falls outside of the normal Private Hire Specification i.e. a limousine, fire engine etc. A limousine must have been issued with at least an Individual Vehicle Approval (IVA) certificate. Prior to any licence being issued, a vehicle compliance pass certificate must be obtained from one of the testing stations appointed by the Authority for that purpose. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor. All vehicles must be tested every 6 months. All vehicles must meet the "exceptional vehicle" criteria.	
2	All novelty/speciality vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any conditions of licence issued by the Council.	
3	The steering wheel and driving controls may be fitted to the near side of the vehicle.	
4	All novelty/speciality vehicles must have at least four doors. At least two doors must be available for the use of passengers in the passenger compartment. The doors must be capable of being readily opened from the inside and the outside of the vehicle by one operation of the latch mechanism.	
5	Seating Capacities	
	(a)	Where separate seats for each person are provided, one person shall be counted for each separate seat, provided each seat is fitted with seat restraints in each seating position.
	(b)	Novelty/speciality vehicles fitted with bench type seating or other seating which is placed along the length of the vehicle (side facing), will only be licensed if individual seat belts are provided.
6	Manufacturers specified original heating and ventilation system must be fitted and fully operational for the driver and passengers.	
7	All body parts and trimmings that are manufacturers original equipments such as wheel trims, mirrors, bumpers, valances, fabrics, switches internal and external door handles and locks must be fitted and in good working order and suitable condition.	
8	All tyres and wheels (including the spare) must meet the legal requirements as to suitability for use on the vehicle and required by law. They must be kept in good order and at the correct pressures. The tyres	

	must be designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. Tools for the effective changing of a tyre should also be carried. In the absence of a spare tyre, a contract with a competent and professional tyre changing company who can attend or recover the vehicle in situ must be produced.
9	(a) The vehicle including all fittings must be well maintained and kept clean inside and out.
	(b) The vehicle will at all times be subject to test and inspection and may if not properly maintained, or any part is found to be defective or missing, be served with a notice prohibiting the use of the vehicle until the defect has been remedied.
	(c) A set of spare lamps to allow replacement of the following shall be carried at all times in the vehicle, HEADLAMPS, REAR LAMPS, BRAKE LIGHTS, DIRECTIONAL INDICATORS and REVERSING LAMPS must be carried in the vehicle at all times. It shall only be necessary to carry one bulb for each type of external lamp. It shall also be a requirement that a spare fuse for each fuse rating shall be carried at all times.
	(d) A fire extinguisher with the registration number of vehicle clearly written on the extinguisher shall be carried in the vehicle at all times.
	(e) A vehicle shall be provided with such equipment as is adequate and appropriate in the circumstances to enable the driver to render first aid to himself only whilst at work.
10	The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

EAST STAFFORDSHIRE BOROUGH COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE'S LICENCE

CONDITIONS OF LICENCE

Conditions of Licence

These conditions are to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act, 1976, Part II.

A Private Hire Vehicle licence will not be issued to any vehicle, which has the appearance of a Hackney Carriage.

The vehicle shall only be licensed by East Staffordshire Borough Council and shall comply with the requirements contained within the "Private Hire Vehicle Specifications".

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Regulations) shall be fully complied with. If vehicles are not kept in sound condition internally as well as externally the vehicle proprietor may be issued with a warning.

2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force. The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

3. Safety Equipment

When the vehicle is in use or available for hire a suitable and efficient fire extinguisher must be provided and maintained at all times. The fire extinguisher must be kept secure in the boot of the vehicle or clipped into a

bracket beside the driver and not located in the passenger compartment. The fire extinguisher must have the registration number of the vehicle written clearly on the label.

No vehicle shall carry more passengers than those permitted on its licence.

No vehicle shall carry any child, unless the child is suitably restrained as required by the Motor Vehicles (Wearing of Seat Belts by Children) (Amendment) Regulations 2006.

4. Interior Markings

If a plate/panel exemption applies to a vehicle the proprietor shall ensure that an internal stickers shall be displayed where it is clearly visible to passengers bearing the licence number of the vehicle and the number of persons that it is permitted to carry. A second sticker shall be displayed in the back window to the bottom near side.

5. Signs, Notices, Plates etc

The only signs or notices that can be displayed on a vehicle are those required by any statutory provision (including Byelaws) or required or permitted by these conditions.

(1) The proprietor shall ensure that:

- (a) A licence plate issued by the Council must be fixed to the external front and rear of the private hire vehicle where it is clearly visible. **These licence plates shall remain the property of the Council and shall be returned to the Council on the sale, transfer, disposal of the licensed vehicle, or the expiry of the plates** (or in the event of the revocation, expiry or suspension of the Licence). The proprietor of the private hire vehicle shall return the plates within seven days of notice being served

(2) In the interest of public safety the proprietor will affix and maintain the Council's standard door panel on both front doors. No further advertising is allowed. The word TAXI shall not appear anywhere on or above a private hire vehicle. The company name on the door panels must be exactly the same as the name on the operator licence. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.

(3) Should a proprietor wish to have a licence plate and/or a door panel exemption they must apply to the licensing team.

6. Absence

The proprietor must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc they inform the licensing office who will be responsible for the vehicle or whether the vehicle will be off the road. Vehicle plates should be returned if no one is left in charge of a vehicle whilst the proprietor is away. If documents become due whilst the proprietor is away then they must be produced to the licensing office.

Failure to comply with the above condition will result in the vehicle automatically being suspended and the enforcement team will recover the plates.

If proprietors are unable to produce documents for any reason they must inform the licensing office immediately.

7. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of such change-taking place.

8. Deposit of Private Hire Driver's Licence

Before the proprietor allows any other person to drive the private hire vehicle, the proprietor must retain a copy of the driver's private hire drivers licence until such time as the driver ceases to be employed to drive the vehicle.

9. Transfer of Interest in a Private Hire Vehicle

With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred shall supply the Council's licensing office with the information required by the transfer of a private hire vehicle licence application form, within the period of 14 days specified in the said section.

Before a transfer application is accepted by the licensing office the registration document must have been seen in the previous keeper's name.

10. Receipts

Upon request the proprietor shall issue to hirers receipts in respect of fares charged for hiring's.

11. Licensing of Private Hire Vehicles

(a) no vehicle over 7 years of age will be licensed for private hire purposes, other than in exceptional circumstances approved by the General Licensing Sub Committee

(b) all vehicles in excess of 3 years of age must be tested on behalf of the Council every six months

(c) all vehicles must have a minimum engine capacity of 1200cc

(d) all vehicles must have a minimum length of rear seat of 122 centimetres in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4

(e) For driver and passenger safety no vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle refer to paragraph 2 above.

(g) Any authorised officer may detain for inspection any licensed vehicle at any time to ensure its fitness for use as a private hire vehicle, and / or examine the documentation of the driver of that vehicle, in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, then the vehicle licence may be immediately suspended.

12. Proprietor obligations

The proprietor must ensure that the private hire vehicle is fully insured for use as a private hire vehicle at all times and has a valid Certificate of Compliance in force. (A valid copy of the insurance certificate must be deposited with the operator of the business for which the vehicle is working)

It is the vehicle proprietor's responsibility to ensure that continuous cover of insurance and compliance test certificates are produced to the licensing office.

The licensing office will call you once on the working day prior to the expiry of a document to remind you that your certificate of compliance or insurance is due no further calls will be made. You will then have 48 hours to produce your new document.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document. Should there be a break in cover a written explanation will be required and a warning may be issued.

Failure to produce the relevant document within the time limits will result in the vehicle licence being cancelled.

The proprietor must inform the licensing authority within 72 hours if a private vehicle has been involved in an accident or sustained damage. The proprietor will then have 5 working days to produce a slip from a testing station confirming the roadworthiness of the vehicle. If the vehicle is not roadworthy plates must be returned to the licensing office for the licence to be suspended until the repairs have been completed.

If a vehicle is found not to be in a safe roadworthy condition then the plates will be removed from the vehicle by the testing station.

The proprietor will then have 8 weeks from the date of the accident to have the repair work carried out.

Failure to either return the plates, produce an accident slip or have the repair work carried out in the required time may result in enforcement action being taken.

The proprietor of the vehicle can only apply to licence a vehicle from a hire company if the vehicle is not in a roadworthy condition and is suspended or the vehicle is going into a garage for repair. In this instance confirmation from the garage as to how long the vehicle will be off the road will be required.

Once the vehicle has been repaired it will then need to be re-inspected by the Councils appointed testing station to confirm that the repair work is satisfactory. Another slip will be given to the proprietor, which must be submitted to the licensing office upon production of this document the suspension will be lifted.

The vehicle registration document must be produced to the licensing office with any new or transfer vehicle application in the keepers name within 1 month of the application being submitted. Failure to do so may result in your vehicle being suspended.

13. Variation of Conditions

The Council may vary any or all of the conditions herein contained at any time after consultation with the trade.

Private Hire Vehicle Licence

1. Appeals

A licensee who is aggrieved by any of these conditions has a right of appeal to the Magistrates Court.

2. Offences and Penalties

Contravention of these conditions constitutes an offence under the Local Government (Miscellaneous Provisions) Act 1976, in respect of which specific penalties are provided. In addition, it is also an offence to obstruct an authorised officer or Police Officer in his/her duty.

3. Special attention is drawn to the following sections of the Local Government (Miscellaneous Provisions) Act 1976, which should not be taken as being exhaustive:

Licensing of Private Hire Vehicles

SECTION 48 - (1) Subject to the provisions of this Part of this Act, District Council may when in receipt of an application from the proprietor for any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grants in respect thereof a vehicle licence.

Provided that a District Council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (i) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (ii) in a suitable mechanical condition;
 - (iii) safe; and
 - (iv) comfortable.

Transfer of Hackney Carriage and Private Hire Vehicles

SECTION 49 - (1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a District Council transfers his/her interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified on the licence, he/she shall within 14 days after such transfer give notice in writing thereof to the District Council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If the proprietor without reasonable excuse fails to give notice to a District Council as provided by subsection (1) of this section he/she shall be guilty of an offence.

Provisions as to Proprietors

SECTION 50 – (1) without prejudice to the provisions of Section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require.

(2) the proprietors of any hackney carriage or private hire vehicle

- (a) licensed by the District Council under the Town Police Clauses Act 1847 or under this part of this Act; or
- (b) in respect of which an application for a licence has been made to a District Council under the Town Police Clauses Act 1847 or under this Part of the Act; shall within such period as the District Council may by notice reasonably require, state in writing

the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall, if the District Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.

(3) Without prejudice to the provisions of Section 25 of the Road Traffic Act of 1972, the proprietor of a hackney carriage or of a private hire vehicle licensed by the District Council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(4) The proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance or security required by Part V1 of the Act of 1972 in respect of such hackney carriage or private hire vehicle.

(5) If any person without reasonable excuse contravenes the provisions of this section, he/she shall be guilty of an offence.

Suspension and Revocation of Vehicle Licence

SECTION 60 - (1) Notwithstanding anything in the Town Police Clauses Act 1847 or in this Part of this Act, a District Council may suspend or revoke or (on application therefore under Section 40 of the Town Police Clauses Act 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or of this part of the Act by the operator or driver; or
- (c) any other reasonable cause.

(2) Where a District Council suspend, revoke or refuse to renew any Licence under this section they shall give to

the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the District Council under this section may appeal to a Magistrates Court.

SECTION 68 – Any authorised officer of the Council in question or any Constable shall have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle and if he/she is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he/she may by notice in writing require of the proprietor or the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or Constable is so satisfied.

Provided that, if the authorised officer or Constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section be deemed to have been revoked and subsections (2) and (3) of Section 60 of this Act shall apply with any necessary modifications.

SECTION 71 – (1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the District for the District or any other District Council by which a licence in force for the vehicle was issued.

(2) Any person who:

(a) tampers with any seal on any taximeter without lawful excuse; or

(b) alters any taximeter with intent to mislead; or

(c) knowingly cause or permits a vehicle of which he/she is the Proprietor to be used in contravention of subsection (1) of this section, shall be guilty of an offence.

**Hackney Carriage Conditions of Vehicle
Licence**



EAST STAFFORDSHIRE BOROUGH COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE VEHICLE LICENCE

Conditions of Licence

These conditions are to be read in conjunction with the appropriate sections of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act, 1976, Part II and the East Staffordshire Borough Council Byelaws relating to the hackney carriages.

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when in use or available for hire be kept in an efficient, safe, tidy and clean condition. You must comply with all relevant statutory requirements including those contained in Motor Vehicles (Construction and Use Regulations). If vehicles are not kept in sound condition internally as well as externally the vehicle proprietor may be issued with a warning.

2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force. The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

3. Safety Equipment

When the vehicle is in use or available for hire a suitable and efficient fire extinguisher must be provided and maintained at all times. The fire extinguisher must be kept secure in the boot of the vehicle or clipped into a bracket beside the driver and not located in the passenger compartment. The fire extinguisher must have the registration number of the vehicle written clearly on the label.

No vehicle shall carry more passengers than those permitted on its licence.

No vehicle shall carry any child, unless the child is suitably restrained as required by the Motor Vehicles (Wearing of Seat Belts by Children) (Amendment) Regulations 2006.

4. Interior Markings

The current tariff card must be on display so that it is clearly visible to the hirer.

5. Signs, Notices, Plates etc

The only signs or notices that can be displayed on a vehicle are those required by any statutory provision (including Byelaws) or required or permitted by these conditions.

(2) The Proprietor shall ensure that:

(a) The illuminated roof-top sign is purchased from the Council and displayed appropriately or those with manufacturers roof-top signs are maintained and in good working order. The roof top sign must be clearly visible both day and night when the cab is not hired.

(b) A licence plate issued by the Council must be fixed to the external rear of the hackney carriage. **This licence plate shall remain the property of the Council and shall be returned to the Council on the sale, transfer, disposal of the licensed vehicle, or the expiry of the plate** (or in the event of the revocation, expiry or suspension of the licence). The proprietor of the hackney carriage vehicle shall return the plates within seven days of notice being served.

(3) In the interest of public safety the proprietor will affix and maintain the Council's standard door panels on both front doors. No further advertising will be allowed. The company name on the door panels must be exactly the same as the name on the operator licence. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.

(4) Should a proprietor wish to have a licence plate and/or a door panel exemption they must apply to the licensing team.

6. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within 7 days of such change-taking place.

7. Absence

Proprietors must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc they inform the licensing office who will be responsible for the vehicle or whether the vehicle will be off the road. Vehicle plates should be returned to the council if no one is left in charge of a vehicle whilst the proprietor is away. If documents become due whilst the proprietor is away then they must be produced to the licensing office.

Failure to comply with the above will result in the vehicle automatically being suspended and the enforcement team will recover the plates.

If drivers are unable to produce documents for any reason they must inform the licensing office immediately.

8. Deposit Hackney Carriages Driver's Licence

Before the proprietor allows any other person to drive the hackney carriage, the proprietor must retain a copy of the driver's hackney carriage drivers licence until such time as the driver ceases to be employed to drive the vehicle.

9. Transfer of Interest in Hackney Carriage

With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred shall supply the Council's licensing office with the information required by the transfer of a hackney carriage vehicle licence application form, within the period of 14 days as specified in the said section. Before a transfer application is accepted by the licensing office the registration document must have been seen in the previous keeper's name.

A transfer application will not be accepted unless the logbook has been produced in the previous owner's name.

10. Fares

A copy of the current tariff shall be displayed inside the vehicle in such a position that it can be clearly seen by hirers.

11. Receipts

Upon request the proprietor shall issue to hirers receipts in respect of fares charged for hiring's.

12. Licensing of Hackney Vehicles

- (a) All vehicles licensed, as hackney carriages from plate 23 onwards must be purpose built vehicles, which are accessible to and are safely usable by wheelchairs
- (b) No purpose built vehicle over 10 years of age will be licensed for Hackney Carriage purposes, other than in exceptional circumstances approved by the General Sub Licensing Committee
- (c) All non-wheelchair accessible vehicles in excess of 3 years of age and all purpose built vehicles in excess of 5 years must be tested on behalf of the council every six months
- (d) All vehicles must have a minimum engine capacity of 1200 cc
- (e) All saloon vehicles must have a minimum length of rear seat of 122 centimetres in order to accommodate 3 adult passengers comfortably. Vehicles, which do not comply with this requirement, will only be licensed to carry 3 passengers instead of 4. Saloon vehicles will only be licensed to carry a maximum of 4 passengers.
- (f) For driver and passenger safety no vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle see paragraph 2 above.
- (g) PLEASE NOTE: The Councils policy is that all wheelchair conversions must meet the specifications for hackney carriage vehicles. Applications must be accompanied by 'Conversion Certificates' from the company where the conversion was completed.
- (h) Any authorised officer may detain for inspection any licensed vehicle at any time to ensure its fitness for use as a hackney carriage vehicle, and / or examine the documentation of the driver of that vehicle, in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, and then the vehicle licence may be immediately suspended.

13. Proprietor obligations

The proprietor must ensure that the hackney carriage vehicle is fully insured for use as a hackney carriage at all times and has a valid Certificate of Compliance in force. (A valid copy of the insurance certificate must be deposited with the operator of the business for which the vehicle is working)

The licensing office will call you once on the working day prior to the expiry of a document to remind you that your certificate of compliance or insurance is due no further calls will be made. You will then have 48 hours to produce your new document.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document.

Should there be a break in cover a written explanation will be required and a warning may be issued.

Failure to produce the relevant document within the time limits will result in the vehicle licence being cancelled.

The proprietor must inform the licensing authority within 72 hours if a vehicle has been involved in an accident or sustained damage. The proprietor will then have 5 working days to produce a slip from a testing station confirming the roadworthiness of the vehicle. If the vehicle is not roadworthy plates must be returned to the licensing office for the licence to be suspended until the repairs have been completed.

If a vehicle is found not to be in a safe roadworthy condition then the plates will be removed from the vehicle by the testing station.

The proprietor will then have 8 weeks from the date of the accident to have the repair work carried out.

Failure to either return the plates, produce an accident slip or have the repair work carried out in the required time may result in enforcement action being taken.

The proprietor of the vehicle can only apply to licence a vehicle from a hire company if the vehicle is not in a roadworthy condition and is suspended or the vehicle is going into a garage for repair. In this instance confirmation from the garage as to how long the vehicle will be off the road will be required.

Once the vehicle has been repaired it will then need to be re-inspected by the Council appointed testing station to confirm that the repair work is satisfactory. Another slip will be given to the proprietor, which must be submitted to the licensing office upon production of this document the suspension will be lifted.

14. Advertising on Vehicles

No advertisement may be displayed on a hackney carriage vehicle.

15. Variation of Conditions

The Council may vary any or all the conditions herein contained at any time after consultation with the trade.

Hackney Carriage Vehicle Licence

1. Appeals

A licensee who is aggrieved by any of these conditions has a right of appeal to a Magistrates' court.

2. Offences And Penalties

Contravention of these conditions constitutes an offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 in respect of which specific penalties are provided. In addition, it is also an offence to obstruct an authorised officer or Police Officer in his/her duty.

Special attention is drawn to the following sections of the Local Government (Miscellaneous Provisions) Act 1976, which should not be taken as being exhaustive:

Transfer of Hackney Carriage and Private Hire Vehicles

SECTION 49 - (1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a District Council transfers his/her interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified on the licence, he/she shall within 14 days after such transfer give notice in writing thereof to the District Council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If a proprietor without reasonable excuse fails to give notice to a District Council as provided by subsection (1) of this section he/she shall be guilty of an offence.

Provisions as to Proprietors

SECTION 50 - (1) without prejudice to the provisions of Section 68 of this Act, the proprietor of any hackney or of any private hire vehicle licensed by a District Council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require. Provided that a District Council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

(2) The proprietors of any hackney carriage or private hire vehicle –

(a) licensed by the District Council under the Town Police Clauses Act 1847 or

(b) in respect of which an application for a licence has been made to a District Council under the Town Police Clauses Act 1847 or

© Shall within such period as the District Council may by notice reasonably require, state in writing

the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall if the District Council so require afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.

(3) Without prejudice to the provisions of Section 25 of the Road Traffic Act of 1972, the proprietor of hackney carriage or of a private hire vehicle licensed by a District Council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(4) The proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance of security required by part VI of the Act of 1972 in respect of such hackney carriage or private hire vehicle.

(5) If any person without reasonable excuse contravenes the provisions of this section, he/she shall be guilty of an offence.

Suspension and Revocation of Vehicle Licence

SECTION 60 - (1) Notwithstanding anything in the Town Police Clauses Act 1847 or in this Part of this Act, a District Council may suspend or revoke or (on application therefore under Section 40 of the Town Police Clauses Act 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non compliance with, the provisions of the Town Police Clauses Act 1847 or of this part of the Act by the operator or driver; or

(c) any other reasonable cause.

(2) Where a District Council suspend, revoke or refuse to renew any Licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the District Council under this section may appeal to a Magistrates Court.

HACKNEY CARRIAGE USED FOR PRIVATE HIRE

SECTION 67 - (1) No hackney carriage shall be used in the District and under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the byelaws of table mentioned in Section 66 of this Act, and when any such hackney carriage is so used, the fare or charge shall be calculated from the point in the District at which the hirer commences his journey.

(2) Any person who knowingly contravenes this section shall be guilty of an offence.

(3) In subsection (1) of this section "Contract means" –

(a) a contract made otherwise than while the relevant hackney carriage is plying for hire in the District or waiting at a place in the District which, when the contract is made, is a stand for hackney carriages appointed by the District Council under Section 63 of this Act; and

(b) a contract made, otherwise than with or through the driver of the relevant hackney carriage, while it is so plying or waiting.

SECTION 68 - Any authorised officer of the Council in question or any Constable shall have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle, and if he/she is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he/she may by notice in writing require of the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

Provided that, if the authorised officer or constable is not so satisfied before, the expiration of a period of two months, the said licence shall, by virtue of this section be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.

**Private Hire (Novelty/Speciality) Vehicle
Conditions of Licence**



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PRIVATE HIRE (Novelty/Speciality) VEHICLE LICENCE**

Conditions of Licence

These conditions are to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act, 1976, Part II.

The vehicle shall only be licensed by East Staffordshire Borough Council and shall comply with the requirements contained within the "Private Hire (Novelty/Speciality) Vehicle Specifications.

The licensing of private hire (novelty/speciality) vehicles shall be dependent on the Council being satisfied that the vehicle is suitable in size type and design for use as this type of vehicle. A private hire (novelty/speciality) vehicle which falls outside of the normal private hire specification for example a limousine or a fire engine. The prime consideration of the Council is the safety and comfort of the travelling public. Therefore the vehicles, which fall into this category, must meet the exceptional criteria.

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Regulations) shall be fully complied with.).

2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force. The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

No fittings, devices or lights may be attached to the exterior of the vehicle, which were not part of the manufacturer's original construction or fitted at the time of conversion.

3. Safety Equipment

When the vehicle is in use or available for hire a suitable and efficient fire extinguisher must be provided and maintained at all times. The fire extinguisher must be kept secure in the boot of the vehicle or clipped into a

bracket beside the driver and not located in the passenger compartment. The fire extinguisher must have the registration number of the vehicle written clearly on the label.

Sideways facing seats will be permitted as long as seatbelts are provided for each passenger and comply with the Regulations.

No vehicle shall carry more passengers than those permitted on its licence.

No vehicle shall carry any child, unless the child is suitably restrained as required by the Motor Vehicles (Wearing of Seat Belts by Children)(Amendment) Regulations 2006.

No luggage shall be carried in the passenger compartment.

Passengers shall not be allowed in the front passenger seat(s) of Stretch Limousines.

The driver must ensure that the passengers are seated whilst the vehicle is in motion.

Passengers are not permitted to lean out of the windows of the vehicle or to stand up out of the sunroofs.

4. Signs, Notices, Plates etc

The only signs or notices that can be displayed on a vehicle are those required by any statutory provision (including Byelaws) or required or permitted by these conditions.

(2) The proprietor shall ensure that:

- (a) A licence plate issued by the Council must be fixed to the external front and rear of the private hire vehicle. **These Licence plates shall remain the property of the Council and shall be returned to the Council on the sale, transfer, disposal of the licensed vehicle, or the expiry of the plates** (or in the event of the revocation, expiry or suspension of the licence). The proprietor of the private hire vehicle shall return the plates within seven days of notice being served. Should the proprietor wish to apply for a plate (and panel) exemption he should complete the appropriate application.
- (b) In the interest of public safety the proprietor will affix and maintain the Council's standard door panels on both front doors. No further advertising will be allowed. The company name on the door panels must be exactly the same as the name on the operator licence. The door panels must be displayed on the vehicle at all times. The only exception is when it's parked outside the address to which the vehicle is licensed or there is plate/panel exemption in force.
- (c) Should a proprietor wish to have a licence plate and/or a door panel exemption they must apply to the licensing team.

Any novelty/specialty vehicle is not permitted to display any form of roof sign. The only exception to this condition is novelty/specialty vehicles being of emergency service types, which may display decommissioned lights etc. No light or sign should be capable of confusing any person to believe that the vehicle is an emergency services vehicle.

Interior Markings

If a plate/panel exemption applies the proprietor shall ensure that an internal sticker shall be displayed in the passenger compartment of the vehicle bearing the licence number of the vehicle and the number of persons that it is permitted to carry and that it is clearly visible to passengers at all times.

5. Absence

Proprietors must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc they inform the licensing office who will be responsible for the vehicle or whether the vehicle will be off the road. Vehicle plates should be returned if no one is left in charge of a vehicle whilst the proprietor is away. Exceptions to this rule will only be considered in exceptional circumstances.

If documents become due whilst the proprietor is away then they must be produced to the licensing office.

Failure to comply with the above will result in the vehicle automatically being cancelled and the enforcement team will recover the plates.

If proprietors are unable to produce documents for any reason they must inform the licensing office immediately.

6. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within 7 days of such change-taking place.

7. Deposit of Private Hire Driver's Licence

Before the proprietor allows any other person to drive the private hire (novelty/speciality) vehicle, the driver's private hire licence must be retained by the proprietor until such time as the driver ceases to be employed to drive the vehicle. The authority must licence the driver.

The operator of the private hire (novelty/speciality) vehicle must be the holder of a private hire operator's licence issued by this Authority.

8. Transfer of Interest in a Private Hire (Novelty/Speciality) Vehicle

With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred shall supply the Council's licensing office with the information required by the transfer of a private hire novelty/speciality) vehicle licence application form, within the period of 14 days specified in the said section. Before a transfer

application is accepted by the licensing office the registration document must have been seen in the previous keeper's name.

9. Receipts

Upon request the proprietor shall issue to hirers receipts in respect of fares charged for hiring's, and a card shall be prominently displayed in the vehicle advising hirers of this facility.

10. Licensing of Private Hire (Novelty/Speciality) Vehicles

- (a) All novelty and speciality vehicles to be licensed for private hire purposes must be approved by a delegated officer.
- (b) All private hire (novelty/speciality) vehicles in excess of 3 years of age must be tested on behalf of the Council every six months; all vehicles licensed shall undergo compliance testing at a licensing authority appointed testing station capable of performing the test on the class of vehicle being presented. All vehicles shall be licensed for a period of 12 months subject to the vehicle meeting the standards required in the compliance test. The Council reserve the right to request the vehicle be tested on other occasions subject to reasons given at the expense of the proprietor.
- (c) All vehicles must have a minimum engine capacity of 1200cc.
- (d) For driver and passenger safety no vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. See paragraph 2 above.
- (e) Any authorised officer may detain for inspection any licensed vehicle at any time to ensure its fitness for use as a private hire (novelty/speciality) vehicle, and / or examine the documentation of the driver of that vehicle, in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, then the vehicle licence may be immediately suspended.

11. Proprietor obligations

You must make sure that your private hire (novelty/specialty) vehicle is fully insured for use as a private hire (novelty/specialty) vehicle at all times and has a valid Certificate of Compliance in force. (A valid copy of the insurance certificate must be deposited with the operator of the business for which the vehicle is working)

The licensing office will call you once on the working day prior to the expiry of a document to remind you that your certificate of compliance or insurance is due no further calls will be made. You will then have 48 hours to produce your new document.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document.

Should there be a break in cover a written explanation will be required and a warning may be issued.

Failure to produce the relevant document within the time limits will result in the vehicle licence being cancelled.

The proprietor must inform the licensing authority within 72 hours if a vehicle has been involved in an accident or sustained damage. The proprietor will then have 5 working days to produce a slip from a testing station confirming the roadworthiness of the vehicle. If the vehicle is not roadworthy the plates must be returned to the licensing office for the licence to be suspended until the repairs have been completed.

If a vehicle is found not to be in a safe roadworthy condition then the plates will be removed from the vehicle by the testing station.

The proprietor will then have 8 weeks from the date of the accident to have the repair work carried out.

Failure to either return the plates, produce an accident slip or have the repair work carried out in the required time may result in enforcement action being taken.

The proprietor of the vehicle can only apply to licence a vehicle from a hire company vehicle if the vehicle is not in a roadworthy condition, is suspended or the vehicle is off the road due to the accident repair work being carried out (proof from the garage will be required).

Once the vehicle has been repaired it will then need to be re-inspected by the Council appointed testing station to confirm that the repair work is satisfactory. Another slip will be given to the proprietor, which must be submitted to the licensing office upon production of this document the suspension will be lifted.

The vehicle registration document must be produced to the licensing office with any new or transfer vehicle application in the keepers name within 1 month of the application being submitted. Failure to do so may result in your vehicle being suspended.

12. Variation of Conditions

The Council may vary any or all of the conditions herein contained at any time after consultation with the trade.

Private Hire (Novelty/Speciality) Vehicle Licence

1. Appeals

A licensee who is aggrieved by any of these conditions has a right of appeal to the Magistrates Court.

2. Offences and Penalties

Contravention of these conditions constitutes an offence under the Local Government (Miscellaneous Provisions) Act 1976, in respect of which specific penalties are provided. In addition, it is also an offence to obstruct an authorised officer or Police Officer in his/her duty.

Special attention is drawn to the following sections of the Local Government Miscellaneous Provisions) Act 1976, which should not be taken as being exhaustive:

Licensing of Private Hire (Novelty/Speciality) Vehicles

SECTION 48 - (1) Subject to the provisions of this part of this Act, District Council may of receipt of an application from the proprietor for any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grants in respect thereof a vehicle licence.

Provided that a District Council shall not grant such a licence unless they are satisfied –

that the vehicle is –

- (i) suitable in type, size and design for use as a private Hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable.

Transfer of Hackney Carriage, Private Hire Vehicles and Private Hire (Novelty/Speciality) Vehicles

SECTION 49 - (1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a District Council transfers his/her interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified on the licence, he/she shall within 14 days after such transfer give notice in writing thereof to the District Council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If the proprietor without reasonable excuse fails to give notice to a District Council as provided by subsection (1) of this section he/she shall be guilty of an offence.

Provisions as to Proprietors

SECTION 50 –

(1) without prejudice to the provisions of Section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require.

(2) The proprietors of any hackney carriage or private hire vehicle

(c) licensed by the District Council under the Town Police Clauses Act 1847 or under this part of this Act; or

(d) in respect of which an application for a Licence has been made to a District Council under the Town Police Clauses Act 1847 or under this Part of the Act; shall within such period as the District Council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall, if the District Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.

(c) Without prejudice to the provisions of Section 25 of the Road Traffic Act of 1972, the proprietor of a hackney carriage or of a private hire vehicle licensed by the District Council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(d) The proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance or security required by Part V1 of the Act of 1972 in respect of such hackney carriage or private hire vehicle.

(e) If any person without reasonable excuse contravenes the provisions of this section, he/she shall be guilty of an offence.

Suspension and Revocation of Vehicle Licence

SECTION 60 - (1) Notwithstanding anything in the Town Police Clauses Act 1847 or in this part of this Act, a District Council may suspend or revoke or (on application therefore under Section 40 of the Town Police Clauses Act 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or of this part of the Act by the operator or driver; or

(c) any other reasonable cause.

(2) Where a District Council suspend, revoke or refuse to renew any Licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the Licence within 14 days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the District Council under this section may appeal to a Magistrates Court.

SECTION 68 – Any authorised officer of the Council in question or any Constable shall have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle and if he/she is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he/she may by notice in writing require of the proprietor or the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or Constable is so satisfied.

Provided that, if the authorised officer or Constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section be deemed to have been revoked and subsections (2) and (3) of Section 60 of this Act shall apply with any necessary modifications.

SECTION 71 – (1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private

hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the District for the District or any other District Council by which a licence in force for the vehicle was issued.

Any person who:

- (d) tampers with any seal on any taximeter without lawful excuse; or
- (e) alters any taximeter with intent to mislead; or knowingly cause or permits a vehicle of which he/she is the proprietor to be used in contravention of subsection (1) of this section, shall be guilty of an offence.

Provision of Alcohol

Where alcohol is supplied, the proprietor shall ensure he holds the correct licenses under the Licensing Act 2003.

It is the licence holder's responsibility to ensure that no person under the age of 18 years shall be permitted to drink alcohol within the vehicle.

Alcohol may only be served when the vehicle is stationary and afterwards all bottles must be stored safely in a secured receptacle.

Any glassware within the vehicle must be of either shatterproof glass or plastic.

Entertainment

The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle.

The limousine proprietor shall ensure that a performing rights licence is held where appropriate.

Appendix S

Vehicle Licensing – Hire Companies Guidance



Applications for the grant of a private hire or hackney carriage vehicle licence will be accepted from Hire Companies, however special rules 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 owner (Hire Management Company). The licence and plate will only be issued for a maximum of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the 'Hire Management Company'.

All vehicles which are presented to the Council for licensing, and all vehicles whilst licensed must comply with the vehicle specifications contained within Appendices M, N and O.

The Council reserve the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing. The applicant will be expected to cover all the Council's costs incurred in making this determination.

The Council whilst making standard conditions of licence and vehicle specifications, may amend those conditions and specifications, or make additional conditions for a vehicle, as individual circumstances require.

A replacement vehicle will only be issued on a like for like basis i.e. the number of seats.

Application 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 an application form for a new private hire vehicle.

The following documentation is required for the issue of a vehicle licence:

- Details of the licensed driver who will be responsible for the vehicle
- Compliance test pass certificate not more than 14 days old.
- Vehicle insurance certificate 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 or reward".
- Vehicle V5 document (log book)
- Vehicle licence fee

On the grant of the licence the following items will be issued to the licensed driver:

- Copy of the vehicle licence
- Licence plate
- Conditions of vehicle licence
- Hackney carriage byelaws (hackney carriage only)

In addition an appointment must be made with a licensing officer for a vehicle inspections prior to a licence being issued.

On the grant of the licence the following items will be issued to the proprietor (The Accident Management Company):

- Original vehicle licence
- Conditions of vehicle licence
- Hackney carriage byelaws (hackney carriage only)

Any documents that fall due during the period of licensing must be submitted to the licensing office within the required time limits (by the accident management company).

The licensing office will call you once on the working day prior to the expiry of a document to remind you that your certificate of compliance or insurance is due no further calls will be made (this is a courtesy call only). You will then have 48 hours to produce your new document.

E-mailed insurances certificates/cover notes sent direct from the insurance company/broker will be deemed the same as the original document.

Failure to produce the relevant document within the time limits will result in the vehicle licence being cancelled.

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 then be cancelled.

Failure to comply with these guidelines will result in future applications being rejected.

Testing of Hackney Carriages & Private Hire Vehicles - Conditions of agreement



1. The tester shall test hackney carriages and private hire vehicles to ensure that they comply with the relevant vehicle specifications and the Addendum to Testers Manual for vehicles subject to Class IV Testing. Private hire vehicles of a special event type (e.g. stretched limousine, decommissioned emergency service vehicle) shall be tested to the appropriate MOT class for that type of vehicle, provided the tester has the facilities to enable those vehicles to be correctly tested.
2. The specifications with which the vehicles are required to comply may from time to time be varied by the Council provided that the Council shall give not less than one months notice in writing of such variation.
3. The testing of hackney carriages and private hire vehicles shall be carried out by the tester at the tester's premises and shall comply in all respects with the latest requirements laid down from time to time by the Secretary of State for Transport in respect of the premises used for M.O.T. tests.
4. The tester shall provide at the tester's premises a testing bay for the testing of hackney carriages and private hire vehicles under this agreement.
5. The testing bays provided in accordance with condition 4 shall be kept in a clean and tidy state and condition in accordance with the current requirements of the Secretary of State for Transport.
6. The tester shall take out suitable public liability indemnity insurance from the date of this agreement (and maintain such insurance for a period of 6 years following the termination of this agreement) with an indemnity limit of not less than £2million for each occurrence or each series of occurrences arising from a single event and shall produce to the Council on demand copies of the policy and schedule for inspection.
7. The tester will comply with all statutes, orders, regulations and other relevant legislation governing the business of the station.
8. The tester will comply with all health and safety legislation affecting the business of the station and will indemnify the Council against all actions, proceedings, claims, demands, loss or other liability, which may be incurred by the Council as a result of any breach of the provisions of this clause by the tester.
9. The tester shall not at any time carry out any work of improvement or repair to any vehicle which may be tested under this agreement or which has been tested under this agreement, neither shall the tester

engage in the sale of spare parts for any vehicle which either is or has been licensed by the Council as a hackney carriage or private hire vehicle.

10. The tester shall permit a licensing officer of the Council, and any person accompanying the officer, to visit and inspect the tester's premises provided that any person visiting the tester's premises under this condition shall comply with all reasonable directions given by the Tester or any duly authorised person acting on behalf of the tester during the course of such visit.
11. The applicant shall be responsible for booking vehicle tests and shall deliver information relating to result of tests to the vehicle proprietor together with the appropriate pass/failure certificate.
12. The tester shall supply the person presenting the hackney carriage or private hire vehicle for test with the appropriate pass/failure certificate and inspection report sheet.
13. The tester shall comply with all reasonable directions given by the Council in respect of tests to be carried out under this agreement and shall, in particular, remove the licence plate from any vehicle which fails the test.
14. This policy shall apply to all applicants for a licence and existing licence holders on or after the effective date, and super-cede any previous policy in relation to the testing conditions.
15. Vehicles which are presented to the testing station following an accident must have a completed accident slip for submission to the licensing office. It should also contained details such as:
 - Vehicle damaged roadworthy but repair required
 - Vehicle damage renders vehicle not roadworthy
 - Vehicle no damage therefore no repair required

Appendix U

Procedure for Hackney Carriage Fare Review



Review Dates

The hackney carriage fare (Tariff) review will take place when a request is submitted by the Trade.

Method of Review

Licensing officers will conduct a review of the tariff in consultation with the taxi trade.

The period of consultation should take place with all stakeholders, and the proposed tariff is required by law to be advertised in at least one local publication for objections, to be received within 14 days of the publication.

At the end of the 14-day period for objections, and subject to the objections either withdrawn or overruled the proposed tariff is put as an agenda item for consideration at the next available General Licensing Sub Committee meeting for consideration by Members. If the Members agree the tariff, the tariff is then implemented on the 1st April.

The Table of Fares (Tariff)

The tariff once set is enforceable as a byelaw, and it is an offence for any person to charge more than the metered fare. It should also be remembered that the tariff is to be displayed within the vehicle for the information of the travelling public.

In implementing any method of charging by a combination of distance or time, any increase will not necessarily produce an amount easily set by the meters available, i.e. an increase of a certain percentage may result in the distance fare being increased by for example 3p, most meters are not able to accept this as an amount, so it would need to be rounded up to 5p for the meter to calculate the correct fare required.

Implementing the Tariff

Once all stages of the review have been completed, consultation, advertising, Licensing Committee, then the fares can be adopted from the 1st April. It will be necessary to have the fare tables printed for distribution to licence holders and all meters recalibrated.

Appendix V

Hackney Carriage Table of Fares



1.	<u>MILEAGE</u>	£2.00
	For the first 192 metres (210 yards) or part thereof	
	For each subsequent 86.8 metres (95 yards) or part thereof	10p
2.	<u>WAITING TIME</u>	
	For each period of twenty seconds or uncompleted part thereof	10p
3.	<u>EXTRA CHARGES</u>	
	a) In excess of 4 passengers (charge applicable to entire journey) This charge is a one off adjustment and not for each passenger	x 1.5 (time and a half)
	b) For each article of luggage conveyed outside the passenger compartment of the Carriage beyond the first	10p
	c) Dogs (with the exception of assistance dogs)	£1
	d) For hiring in respect of journeys after Midnight on each day throughout the year (irrespective of number of passengers and to apply to pickups between midnight and 5.00 am) and all day on Bank Holidays	£1
	e) Shopping Bags, Wheelchairs, Pushchairs	FREE
	g) Where the passenger	
	i) fails to use the sick bag or other receptacle approved by the Council and provided by the Proprietor or Driver; and/or	
	ii) is sick in or on the vehicle;	
	the cost of valeting and cleaning the vehicle	£45

PLEASE NOTE THE 4 TARIFFS ARE AS FOLLOWS:

Tariff 1 - For journeys carried out during the daytime with less than 4 passengers the meter should start at £2.00

Tariff 2 - For journeys carried out during the daytime with more than 4 passengers the meter should start at £3.00

Tariff 3 - For journeys carried out after midnight with less than 4 passengers the meter should start at £3.00

Tariff 4 - For journeys carried out after midnight with more than 4 passengers the meter should start at £4.50

Dated August 2008

Procedure for Hackney Carriage Rank Review



Review Dates

The Licensing Authority shall review the provision of hackney carriage stands as required.

Method of Review

Licensing officers, trade representatives or members of the public, may initiate a review of the provision of stands. A review must identify the proven need for a new stand at a given location, or the disuse of a stand, which requires removal. The review will also consider representations concerning the operating hours of any given stand, should there be a proven need for the hours to change for the benefit of the travelling public.

If a new stand, alteration to an existing stand or removal of a stand has been proposed, a period of consultation is required with various stakeholders and local area committees. Before this takes place it will be necessary for officers to perform a site visit, ideally in the company of the police road safety officer, and a representative from the Councils Transport and Highways departments. It should be the case that only firm proposals should be considered, if officers of the Licensing Authority disagree with any proposals, they will either not be put forward for consultation, or put forward with a recommendation that they are not implemented and given the reasons why.

Once the consultation period has ended, a report will be placed before Members of the General Licensing Sub Committee, which should contain the results of the consultation and any recommendation to alter the existing rank structure. If this is agreed the final proposals must be advertised in accordance with the law in at least on local publication giving 28 days for objections to be received in writing.

If legitimate objections are received within time, at the end of the period specified, a further report must be submitted to the General Licensing Sub Committee outlining those objections received for a final decision on implementation. Once this decision has been reached the stands can be appointed, decommissioned or altered as the case may be.

Implementing the Changes

Once new ranks or changes to existing ranks have been agreed by the Members of the General Licensing Sub Committee arrangements need to be in place for the erection or alteration of rank signs, and the correct road markings as required by law. Arrangements may also be made for the removal of decommissioned ranks.

Appendix X

Stands Appointed for Hackney Carriages



Appointed Stands

The licensing authority has appointed stands for use by hackney carriages throughout East Staffordshire Licensing area.

The use of hackney carriage stands is kept under review, and individual stands may be discontinued should disuse be demonstrated. The licensing authority shall also consider the creation of new stands where there is a perceived need. Any person wishing the licensing authority to consider the location of new stands should write to the licensing team explaining the reasons for the need for the stand, which will then be given due consideration.

Location of Appointed Stands

Rank No.	Location	Hours of Operation	Permitted No.
1	Guild Street (bus stop)	11pm to 3am	
2	Worthington Way(bus stop)	11pm to 3am	
3	Library Access Road	10pm to 3am	
4	High Street (nr Meadowside Drive)	24 Hour	
5	High Street (in front of the old Bargates Site)	7pm to 2am	6
6	High Street (in front of 78a High Street)	7pm to 8am	2
7	Lichfield Street	24 Hours	6
8	Station Street (opposite Argos)	10pm to 3am	2
9	Station Street (BrightHouse)	24 Hours	3
10	New Street (South Side)	10pm to 3am	4
11	New Street (o/s 127/128)	10pm to 3am	3
12	Central Area Carpark	24 Hour	6

Appendix Y

Scale of fees

Fees to be reviewed



Fees

The table below reflects the current fees as determined by the Council. These are the fees payable directly to the Council. Fees for medicals, DSA tests and vehicle tests are not set by the authority; they are payable by the applicant directly to those performing those tests.

Type of Licence	Duration	Fees 2011/2012	Fees 2012/2013	Fees 2013/2014
Private Hire Operator (New Application)	5 years	178.50	181.00	185.00
Private Hire Operator (Renewal)	5 years	152.00	154.00	165.00
Private Hire Driver (New Application) (Single)	3 years	120.60	122.40	145.00
Private Hire Driver (Renewal) (Single)	3 years	94.30	95.70	145.00
Private Hire Vehicle	Annual	104.40	106.00	145.00
Vehicles approaching age limit fee will be pro rata with a minimum fee of *****REMOVE		33.00	36.60	
Hire Company Vehicle	8 weeks	50.50	51.50	145.00
Exceptional vehicles	6 months	78.00	85.20	145.00
Transfer of Ownership		28.90	29.30	37.00
Vehicle detail change PH		49.00	49.30	55.00
Hackney Carriage Driver (New Application) (Single)	3 years	120.60	122.40	145.00
Hackney Carriage Driver (Renewal) (Single)	3 years	94.30	95.70	145.00
Hackney Carriage Vehicle	Annual	104.40	106.00	145.00
Vehicles approaching age limit fee will be pro rata with a minimum fee of		26.60	26.60	26.60
Transfer of Ownership		28.90	29.30	29.30
Vehicle detail change HC		39.00	39.30	39.30
Private Hire & Hackney Carriage Driver (New Application) (Combined)	Annual	182.00	184.70	185.00
Private Hire & Hackney Carriage Driver (Renewal) (Combined)	Annual	135.30	137.30	145.00

New vehicle Test		26.90	27.30	27.30
Used vehicle Test		46.00	46.70	46.70
Re-Test		29.40	30.00	30.00
Meter Test		16.20	16.50	16.50
Knowledge tests		35.50	36.00	37.00
Replacement Licence plate		10.00	10.00	10.00
Replacement Licence		1.50	3.50	3.50
Replacement badge (any type)		3.50	3.50	3.50
Internal plate		5.00	5.00	5.00

ENFORCEMENT INTERVENTION SCHEME
Internal Warning System



HACKNEY CARRIAGE AND PRIVATE HIRE

ENFORCEMENT INTERVENTION SCHEME

Aim of Interventions

The Licensing Authority shall operate a firm but fair disciplinary and enforcement regime for drivers, proprietors and operators.

Enforcement Policy

Any enforcement action will be taken in accordance with the Enforcement Policy. A copy of the policy can be obtained from the licensing or enforcement office.

General Licensing Sub Committee Hearings

The function of the Committee is to consider the impact of contraventions of the law and/or Conditions imposed by the Authority on the fitness of an individual to hold a licence.

Formal Warnings

As a method of dealing with less serious matters the Licensing Authority may issue a written formal warning for offences, which will stay 'live' for a period of 2 years from the date the offence was committed.

Offences will result in a maximum of 2 written warnings being issued within a 2-year period. A third offence within a 2 year period may result in the licence holder being referred to the General Licensing Sub Committee further consideration. Repeat offences could result in a caution being issued or the licence holder being prosecuted.

In certain circumstances Warnings may not be issued.

The Licensing Authority may take any of the following actions for first and repeat offences committed:

- Caution;
- Suspension of a Licence;
- Revocation of a Licence
- Refuse to renew a Licence;
- Prosecution.

DVLA Driving Licences

A licensed driver accumulating more than 10 or more points on their DVLA driving licence will be required to appear before the General Licensing Sub Committee, when the Members may decide to suspend or revoke a Licence. In cases where a licensed driver is disqualified from driving, their Licence will be suspended with immediate effect.

Cautions & Prosecution

Cautions

For a caution to be administered there must be sufficient evidence to justify a prosecution and the individual must admit the offence.

Prosecution

The Licensing Authority will usually prosecute licence holders in the following circumstances:

- Where the allegation is of a serious nature or the offence is repeat
- Where the Licensing Authority proposes to caution the licence holder, but the offence is not admitted, or the caution not accepted.

Criminal Convictions

If a licence holder is charged with a criminal offence, dependent upon the nature and seriousness of the charges, the following course of action may be taken:

- Suspend the Licence
- Refer to General Licensing Sub Committee.

If a licence holder is convicted of a criminal offence or is issued with a caution the following courses of action may be taken:

- Suspend the licence;
- Refer to General Licensing Sub Committee.

Appeal Procedure

An appeal against a written formal warning should be made in writing, within 21 days of the date shown on the warning, to the Head of Service. The appeal should address the reasons as to why there has been a breach of conditions.

An appeal against the decision to suspend a licence must be made within 21 days of the date shown on the suspension letter, to the Southern Courts and Administration Centre, South Walls, Stafford. ST16 3DW

It is not possible to appeal against a caution.

Function of the General Licensing Sub Committee

The General Licensing Sub Committee may revoke a licence or refuse to renew a licence when making a decision on the fitness of an individual to hold a licence.

Suspension/Revocation

If a licence is suspended then warnings will be removed from the licence at the end of the suspension period. Any person, who has a licence revoked and subsequently applies for a new licence, will be deemed to have a 'clean' licence, if a licence is granted. This does not prevent the General Licensing Sub Committee taking into consideration the reasons for revocation when considering a new application.

Complaints

Upon receiving a complaint, the licence holder will be notified of the nature of that complaint within 3 working days of the complaint being received. Complaints will be reviewed on an individual basis and where there is sufficient evidence, the appropriate course of action will be taken. This could include a written formal warning, suspension or revocation of a licence, refusal to renew a licence, a caution or prosecution.

Offences under the Health Act 2006 may result action being taken under the powers of this Act.

Offences under the Equalities Act 2010 may result action being taken under the powers of this Act.

Conditions

The Licensing Authority may take any of the following actions for a breach of condition:

- Warning ;
- Caution;
- Suspension of a licence;
- Revocation of a licence;
- Refuse to renew a licence.

Bylaws

The Licensing Authority may take any of the following actions for an offence committed under the Bylaws:

- Warning
- Caution;
- Suspension of a licence;
- Revocation of a licence;
- Refuse to renew a licence;
- Prosecution.

Hackney Carriage and Private Hire

Enforcement Interventions

Introduction

Two statutes mainly create offences relating to the hackney carriage drivers and proprietors and private hire drivers, proprietors and operators:

- i) Town Police Clauses Act 1847 (TPC Act)
- ii) Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) 1976)

The offences set out in the following table are contrary to the 1847 and 1976 Acts.

Town Police Clauses Act 1847

Section	Offence	Penalty	Responsibility
40	Giving false information on application for a Hackney Carriage proprietors licence	Level 1	Proprietor
44	Failing to notify change of address of Hackney Carriage proprietor to the Licensing Authority	Level 1	HC Driver or HC Proprietor
45	Plying for hire without a Hackney Carriage proprietors licence	Level 4	Anyone
47	Driving a Hackney Carriage without a Hackney Carriage driver's licence	Level 3	Anyone
47	Lending or parting with a Hackney Carriage driver's licence	Level 3	HC Driver
47	Hackney Carriage proprietor employing unlicensed driver	Level 3	HC Proprietor
48	Failure by Hackney Carriage proprietor to hold licences for Hackney Carriage driver's driving his vehicle	Level 1	HC Proprietor
48	Failure by Hackney Carriage proprietor to produce licences for Hackney Carriage driver's driving his vehicle	Level 1	HC Proprietor
52	Failure to display Hackney Carriage licence plate	Level 1	HC Proprietor
53	Refusing to take a fare	Level 2	HC Driver
54	Charging the hirer more than the agreed fare	Level 1	HC Driver
55	Taking more than the fare shown on the meter	Level 3 Plus 1 month in prison until excess is refunded	HC Driver
56	Agreeing a fare with a passenger then not taking them as far as the fare would entitle the person to be carried	Level 1	HC Driver
57	Failing to wait for a hirer after a deposit to wait has been paid	Level 1	HC Driver
58	Charging more than the legal	Level 1	HC Driver

	fare		
59	Carrying someone else in the vehicle without the consent of the original hirer	Level 1	HC Driver
60	Driving a Hackney Carriage vehicle without the proprietors consent	Level 1	HC Driver
60	Person allowing another to drive a Hackney Carriage vehicle without the proprietors consent	Level 1	HC Driver
61	Drunken driving of Hackney Carriage	Level 1	HC Driver
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1	HC Driver
62	Leaving a Hackney Carriage unattended on a rank	Level 1	HC Driver
64	Hackney Carriage driver obstructing other Hackney Carriage	Level 1	HC Driver

**Hackney Carriage Provisions
Local Government (Miscellaneous Provisions) Act 1976**

49	Failure to notify the Licensing Authority of the transfer of Hackney Carriage vehicle licence	Level 3	Proprietor
50 (1)	Failing to present a Hackney Carriage vehicle for inspection when requested	Level 3	Proprietor
50 (2)	Failing to inform the Licensing Authority where a Hackney Carriage vehicle is stored when not in use	Level 3	Proprietor
50 (3)	Failing to report an accident involving a Hackney Carriage to the Licensing Authority within 72 hrs of the accident occurring	Level 3	Proprietor
50 (4)	Failing to produce a Hackney Carriage vehicle licence and insurance certificate to an Authorised Officer upon request	Level 3	Proprietor
53 (3)	Failing to produce Hackney Carriage driver's licence to an Authorised Officer or Police Officer upon request	Level 3	Proprietor
57	Making a false statement or withholding information to obtain a driver licence	Level 3	HC Driver
58 (2)	Failure to return a Hackney Carriage vehicle licence plate	Level 3 Plus daily fine of	Proprietor

	following expiry, revocation or suspension within 7 days of being requested to do so by the Licensing Authority	£10	
61 (2)	Failure to return a Hackney Carriage driver's licence to the Licensing Authority after suspension, revocation or refusal to renew	Level 3	HC Driver
64	Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank	Level 3	PH Driver
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3	HC Driver
67	Charging more than the meter fare when Hackney Carriage is used a Private Hire vehicle	Level 3	HC Driver
69	Unnecessarily prolonging a journey	Level 3	HC Driver
71	Interfering with a taximeter	Level 3	HC Prop or HC Driver
73(1)(a)	Obstruction of an Authorised Officer or Constable	Level 3	HC Proprietor or HC Driver
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Constable	Level 3	HC Proprietor or HC Driver
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3	HC Proprietor or HC Driver

Private Hire Provisions
Local Government (Miscellaneous Provisions) Act 1976

46(1)(b)	Driving a Private Hire vehicle without a Private Hire driver's licence	Level 3	Anyone
46(1)(c)	Proprietor of a Private Hire vehicle using an unlicensed driver	Level 3	PH Proprietor
46(1)(d)	Operating a Private Hire vehicle without a Private Hire operator's licence	Level 3	PH Operator
46(1)(e)	Operating a vehicle as a Private Hire vehicle when the vehicle is not licensed as a Private Hire vehicle	Level 3	PH Operator
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a PH driver	Level 3	PH Operator
48 (6)	Permitting a Private Hire vehicle	Level 3	PH Proprietor

	to be used without displaying licence plate		
49	Failure to notify the Licensing Authority of the transfer of Private Hire vehicle licence	Level 3	PH proprietor
50 (1)	Failing to present a Private Hire vehicle for inspection when requested	Level 3	PH Proprietor
50 (2)	Failing to inform the Licensing Authority where a PH vehicle is stored if requested	Level 3	PH Proprietor
50 (3)	Failing to report an accident involving a Private Hire to the Licensing Authority within 72 hrs of the accident occurring	Level 3	PH Proprietor
50 (4)	Failing to produce a Private Hire vehicle licence and insurance certificate to an Authorised Officer upon request	Level 3	PH Proprietor
53 (3)	Failing to produce Private Hire driver's licence to an Authorised Officer or Police Officer upon request	Level 3	PH Proprietor
54 (2)	Failure to wear Private Hire drivers badge while driving a licensed vehicle	Level 3	PH Drivers
56 (2)	Failure by Private Hire operator to keep records of bookings	Level 3	PH Operator
56 (3)	Failure by Private Hire operator to keep records of Private Hire vehicles operated by him	Level 3	PH Operator
56 (4)	Failure to produce operator's licence to an Authorised Officer or Police Officer upon request	Level 3	PH Operator
57	Making a false statement or withholding information to obtain a driver's or operators licence	Level 3	PH Operator or PH Driver
58 (2)	Failure to return a Private Hire vehicle licence plate following expiry, revocation or suspension within 7 days of being requested to do so by the Licensing Authority	Level 3 Plus daily fine of £10	PH Proprietor
61 (2)	Failure to return Private Hire driver's licence to the Licensing Authority after suspension, revocation or refusal to renew	Level 3	PH Driver
69	Charging more than the meter fare when Hackney Carriage used as Private Hire vehicle	Level 3	

69 (1)	Unnecessarily prolonging a journey	Level 3	HC or PH Driver
73(1)(a)	Obstruction of an Authorised Officer or Constable	Level 3	PH Operator, PH Proprietor or PH Driver
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Constable	Level 3	PH Operator, PH Proprietor or PH Driver
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3	PH Operator, PH Proprietor or PH Driver

**Private Hire Provisions
Transport Act 1980**

64(2)(a)	Driving a Private Hire vehicle with a roof sign which contravenes section 64(1)	Level 3	PH Operator or Proprietor
64(2)(b)	Causing or permitting a Private Hire vehicle to be driven with a roof sign which contravenes S64 (1)	Level 3	PH Operator or Proprietor

Road Traffic Act 1988

40A	To use or allow a vehicle to be used while the vehicle is not in a roadworthy condition	Level 3	HC or PH Proprietor or Driver
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The current maximum levels of fine are as follows:

Level 1	-	£200
Level 2	-	£500
Level 3	-	£1,000
Level 4	-	£2,500

Definition Of “Exceptional Vehicle” For Private Hire Vehicles



The term “exceptional vehicle” is used to describe vehicles which are over the age limit set by the Council, but that can continue to be licensed because of their condition. The status of exceptional vehicle only applies to vehicles that carry out executive and chauffeuring contract work

Any Council, which imposes an age limit on its vehicles, must be prepared to consider applications from vehicles that are in exceptional condition and the following specification is a guide to suggest the type of vehicles that the authority will consider.

A vehicle of exceptional condition is one where the components i.e. mechanical, body, panels, paint and trim are in exceptional condition with regard to the age of the vehicle. It is essential that the image of the exceptional older vehicle uphold the standards set by a much younger vehicle. These vehicles will be required to have a certificate of compliance every 6 months.

Key items that will be considered when determining whether or not a vehicle meets the standard expected of vehicles in exceptional condition are set out below:

Exceptionally well-maintained interior

- All seats to be of manufacturers original design should all match and be securely fitted, no dirt, no stains, no holes or tears. No loose covers are allowed.
- Front and rear seat belts should be clean and in good working order and condition. All anchorage point covers should be fitted and match original trim.
- All panels should be clean, properly fitted and match original trim.
- Carpets should be as manufacturers original, clean with no stains or holes and securely fitted.
- All instruments and accessory covers to be fitted and match original trim.
- Head lining to be clean, free from stains, holes and tears and to be originally fitted.
- All window winder handles to be as originally fitted, clean and easy to operate.
- All door handles and arm rests to be secure, clean and as originally fitted.
- Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.
- The inside of the vehicle should be free from loose or trailing wires.
- The boot should be tidy with a clean, unstained carpet/cover to the manufacturers specification, in good condition and properly fitted.
- A rear view mirror must be properly fitted and in good condition (for example speaker covers)

- All lights should be in proper working order with appropriate covers securely fitted.
- Window locks and handles, where provided by the manufacturer should be in good working order.

Exceptionally well-maintained exterior

- All bodywork to be clean and sound, free from rust, dents, scrapes significant scratches or loose panels.
- All paintwork to be in first class condition – different shades or colours on either external or interior areas, which are visible to the public.
- All wheel trims to be fitted according to manufacturer's specification to match.
- Ariel's where fitted to be in good condition, no broken glass or surrounds.
- Front and rear bumpers to be in first-class condition, no rust, no dents, scrapes (including any over riders and end surrounds) and should be securely fitted.
- Front and rear number plates to be clean, clear and unbroken.
- Mud flaps if fitted should be well maintained.
- No broken or missing glass or surrounds on all front and rear lights and indicators including repeater indicators where fitted.
- Radiator grills should be secure and of original specification.
- Front and rear (where fitted) windscreen wipers and arms should be in good condition, no rust and properly fitted.
- Door and boot locks should be fitted and in good working order.
- Doors should be easily opened and closed from inside and out.
- All door handles should be properly fitted, easily operated and of original colour specification.
- A spare wheel, which conforms to legal requirements should be provided and properly fitted in the vehicle.
- All tyres should conform to legal requirements.
- All road wheels to be clean and free from rust (where trims are not fitted)

The decision as to whether or not a vehicle can continue to be licensed under the proviso that is "exceptional condition" will be judged on the merits of each vehicle.

This decision will be based on the vehicle passing and receiving a Certificate of Compliance from one of our registered testing stations and the decision of the delegated officer. Should you wish to appeal against the decision of an officer the matter will be referred to the general licensing sub-committee.

An application for an exceptional vehicle to continue to be licensed must be received 1 month prior to the expiry of the current licence. Should the licence be issued the vehicle will be subject to a 6 month licence and 6 monthly checks.

**Exemption From Displaying Licence Plates
And Door Panels On Licensed Vehicles**



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
EXEMPTION FROM DISPLAYING LICENCE PLATES AND DOOR PANELS
ON LICENSED VEHICLES**

In order to apply for an exemption from displaying identification panels and plates on your private hire or hackney carriage vehicle the following conditions will apply:

1. That the exemption applies only to occasions when you are carrying out executive type work this exemption **does not** apply to occasions when you are carrying private individuals
2. That the exemption is personal to you and your vehicle. If you should pass bookings on to another private hire firm the exemption does not apply to the other firm's drivers or vehicles. If you supply the licensing office with a list of names of any staff employed by you, the exemption may extend to those members of staff, provided the Council is satisfied that they genuinely and solely work for your firm. Please note yearly reviews of exemptions will take place. Evidence must be submitted in the form of a letter from the person/firm you are supplying the executive contracts to.
3. That on all occasions when the exemption applies you wear smart dress at all times. Please refer to Appendix D
4. You will be required to sign a declaration as an agreement that you will comply with the conditions
5. Once your application for plate/panel exemption has been accepted you will be issued with a letter confirming the vehicle details and the dates the plate exemption applies and an internal plate that must be displayed in the front nearside windscreen inside the vehicle and a second in the rear nearside back window (a standard charge will be made for this). You must keep the letter in your vehicle when you are carrying out the plate exemption work
6. Vehicle licence plates and door panels must still be kept in the vehicle and available for inspection whilst contract work is being carried out
7. Plates and panels must be returned to the vehicle once the contract journey has been completed (this being when the passenger has alighted the vehicle at their destination).