



**Wyre Forest**  
**District Council**

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**A GUIDE FOR APPLICANTS, DRIVERS AND OWNERS OF HACKNEY CARRIAGE, AND PRIVATE HIRE VEHICLES.**



On request we can arrange for this handbook to be made available in large print.

Need help with English? Contact Ethnic Access on 01905 25121.

Bengali

ইংরেজি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস্ [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোনঃ 01905 25121

Chinese (Cantonese)

“如需我們幫助你理解英文－聯繫 Ethnic Access（少數民族服務獲取組），電話：01905 25121 ”

Portuguese

‘Necessita de ajuda com o seu Inglês? – contacte Ethnic Access Tel.: 01905 25121’

Punjabi

ਅੰਗ੍ਰਿਜ਼ੀ ਵਾਸਤੇ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ - ਟੈਲੀਫੋਨ ਨੰਬਰ 01905 25121 'ਤੇ ਐਥਨਿਕ ਐਕਸੈਸ [Ethnic Access] ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Urdu

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Polish

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## **Definitions used throughout this Handbook**

<b>The Council</b>	Wyre Forest District Council
<b>Authorised Officer</b>	Head of Planning, Health and Environment Environmental Health and Licensing Manager Principal Licensing Officer
<b>The Owner</b>	The person shown on the hackney carriage or private hire vehicle licence as the owner of the vehicle.
<b>The Driver</b>	The person to whom the Council has granted the Hackney Carriage/Private Hire Drivers licence to.
<b>The Vehicle</b>	The subject of the hackney carriage or private hire vehicle licence to which conditions are attached.
<b>Private Hire Vehicle</b>	A licensed vehicle which can carry passengers for hire or reward, but only by being pre-booked. It may not stand or ply for hire on the ranks or in the district of Wyre Forest District Council.
<b>Hackney Carriage Vehicle</b>	A licensed vehicle which can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers.
<b>Private Hire Operator</b>	Any person who is licensed in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle and manages, controls or allocates work to drivers through a central system.
<b>Plate</b>	The licence plate issued by the Council to be displayed in accordance with the Council's conditions.
<b>Nominated Garage</b>	The Council's approved mechanical testing centre. Cultural Leisure and Commercial Services, Green Street, Kidderminster. DY10 1HA.
<b>Certificate of Compliance</b>	The certificate issued by the Council's nominated garage certifying that the vehicle is mechanically sound and fit for use as a taxi.
<b>Wheelchair Accessible Vehicle</b>	A vehicle whereby a wheelchair user can remain in their wheelchair whilst entering and being conveyed in that vehicle. The vehicle must be fit for this purpose at all times.
<b>Appeal</b>	A means by which a committee decision can be reviewed

by the Magistrates Court or the Crown Court. The decision of the Committee may be upheld or overturned.

**Conviction**

Sentence of the Court.

**Mitigating  
circumstances**

The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.

**Rehabilitation**

The period in which the standing authority feels a person has repented their crimes.

**Revoke**

To take back something for an indefinite period of time.

**Suspend**

To hold something away from its owner for a period of time.

## **INTRODUCTION**

This guide has been written to advise and assist both new applicants and existing licence holders on how to apply for various licences and the laws which affect the operation of private hire and hackney carriage vehicles.

The Council issues the following types of licences:

- Dual drivers licence which covers both Hackney Carriage and Private Hire
- Hackney Carriage Vehicle Licence
- Private Hire Vehicle Licence
- Private Hire Operators Licence

This guide is not exhaustive and, if you are in any doubt, please refer to the legislation governing the licensing of private hire and hackney carriages vehicles, drivers and operators which can be found in:-

The Town Police Clauses Act (TPCA) 1847  
The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)  
The Transport Act 1985 (TA)  
Driver Vehicle Licensing Agency  
Local Byelaws  
Licence conditions

The conditions and byelaws attached to each type of licence can be found in this guide.

If you have any queries about the information contained in this handbook or require advice or assistance, please contact us at:

**In writing:**

Wyre Forest District Council  
Licensing Section  
Duke House  
Clensmore Street,  
Kidderminster  
DY10 2JX

**Telephone enquires:**

Customer Service Centre  
01562 732928

**Email address:**

[licensing@Wyre Forest.gov.uk](mailto:licensing@Wyre Forest.gov.uk)

**Fax:**

(01562) 732556

**Personal visits:**

Can be made at the Customer Service Centre where a Customer Service Advisor will be able to help you. The Service Centre is open Monday – Friday from 8.30am to 5.00 p.m. at Kidderminster Town Hall.



If you need to speak directly with a Licensing Officer, please can you arrange telephone for an appointment at Duke House, Clensmore Street, Kidderminster by dialling 01562 732595

All application forms are available either by phone or direct from the Customer Service Centre. Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

All relevant information will be taken into account when consideration is given to an application for any type of licence. Whilst an application should conform to the licensing conditions, guidance and Council Policy, each application will be considered on its own individual merits.

### **Data Protection**

Wyre Forest District Council is under a duty to protect the public funds it administers. To achieve this, the Council may use the information you have provided for the prevention and detection fraud.

The Council may also share this information with other departments within the Council and other bodies administering or auditing public funds for the prevention and detection of fraud, the investigation of any criminal offence, or in the performance of its statutory duties for the exercise of public functions.

## **GENERAL INFORMATION**

You are required to ensure that you are familiar with the contents of this Handbook, that it is kept up to date and made available for inspection upon request by an authorised officer of the Council.

### **Fees and Charges**

All applications for licences are accepted subject to the following conditions:-

1. Fees and charges for vehicle licences are payable at the same time as making your application and are not refundable under any circumstances. This applies whether or not your application is successful and even if you withdraw it voluntarily prior to it being determined.
2. Full details of all current fees and charges are set out in a separate leaflet which accompanies this handbook. Cheques should be made payable to Wyre Forest District Council. Dishonoured cheques will invalidate any licence which has been issued. For licences to be re-instated, payment must be made in cash at the Customer Service Centre.

### **Licence Renewal Reminders**

As a licence holder, you are responsible for renewing your own licence(s). However, reminders will be sent to you and this will give you plenty of time to make the necessary arrangements.

### **Loss or Theft of Driver's Badge and Vehicle Plates**

Loss or theft of your badge, or vehicle plates should be reported immediately to the Council and the Police. A replacement licence, badge or plate will be issued once you have paid the appropriate fee.

### **Vehicle Spot Fitness Checks**

FROM TIME TO TIME YOUR VEHICLE MAY BE SUBJECT TO A SPOT CHECK. The check will be carried out either by the Police, The Council's authorised officers, the Council's nominated garage, or authorised vehicle examiners of the Vehicle Operator Services Agency (VOSA). Spot tests are normally carried out at the roadside. If your vehicle does not pass the spot test, then your vehicle licence will be suspended and your plate may be removed. This suspension may be either immediate or deferred. The type of action taken will depend upon the severity of the defects that have been discovered.

### **Immediate Suspension**

This means that your vehicle cannot be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension notice lifted by the Licensing Officer. Re-examination is by a full test being carried out at the Test Centre. If your vehicle licence is immediately suspended, the

Licensing Officer will hand you a notice of suspension. Your attention is drawn to the warnings at the foot of the suspension notice.

## **SECTION A – DRIVERS LICENCE**

### **APPLICATION FOR A DUAL DRIVER'S LICENCE AND BADGE**

The dual driver's licence covers the driving of both Hackney Carriage and Private Hire Vehicles and is valid for two years from the date of grant.

#### **Criteria for Hackney Carriage and Private Hire Drivers:**

- Applicants must be over 21 years of age;
- Applicants must hold a DVLA driver's licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 3 years driving experience in the UK;
- Applicants must have good conversational English. If the Licensing Officer feels that you do not have conversational English, he/she will refer you to another Officer for their view;
- Applicants for new licences should have no more than 6 current penalty points on their DVLA licence;
- Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences.
- Applicants for renewal of licences should also have no more than 9 current penalty points for motoring offences on their DVLA licence;
- Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than for minor traffic offences.
- Applicants for new Driver licences must pass the Knowledge Test before issue of licence;
- Applicants for a new licence must have passed or be working towards disability awareness training during the first 12 months of being granted their initial licence;
- New applicants should be medically fit to drive hackney carriages or private hire vehicles and shall give proof of their medical fitness by completing and submitting a medical certificate carried out by a Doctor under the Driver and Vehicle Licensing Agency's Group 2 medical standards.
- Applicants applying for each renewal of their driver licence after their 45<sup>th</sup> birthday shall give proof of their medical fitness by completing and submitting a medical certificate carried out by a Doctor under the Driver and Vehicle Licensing Agency's Group 2 medical standards every five years. After their 60<sup>th</sup> birthday a medical certificate is required every two years. After their 65<sup>th</sup> birthday a medical certificate is required every year.

## **Foreign Nationals**

If you are a foreign national and have lived abroad within the last twenty years for a period of 16 weeks or more then you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that Officers can confirm its authenticity.

Any relevant offences will be put before the Council's Licensing Committee so that an informed decision as to the suitability of the applicant, in the same way as any matters disclosed on a CRB check.

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences. It is recommended in the Department for Transport Best Practice Guidance to establish the right to work, to determine whether an applicant is a 'fit and proper' person. Consequently you will be required to prove your right to work in the UK. This can be done by submitting relevant original documents as outlined in the guidance at pages 75.

## **How to make your first application**

### **Stage 1**

Once you have met the above-mentioned criteria, please make an appointment with the Licensing Officer for an interview and bring with the following completed documentation:

- Licence application form;
- Licence fee; (see separate set for details of fees)
- Your original DVLA or equivalent driver's licence (photocopies will not be accepted). The licence must cover you for the category of vehicle you will be driving. If it is a photo card licence, then both the card and paper counterpart must be produced showing your current address. See explanatory note D.
- Provide 3 recent coloured passport sized photographs.
- A letter from your prospective employer confirming they will employ you should your application be successful.
- DVLA mandate form - applicants must provide their written permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority at Swansea in order to obtain an up to date record of their driver licence records. See explanatory note C.
- Criminal Records Bureau disclosure application form and fee - a search is carried out by the Criminal Records Bureau (CRB) for previous non-motoring convictions on all new applicants and then every 3 years. See explanatory note 'B'.

When completing the application form, you must declare all convictions imposed by a Court subject only to the constraints of the Rehabilitation of

Offenders Act 1974 which are set out at page 57. If you are in any doubt as to whether a licence can be granted, you can get advice (in confidence) from the Licensing Section or if you are unsure how to complete any part of the application.

If any convictions arise during the application process, the Licensing Section must be informed in writing with 7 days from the date of conviction.

### **Stage 2**

On receipt of a satisfactory CRB disclosure and DVLA check, you will now need to obtain a medical report from your Doctor. Time taken by the CRB and/or DVLA to check your record is out of the Council's control.

### **Stage 3**

On receipt of a satisfactory medical report, an appointment will be made for you at a mutually convenient date/time, for you to take the knowledge test.

The knowledge test will consist of three parts:-

- Part 1 - You will be given a map on which names of streets and popular locations in Wyre Forest District have been blanked out. You will be required to identify these locations.
- Part 2 - You will be given four locations and you will be asked to describe the shortest convenient route to be taken from the start of the journey to the final destination.
- Part 3 - You will be required to answer twenty questions relating to the law, regulations and conditions relating to Hackney Carriage and Private Hire Vehicles and drivers.

In order to pass the test, you will be expected to achieve at least 80%.

If you fail the test or any part of it at the first attempt, then you can take a further test at a later date.

### **Disability Awareness Training**

It is a condition on all drivers' licences that they must attend a Disability Awareness Training Course within 12 months of their initial application. Officers may not grant renewal applications if the driver concerned has not undertaken Disability Awareness Training without reasonable excuse.

## **Issue of Licence**

When you meet the conditions below your licence will be issued within 2 working days.

A licence will normally be granted if:

- you have no “unspent” criminal convictions (see below) and have no pending prosecutions for criminal or motoring offences,
- you have no more than 6 penalty points on your driving licence,
- you have been certified physically fit by a registered medical practitioner to drive a hackney carriage or private hire vehicle, and
- you have passed the geographical knowledge test.

Your Licence will be posted to you.

## **Those who do not meet the criteria**

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a ‘fit and proper person’. Obviously, where all the checks and tests set out above are satisfactory then the applicant is judged to be ‘fit and proper’ and a licence is granted, as set out above.

However, where there is any doubt as to whether the applicant is a ‘fit and proper’ person, for instance because the CRB or DVLA checks have shown the applicant has criminal or motoring convictions, including cautions and any other relevant information disclosed by the Chief Police Officer. The Licensing Section may not have authority to grant or renew an application. However the applicant can request in writing to have their application determined by the Council’s Licensing Committee.

A report will be compiled by the Licensing Officer outlining the application and present it to the Committee.

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (whether they are legally qualified or not).

In respect of criminal convictions that are declared, the Committee will have regard to the guidelines relating to the relevance of convictions which can be found at page 57.

## **Appealing against a decision of the Council**

After considering the applicant’s representations, the Committee will determine the matter. If the applicant is not satisfied with the decision of the Licensing Committee, there is a right of appeal to the Magistrates Court within 21 days of being notified of the Committee’s decision.

## **APPLICATION TO RENEW A DAUL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

You must apply for renewal of your licence whilst the existing one is still in force. A reminder letter will be sent to you approximately 4-6 weeks before the current licence expires. (IF AN APPLICATION IS MADE ONE DAY LATE, IT MUST BE TREATED AS A NEW APPLICATION), including having to pass the knowledge test, so please ensure adequate time for renewal. Additionally you would not be permitted to continue driving Hackney Carriage or Private Hire vehicles as you would not hold a current licence.

When renewing your licence you must submit the completed renewal application form, to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- application form for Criminal Records Bureau (where applicable);
- medical report (where applicable);
- DVLA licence showing current address;
- DVLA mandate;
- licence fee;
- two passport sized photographs (if your current one needs updating).

If you have accumulated more than 9 fixed penalty points for motoring offences during the term of the licence, the renewal application will be refused and you will have the option of referring your application to the Licensing and Environmental Committee for determination.

If the CRB or DVLA checks do not arrive prior to the expiry of the existing licence, you will be permitted to carry on driving hackney carriage and private hire vehicles, providing your application was received prior to the expiry date of your existing licence.

Should the CRB disclosure reveal convictions not disclosed by you, then the licence and badge will not be renewed and you will have the option of referring your application to Licensing Committee for determination.

If you are going on an extended holiday, they may apply for a renewal before they go or give someone else written permission to renew their licence on their behalf.

If you are unsure as to how to complete any part of the application, he/she should seek advice from a Licensing Officer.

### **Issue of Licence**

An application will only be granted and the licence issued once the application procedure has been satisfactory carried out.



## **Disability Awareness Training**

It is a condition on all drivers' licences that you must attend a Disability Awareness Training Course within 12 months of your initial application. Officers may not grant renewal applications if you have not undertaken Disability Awareness Training without reasonable excuse.

## **EXPLANATORY NOTES**

### **A Knowledge Test**

All applicants for a drivers licence must pass a knowledge test before a licence can be issued.

### **B Criminal Records Bureau (CRB) Vetting Form**

The CRB vetting form must be completed and countersigned by a duly authorised person employed by the Council and registered with the CRB. This form will then be sent to the CRB. A licence will not be issued until the CRB have provided a certified reply. It is essential that you submit your CRB form in sufficient time as the period for processing of these forms rests with the CRB.

The procedure is as follows:

- The applicant must complete a CRB **enhanced** check form;
- The applicant attends the Licensing Office, bringing the completed application form with proof of identification, such as passport, birth or marriage certificate and driving licence showing current name and address.
- The Licensing Officer will sign the form to verify having seen the applicant's proof of identification.
- The applicant will need to pay the relevant fee, as the CRB charge for this service.
- The Council will send the form to the CRB

The applicant and the Council will both receive the disclosure (the CRB result) at the same time. Please note that it can take at least 6-8 weeks for the information to be sent back. Your CRB application can be tracked online at [www.crb.org.uk](http://www.crb.org.uk)

### **C DVLA Mandate**

The applicant will complete a DVLA mandate form in order that the Council can have an up to date record of their driver licence records.

### **D DVLA Licence**

The applicant will produce a full DVLA or EU Drivers Licence to cover them for the class of vehicle they will be driving. If it is a photocard licence, then both the card and the paper counterpart should be produced showing current address.

### **E Passport Photographs**

The applicant will provide three passport size photographs for their hackney/private hire driver licence. The photographs should be to the same criteria as for passport application.

## **F Fee**

The fee to be paid will be determined each year by the Licensing Committee. The change will come into effect on 1 April each year.

## **G Medical Authorisation**

The Council's medical form, completed by a doctor, must be submitted on the initial application stating that the applicant is physically fit to be the driver of a hackney carriage/private hire vehicle. The examination will be to the DVLA Group 2 Medical Standard. Drivers between 45 & 59 years old must provide a medical certificate every five years for licence renewal. When a driver reaches the age of 60 years, a medical certificate is required every two years on licence renewal. When a driver reaches the age of 65 years, a medical certificate is required annual on licence renewal

## **H Issue of Licence**

An initial application will only be granted and the licence issued once all of the application procedure has been satisfactorily carried out. This includes the return of the CRB check and DVLA licence mandate.

For renewal applications, if the CRB checks do not arrive prior to the expiry of the existing licence, drivers will be permitted to carry on driving hackney carriage and private hire vehicles, providing their application was received prior to the expiry date of their existing licence.

## **DRIVING LICENCE CONDITIONS**

1. A driver of a hackney carriage or private hire vehicle when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage or vehicle and shall not make use of the services of any other person for the purpose.
2. The driver of a hackney carriage or private hire vehicle 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.
3. The driver of a hackney carriage or private hire vehicle who has agreed or has been hired to be in attendance with the carriage or vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage or vehicle at such appointed time and place.
4. The driver of a hackney carriage or private hire vehicle 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.
5. A driver of a hackney carriage or private hire vehicle 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 outside of the carriage or vehicle.
6. The driver of a hackney carriage or private hire vehicle shall, when standing, plying or driving for hire, wear the badge allocated to him in such a position and manner as to be plainly and distinctly visible.

7. The driver of a hackney carriage or private hire vehicle 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 entrance of any house, station or place at which he may take up or set down such person.
  
8. Every driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately notify the fact to the Planning, Health and Environment Division.
  
9. The driver shall within forty-eight hours of the happening advise the Council's Environmental Health and Licensing Manager of any accident or occurrence or disease which would affect or impair his ability to drive a hackney carriage or private hire vehicle.
  
10. Group 2 medical standards (as defined by 'A guide for Medical Practitioners', DVLA), will apply to all Hackney Carriage and Private Hire vehicle drivers. Applicants must provide proof from a medical practitioner that they meet this standard before being granted a licence. Licensed drivers will be required to undergo a medical if the Council officers are concerned over their medical fitness and under these circumstances, medical fees may be refunded.

Qualifying Conditions and Group 2 Entitlement for drivers of Hackney Carriage or Private Hire vehicles with Insulin treated Diabetes who wish to apply for C1/C1E entitlement.

Drivers will not be entitled by law to hold Category D1 Mini buses.

Qualifying Conditions drivers will be required to meet:

- Drivers must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous twelve (12) months.
- Drivers will not be able to apply for category C1 or C1E entitlement until their condition has been stable for a period of at least one (1) month,
- Drivers must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to

driving. It is recommended that memory chip meters are used for such monitoring

- Drivers must arrange to be examined every twelve (12) months by a hospital consultant, who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last three (3) months.
  - Drivers must have no other condition, which would render them a Danger when driving C1 Vehicles.
  - Drivers will be required to sign an undertaking to comply with the directions of doctors(s) treating the diabetes and to report immediately to DVLA and the Licensing Authority any significant change in their condition.
11. All drivers of wheelchair accessible vehicles are required to show competence in the loading and unloading of wheelchairs either by the completion of a suitable training course approved by the Council or by a suitable length of practical experience with the vehicle involved.
12. Drivers shall operate to a published complaints procedure that has been approved by the Council and deals with customer complaints and dispute resolution and expected standards of service; copies must be available for use of customers and procedures must be used when dealing with a complaint.

## **SECTION B – VEHICLES**

### **HACKNEY CARRIAGE VEHICLES**

This licence is valid for one year and entitles licensed drivers to ply for hire on any of the Council's Hackney Carriage ranks or be hailed in the street. (Please note it does not entitle the driver to ply for hire or be hailed outside the District).

The vehicle licence is only issued in the name of the actual owner of the vehicle. Proof of ownership will be required when making an application, such as producing the vehicle registration document.

Taxi ranks currently located within the District can be found at the following locations:

Exchange Street Kidderminster	12 spaces
Blackwell Street Kidderminster	2 spaces
Oxford Street (outside Yates)	6 spaces
Oxford Street (outside Safeway)	2 spaces
Kidderminster Rail Station	12 spaces
Load Street, Bewdley	1 space
Lombard Street, Stourport on Severn	2 spaces.

### **PRIVATE HIRE VEHICLE**

This licence is valid for one year and all hiring of the vehicle must be pre-booked through a booking office known as the Operators base. Private Hire Vehicles are not allowed to ply for hire at any of the Council's Hackney Carriage ranks or be hailed in the streets. Failure to adhere to this, is an offence and could invalidate your insurance.

If you intend to operate a Private Hire business you will require an Operators Licence, a licence for each vehicle operated and a driver's licence for each driver.

A Private Hire Licence is not needed:

- For a vehicle while it is being used in connection with a funeral or for a vehicle used wholly or mainly, by a funeral director, for funerals;
- For a vehicle whilst it is being used wholly or mainly in connection with a wedding.

The Council's advice is that in all other cases of carrying passengers for hire or reward, a licence is needed.

Once a vehicle licence has been granted the vehicle remains a taxi until the licence expires or is revoked and only drivers licensed by Wyre Forest District Council may drive the vehicle.

A vehicle that is already licensed as a Taxi with another authority cannot be licensed by Wyre Forest District Council as the vehicle would be unable to meet the conditions of the vehicle licence.

There is no fixed limit to the number of either Private Hire or Hackney Carriage Vehicle Licences which can be issued by Wyre Forest District Council. Each application for a new licence is considered by an authorised officer who acts under powers delegated by the Council. These powers enable the authorised officer to grant hackney carriage/private hire vehicle licences where the vehicle fulfils the licence conditions.

**DO NOT PURCHASE A VEHICLE UNLESS YOU ARE SATISFIED IT CAN BE LICENSED**

## **APPLICATION FOR EITHER A PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE LICENCE**

### **How to make your first application**

You must complete the Council's application form. The application form must be submitted to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation prior to the vehicle being inspected:

- Full vehicle registration document (V5 Form) or 'new keeper supplement' or 'confirmation of registration details'. In the case of the latter two, a copy of the full vehicle registration document must be forwarded to the Licensing Section as soon as possible. The registration document must be in the name of the applicant and showing the correct address.
- Insurance Certificate. Hackney Carriage vehicles need to be insured for 'Public Hire', whilst Private Hire need to be insured for 'private hire'. Photocopies will not be accepted.
- Licence Fee (Please note no part of the fee is refundable).
- Type approval certificate (where necessary)

### **vehicle inspection**

All vehicles are inspected before a licence is issued and thereafter three times at various periods before the licence expires. Vehicles are inspected at the Council's nominated garage. Before an applicant takes a vehicle for an inspection it is advisable that you ensure that it is roadworthy and it complies with all of the Council's vehicle conditions which are set out in this handbook.

Please note that appointments are not interchangeable between vehicles. The only vehicle which will be accepted for testing at the Test Centre is the vehicle for which the appointment is made.



The vehicle test centre is at the Cultural Leisure and Commercial Services, Green Street, Kidderminster. DY10 1HA.

If your vehicle fails the test, then you will be provided with a copy of the failure report.

### **Issue of Licence**

Completed applications submitted for vehicle licences will be processed within 5 working days of being received by the Licensing Section subject to the vehicle passing its vehicle inspection. A vehicle may not be used as a hackney carriage or private hire vehicle unless the relevant application has been processed and the licence granted and issued.

Vehicles are licensed to carry up to a specified number of passengers. The licence plate must be fixed externally on the vehicle and a 'mini' plate to be fixed within the passenger compartment. This specifies the number of passengers that can be carried. It is the responsibility of the driver of any hackney carriage to ensure the safety of children and comply with any relevant legislation with regard to the carriage of children.

### **Renewal of a Vehicle Licence**

Renewal applications and vehicle inspection bookings for the renewal of the vehicle licences should be made at least 14 working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used.

### **Late renewals**

If a vehicle licence is allowed to expire, and no application is received to renew the licence within 14 days of this expiry, the vehicle will be treated as if it has not been licensed before and will have to meet the criteria for a vehicle being licensed for the first occasion.

### **Transfer of Ownership**

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Officer within 14 days from the date of sale. The application to transfer must be made by the new owner within 14 days from the date of purchase and be accompanied by a valid certificate of insurance, vehicle registration document and the transfer fee. If everything is in order, the transfer can take effect and the licence will be issued for the remaining time of the previous licence. If the vehicle is disposed of then the vehicle licence and plates must be returned to the Council within 7 days. No refund of the licence will be given if the vehicle is disposed of.

### **Taxi Meters in Vehicles**

The Council at this time does not require private hire cars to be fitted with a taxi meter, but if such a meter is fitted, it must be correctly calibrated, tested and sealed. All Hackney Carriage vehicles must be fitted with a taxi meter which must be calibrated in accordance with the Council's approved table of

fares. The meter will then be tested as part of the vehicle inspection. The table of fares is to be displayed at all times in a Hackney Carriage vehicle.

The table of fares is reviewed annually and all Hackney Carriage owners are consulted.

An authorised officer or Police constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68 LGMPA).

## **Accidents**

Any accident causing damage to a hackney carriage or private hire vehicle must be reported by the proprietor to the Council within 72 hours. (This is in addition to any requirement to notify the police).

- If a replacement vehicle is to be licensed, the licence plate and internal mini plate must be removed from the damaged vehicle and returned to the Council.
- The replacement vehicle must meet the vehicle criteria and be presented to the licensing officer (by appointment) with an application form, new MOT test certificate, confirmation of insurance and licence fee. This is usually organised by the rental company, who pay the change of vehicle fee up-front for the damaged vehicle to be re-licensed after repair.

## **EXPLANATORY NOTES**

### **A MOT certificates**

A new MOT certificate (no more than 1 month old) must be produced for all vehicles requiring a licence

### **B Vehicle Registration Document (V5)**

The full vehicle registration document should be submitted. However if this is not possible as the document has been forwarded to DVLA for the registered keepers name or address to be altered, then the “new keeper supplement” may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Section as soon as possible.

If the vehicle is brand new and the vehicle registration document has not yet been issued by DVLA, then the “Confirmation of Registration Details” document may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Section as soon as possible.

### **C Insurance Certificates**

A valid insurance certificate or cover note should be submitted proving the vehicle is correctly insured. Hackney carriage vehicles need to be insured for

“public hire use” whilst private hire vehicles need to be insured for “private hire use.” The insurance should be valid for a period of no less than 14 days.

#### **D Vehicle Inspection Certificates**

Your vehicle must be confirmed as fit for use as a hackney carriage or private hire vehicle by the Council’s inspection garage before it can be considered for licensing.

#### **E Fee**

The fee to be paid will be determined each year by the Council. The change will come into effect on the 1 April each year.

#### **F Issuing of Licences**

Completed applications submitted for vehicle licences will be processed within 5 working days of being received by the Licensing Section. A vehicle may not be used as a hackney carriage or private hire vehicle unless the relevant application has been processed and the licence granted and issued.

Therefore applications for renewal of vehicle licences should be made at least six working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used.

#### **G Late Renewals**

If an applicant applies for renewal of a vehicle licence after their previous licence has expired, even if this licence has only expired by one day, the driver will not be permitted to continue using the vehicle as a hackney carriage or private hire vehicle until the application has been processed and the new licence granted and issued.

#### **H Transfer**

When applying for transfer of a vehicle licence, an application form must be completed and accompanied by the appropriate fee.

## **PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

*A District Council may attach to the grant of a private hire vehicle licence, such conditions as it may consider reasonably necessary (Section 48(2)) Local Government (Miscellaneous Provisions) Act 1976).*

***All relevant information will be taken into account when consideration is given to an application for a private hire vehicle licence. Whilst an application for a licence should conform to the licensing conditions and Council policies or guidelines, each application will be considered on its own merits.***

***Should an application be refused, the applicant has a right of appeal, in writing, within 21 days, to the Licensing Committee.***

***Wyre Forest District Council may, at its discretion, waive, alter or add to any of the conditions, standards or requirements.***

A private hire vehicle licence is issued, upon application, on 1 August each year and is valid for one year.

- 1 Wyre Forest District Council will licence vehicles for private hire operation. Vehicles must be unaltered from the manufacturer's specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Type Approval standards.
- 2 Production of the registration document (V5 form) that records when the vehicle was first registered; body type, vehicle type approval will be required to be produced at the time of MOT testing and licensing, together with a certificate provided by the manufacturer, issued by the Vehicle Certification Agency (VCA form ) and a bill of sale from the vendor that stipulated the vehicle is the standard of the new specification.
- 3 Private hire vehicles will be coloured (red) suitably finished to a high quality. The red colour shall be matching to BS 5252 (reference no. 04E55) or other similar colour as the Council may agree. The identification decal provided by the Council shall be applied to the mid or upper section of the nearside and offside front doors.
- 4 Where rubbing strips are fitted on the doors or panels they should comply with the colour scheme of the relevant door or panel unless they consist of black plastic, rubber or other material as normally supplied by the manufacturer.
- 5 All Vehicles when first submitted for licensing, must be less than 2 years of age. The upper age limit for private hire vehicles will be 7

years at the time of application for renewal. These age limits can be waived if the vehicle is special or prestigious as designated by the Council's Licensing Officer.

***In accordance with a resolution of a meeting of the Public Protection Committee on 23<sup>rd</sup> October 1994, Mini Buses licensed as Private Hire vehicles are exempt from the upper age limit. The Council may, on a vehicle by vehicle basis, extend this period dependent on the condition of the vehicle.***

- 6 All vehicles shall have a minimum of four doors, each adjacent to, and allowing direct access to and from the seats.
- 7 Vehicles capable of carrying a wheelchair passenger must be able to do so in a secure forward or rear facing position.
- 8 All wheelchair accessible private hire vehicles are to permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles, which load wheelchairs through the tailgate, will not be accepted for licensing.
- 9 All wheelchair accessible private hire vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle.
- 10 Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment.
- 11 Provisions must be made for the ramps to be stowed safely when not in use.
- 12 Each seat in every private hire vehicle shall have a minimum width of not less than 16 inches per person; The seat width for 3 persons of 48" shall be measured by taking the actual distance between the arm rests.
- 13 The rear seat shall accommodate not less than three persons; unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat.

#### **Maintenance of vehicle**

- 14 The private hire vehicle hereby licensed is to be tested to a Ministry of Transport standard, and the vehicle shall be taken to the appropriate Council testing station. Vehicles will be tested and inspected three times per year.

- 15 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 the Motor vehicles (Construction and Use) Regulations shall be fully complied with.
- 16 Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection, free from oil and any other matter, thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection centre and be suspended immediately until they pass a re-examination.
- 17 Proprietors of vehicles, which fail to attend any notified inspection, or whose vehicles are refused an inspection due to their condition, shall be liable to pay a fee for the re-inspection.
- 18 Vehicles that fail to attend for any inspection will be suspended immediately until such time as they attend and pass the inspection.
- 19 A Department of Transport test certificate where required by the Road Traffic Acts.

#### **Alteration of Vehicle**

- 20 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Council at any time while the licence is in force.

#### **CCTV**

- 21 There may be installed a CCTV camera, providing all image handling and recording equipment complies with the requirements of current and future data protection legislation. There must be signs displayed in and out of all windows of the vehicle informing passengers that the vehicle is fitted with surveillance equipment. The signs shall be not less than 11 x 8cm.

#### **Advertising**

- 22 The private hire vehicle shall display no advertisement unless the Council shall have first approved its size colour and subject matter, and position on the vehicle in writing. A draft copy of the advertisement must be firstly submitted for approval. The letter of approval must be produced to the Council testing station at the time of the vehicle inspection.

- 23 The advertisement shall only be permitted on the rear doors of the vehicle of a maximum size of 39" x 16". No advertisement shall be permitted to be displayed on the windows, roof or bonnet of the vehicle. The advertisement will include the words 'ADVANCE BOOKINGS ONLY' which must be displayed in letters of a minimum size of two inches. This wording must be displayed before the company name and or telephone number. The word "taxi" or Cab shall not be permitted to be displayed in the advertisement or anywhere on the vehicle. The proprietor of the private hire vehicle shall pay the full cost of any advertisement.

#### **Safety Equipment**

- 24 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher.

#### **Accidents**

- 25 In the event of the private hire vehicle being involved in any accident to the vehicle causing damage material affecting the safety, performance, or appearance of the vehicle, or comfort or convenience of the passengers, the proprietor shall report such accident to the Council as soon as reasonable practicable, and in any event within 72 hours of the occurrence thereof.

#### **Change of address**

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

#### **Liquid Petroleum Gas**

- 27 A private hire vehicle. Converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG.
- 28 That the installation of a LPG tank be fitted by an LPGA approved installer as recommended by the Liquid Petroleum Gas Association.
- 29 That the proprietor produces a certificate of compliance by an approved LPGA installer.
- 30 That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
- 31 That the vehicle displays on the front and rear screens a round sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident.

- 32 That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- 33 That the proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
- 34 The vehicle be serviced by a person competent in LPG powered vehicles.

**Limousines**

***(Left hand drive) – All conditions applying to Private Hire Vehicles will also apply with the exception of condition 3, i.e. Limousines are not required to be coloured red matching to BS 5252 (reference no. 04E55)***

In addition, the following apply:

- 35 The Seating capacity to be a minimum of 6 and a maximum of 8.
- 36 Seat belts to be provided for all passengers.
- 37 All vehicles to have full Department for Transport type approval.
- 38 Vehicles to be put through a normal MOT test at the Vehicle Testing Station at Summerfield, Kidderminster, and then brought to the Council Depot for checking and testing items which are in the Council test, but not in the MOT.
- 39 Testing frequency to be three times per year as directed by the Council.
- 40 These vehicles to be exempt from displaying licence identity plates on the outside, but to display an identity plate inside the driver's compartment and to carry a letter of dispensation.
- 41 The normal conditions applying to the licensing of operators and drivers to apply (including the wearing of identity badges by drivers at all times).



## Hackney Carriage Licensing Conditions

- 1 Wyre Forest District Council will only licence new vehicles of a purpose built design for use as Hackney Carriages. The body must be of a fixed head type and have a bulkhead partition. The vehicle must be designed and developed exclusively for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. It must be unaltered from the manufacturer's specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Type Approval standards.
- 2 Production of the registration document (V5 form) that records when the vehicle was first registered; body type, vehicle type approval will be required to be produced at the time of MOT testing and licensing, together with a certificate provided by the manufacturer, issued by the Vehicle certification Agency (VCA form) and a bill of sale from the vendor that stipulated the vehicle is the standard of the new specification.
- 3 Hackney carriages will be coloured silver, suitably finished to a high quality. The silver colour shall be matching to BS 5252 (reference no. 00A03) or other similar colour as the Council may agree. The identification decal provided by the Council shall be applied to the mid or upper section of the nearside and offside front doors.
- 4 Where rubbing strips are fitted on the doors or panels they should comply with the colour scheme of the relevant door or panel unless they consist of black plastic, rubber or other material as normally supplied by the manufacturer.
- 5 All Vehicles when first submitted for licensing, must be less than two **(2)** years old. The upper age limit for hackney carriage vehicles will be ten **(10)** years unless agreed by the Council who may on a vehicle by vehicle basis extend this period dependent on the condition of the vehicle.
- 6 All vehicles shall have a minimum of four doors, each adjacent to, and allowing direct access to and from the seats.
- 7 Vehicles must be capable of carrying a wheelchair accessed from the side in a secure forward or rear facing position.
- 8 All wheelchair accessible hackney carriages are to permit loading of wheelchairs **ONLY** through the side door(s) of the vehicle. Vehicles, which load wheelchairs through the tailgate, will not be accepted for licensing.

- 9 All wheelchair accessible hackney carriages shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle.
- 10 Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment.
- 11 Provisions must be made for the ramps to be stowed safely when not in use.
- 12 Each seat shall have a minimum width of not less than 16 inches per person. The seat width for 3 persons of 48" shall be measured by taking the actual distance between the arm rests.
- 13 The rear seat shall accommodate not less than three persons; unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat.

#### **Maintenance of vehicle**

- 14 The hackney carriage vehicle hereby licensed is to be tested to a Ministry of Transport standard, and the vehicle shall be taken to the appropriate Council testing station. Vehicles will be tested and inspected three times per year.
- 15 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 the Motor vehicles (Construction and Use) Regulations shall be fully complied with.
- 16 Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection, free from oil and any other matter, thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection centre and be suspended immediately until they pass a re-examination.
- 17 Proprietors of vehicles, which fail to attend any notified inspection, or whose vehicles are refused an inspection due to their condition, shall be liable to pay a fee for the re-inspection.
- 18 Vehicles that fail to attend for any inspection will be suspended immediately until such time as they attend and pass the inspection.
- 19 Vehicles must have a Department for Transport test certificate where required by the Road Traffic Acts.

NB : UNDER S.47 ROAD TRAFFIC ACT 1988, A HACKNEY CARRIAGE IS REQUIRED TO BE TESTED NOT LESS THAN ONE YEAR FROM ITS FIRST REGISTRATION.

### **Alteration of Vehicle**

20 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Council at any time while the licence is in force.

### **CCTV**

21 There may be installed a CCTV camera, providing all image handling and recording equipment complies with the requirements of current and future data protection legislation. There must be signs displayed in and out of all windows of the vehicle informing passengers that the vehicle is fitted with surveillance equipment. The signs shall be not less than 11 x 8cm.

### **Advertising**

22 The Hackney carriage hereby licensed shall display no advertisement unless the Council shall have first approved its size colour and subject matter, and position on the vehicle in writing. A draft copy of the advertisement must be firstly submitted for approval. The letter of approval must be produced to the Council testing station at the time of the vehicle inspection.

### **Safety Equipment**

23 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher.

### **Accidents**

24 In the event of the hackney carriage vehicle hereby licensed being involved in any accident to the vehicle causing damage material affecting the safety, performance, or appearance of the vehicle, or comfort or convenience of the passengers, the proprietor shall report such accident to the Council as soon as reasonable practicable, and in any event within 72 hours of the occurrence thereof.

### **Change of address**

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

### **Liquid Petroleum Gas**

26 A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG.

- 27 That the installation of a LPG tank be fitted by an LPGA approved installer as recommended by the Liquid Petroleum Gas Association.
- 28 That the proprietor produces a certificate of compliance by an approved LPGA installer.
- 29 That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
- 30 That the vehicle displays on the front and rear screens a round sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident.
- 31 That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- 32 That the proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
- 33 The vehicle be serviced by a person competent in LPG powered vehicles.

# **HACKNEY CARRIAGE BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Wyre Forest District Council with respect to Hackney Carriages.

## **INTERPRETATION**

1. **THROUGHOUT** these Byelaws "the Council" means the Council of the District of Wyre Forest and "the District" means the administrative District of Wyre Forest.

## **PROVISIONS REGULATING 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 respectively 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 plying or being driven for hire
  - (ii) not cause or permit the carriage to stand, ply or be driven for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible
  - (iii) cause a plate (to be provided by the Council and hereinafter called "the number plate") bearing the number corresponding with the number of the Licence of such carriage to be conspicuously affixed on the outside of the back of such carriage
  - (iv) cause a plate (to be provided by the Council and hereinafter called the "inside number plate") bearing a number corresponding with the number of the licence of such carriage to be conspicuously affixed inside such carriage, immediately above the fare plate

**PROVISION REGULATING HOW HACKNEY CARRIAGES ARE 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 watertight
  - (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. A proprietor of a duly licensed motor hackney carriage shall not cause or suffer such carriage to be used for the purpose of plying for hire or carrying passengers for reward unless and until it has been fitted with a taximeter or other similar apparatus.
  
5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say
  - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
  - (d) 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.

- (e) the taximeter shall be so placed that all letters and figures on the face thereof are 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.
- (f) the taximeter and all 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.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

6. The driver of a hackney carriage provided with a taximeter shall:
  - (a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device 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.
  - (c) 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 purpose of the Road Traffic 1972 and also at any other time at the request of the hirer.
  
7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
  
8. 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 in the District
  - (b) 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
  - (c) when the carriage is the first carriage on the stand remain with the carriage ready to be hired at once

In this byelaw "stand" means a stand for the time being

- (i) appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 in the District; or
  - (ii) fixed by byelaw made under Section 68 of the Town Police Clauses Act 1847 in any part of the District
9. 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.
10. (a) every proprietor or driver of a motor hackney carriage shall at all times when standing, plying or driving for hire conduct herself/himself in an orderly manner.  
(b) 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.
11. 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.
12. 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.
13. 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 outside of the carriage.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall when standing, plying or driving for hire wear that badge in such a position and manner as to be plainly and distinctly visible.
15. 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 house, station or place at which he may take up or set down such person



16. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Director of Environment Health Services.

## **SECTION C – PRIVATE HIRE OPERATOR**

### **APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE**

A person wishing to operate private hire vehicles requires a licence from the Council to do so. To “operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle, whether or not you own the vehicle.

As a licensed private hire operator, you would be able to accept bookings for any number of private hire vehicles. But the same Council as the operator must licence all of the drivers and vehicles.

Bookings can be accepted from hirers both inside and outside the district.

The Council has a right to refuse an application if it consider that applicants are not “fit and proper” persons. If an application is refused, there is a right of appeal in the Magistrate’s Court.

The licence, if granted, is valid for a period not exceeding one year and is issued subject to conditions. The Council may take away a licence where conditions are not met.

Premises used in connection with private hire operations may require planning consent. Enquiries about planning should be made to Development Control, at Wyre Forest District Council.

#### **Criteria for a Private Hire Operator’s Licence**

1. Applicants must have conversational English.
2. Applicants must be over 21 years of age.
3. Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences.
4. Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences.

#### **Those who do not meet the criteria**

Officers cannot grant applications for licences to those applicants who do not meet the above criteria. An applicant who does not meet the above criteria may request to have their application determined by the Licensing Committee.

#### **Making an initial application**

To apply for a licence to operate private hire vehicles the completed application form should be submitted with the following documents:

- A completed application form
- A CRB Disclosure application, if applicable (see explanatory note A).
- The application fee (see explanatory note B).

The completed application form together with the above documents and fee must be submitted to the Customer Service Centre, School Drive, Wyre Forest or posted to BDC.

### **INCOMPLETE APPLICATIONS WILL BE RETURNED.**

If an applicant is unsure about how to complete any part of the application, he/she should ask for advice from a Council Licensing Officer.

Applications will if granted, be granted for a period of twelve months and will expire at the end of the month in which the application was made.

Under Section 57 of the Local Government (Miscellaneous Provisions) Act 1967 it is an offence to knowingly or recklessly make a false statement or omit any material particular in giving information.

Applications will be processed within five working days of being received by the Licensing Section (see explanatory note F).

The Council cannot grant a licence unless it is satisfied:-

- (a) that the applicant is a "fit and proper person" (Section 55 LGMPA).
- (b) That there is planning permission for the use of the premises.

### **RENEWING A PRIVATE HIRE OPERATOR'S LICENCE**

Responsibility for renewal of the operator licence rests solely with the licence holder.

The application procedure for renewal is the same as the procedure for an initial application, with the exception of the CRB application which will need to be renewed every 3 years.

### **EXPLANATORY NOTES**

#### **A Criminal Records Bureau (CRB) Vetting Form**

If the applicant for an operator licence is already a licensed hackney carriage/private hire driver with the Council, no CRB Disclosure application form needs to be submitted.

If the applicant is not a licensed hackney carriage/private hire driver, a CRB Disclosure application must be completed and countersigned by a duly authorised person employed by the Council and registered with the CRB. This form will then be sent to the CRB. A licence will not be issued until the CRB have provided a certified reply. It is essential that you submit your CRB vetting form in sufficient time as the period for processing of these forms rests with the CRB.

**B Fees**

The fee to be paid will be determined each year by the Licensing Committee.  
The change will come into effect on 1 April each year.

## **PRIVATE HIRE OPERATOR LICENCE**

### **CONDITIONS OF LICENCE**

- A The licence shall remain in force for a period of one year from the date of issue.
- B The full fee shall be paid before the issue or renewal of any Operator's Licence.
- C The licensed operator shall keep a record of every booking of a Private Hire vehicle accepted by him, and shall keep such records for not less than six months.
- D The licensed operator shall keep a record for all drivers, full or part time, employed by him and shall supply the Council with a list of such drivers within seven days of a written request from the Council.
- E The licensed operator shall keep a record of all Private Hire Vehicles licensed and operated by him, and supply the Council with a list of such vehicles within seven days of a written request from the Council.
- F The licensed operator shall inform the Council of any change of address of his Private Hire business or any change of his driver's or vehicles within fourteen days.
- G Every application for the issue or renewal of an Operator's Licence shall give
1. the name and address of the applicant
  2. the address or addresses from which he intends to carry on business and where cars are garaged, if different
  3. details of any trade or business activities carried on by him or previously carried on by him within the private Hire Trade
  4. details of any previous application made by him for an Operator's Licence
  5. details of any revocation or suspension of an Operator's Licence previously held by him
  6. details of any convictions recorded against him
- H The proprietor shall ensure that at all times the vehicles used by his Private Hire business are duly licensed in accordance with the provisions of the Act and that the drivers driving those vehicles on Private Hire business are duly licensed by the Council to drive such vehicles.
- I All vehicles used must be suitable in type and design for use as a Private Hire Vehicle as approved by the Council's Licensing Officer.

- J All fittings or signs shall be attached inside or outside the vehicle except in accordance with the Council's Condition 23 made in respect of advertising or private hire vehicles (see Condition No. 14 on Private Hire Licence conditions).
- K All vehicles (except limousines) shall be right hand drive and shall have four doors.
- L All vehicles shall be so constructed with the doors opening to allow easy access and egress and cause no inconvenience to passengers.
- M The exterior and interior of the vehicles shall be maintained in a good and clean condition at all times.
- N No vehicle shall be licensed for the first time unless it is less than 2 years old at the time of application for registration or unless it is a prestige vehicle approved by the Council in writing.
- O No vehicle over 7 years old at the time of application for re-registration shall be licensed unless it is a prestige vehicle approved by the Council.
- P The operator shall ensure that each vehicle operated by him is presented in a clean and suitable condition to enable the Council's examiner to conduct tests, to the Council's Green Street site, Kidderminster, for examination before application for re-licensing is made. Following registration the vehicle should be presented at the Green Street site for inspection on instructions from the Council at any time specified during normal working hours.
- Q A vehicle licensed as a Private Hire Vehicle shall not stand or ply for hire in any street or at any railway station or railway premises or other premises to which the public resort.
- R No proprietor or firm shall in any of its advertising or signs purport to provide a 'Hackney Carriage' or 'Taxi' service unless that proprietor or firm also operates a Hackney Carriage for which there is in force at all times a current Hackney Carriage Vehicle Licence issued by Wyre Forest District Council.
- S Private hire operators shall have a published complaints procedure that has been approved by the Council and deals with customer and employee complaints and copies made available at the operator's office for use of customers and staff, and must be used when dealing with a complaint.

## **THE LAW RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND DRIVER'S**

The licensing of hackney carriage and private hire vehicles, drivers and operators is mainly governed by Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. These pieces of legislation create a number of criminal offences which if committed, could lead to prosecution in the Magistrates' Court.

There are also Byelaws adopted by the Council in respect of Hackney Carriages. Offenders against these Byelaws are liable on summary conviction to a maximum penalty of a £500 fine.

Persons convicted of offences under either Act may have their licences suspended, revoked or not renewed.

The Council may also suspend, revoke or refuse to renew a vehicle licence on the following grounds:-

- (a) the vehicle is unfit
- (b) the commission of an offence under the LGMPA or the TPCA;
- (c) any other reasonable cause (Section 68 LGMPA).

A licence may be suspended by an authorised officer or Police Constable if he considers the vehicle unfit (Section 68 LGMPA).

The Council may suspend or revoke or refuse to renew an Operator's licence on the following grounds:-

- (a) the commission of an offence under the LGMPA
- (b) unfitting conduct of the operator
- (c) any material change in the operator's circumstances
- (d) any other reasonable cause (Section 62 LGMPA).

Additionally under Section 50 of the Town Police Clauses Act 1847, the Council can suspend or revoke a driver's or proprietor's licence upon the conviction of a second offence under this act.

Below is a table detailing some of the criminal offences created by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

*In this table the following abbreviations are used:-*

*TPCA – Town Police Clauses Act 1847*

*LGMPA – Local Government (Miscellaneous Provisions) Act 1976*

*HC – Hackney Carriage*

*PH – Private Hire*

**Table of Offences**

<b>HACKNEY CARRIAGE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.40 TPCA	Giving false information on an application for HC proprietors licence	£250
s. 44 TPCA	Failure to notify change of address of HC proprietor	£250
s. 45 TPCA	Plying for hire without HC proprietor's licence	£2500
s.47 TPCA	Driving a HC without a HC driver's licence	£1000
s.47 TPCA	Lending or parting with a HC driver's licence	£1000
s.47 TPCA	HC proprietor employing an unlicensed driver	£1000
s.48 TPCA	Failure by HC proprietor to hold a HC driver's licence	£250
s.48 TPCA	Failure by HC proprietor to produce HC driver's licence	£250
s.52 TPCA	Failure to display HC plate	£250
s.53 TPCA	Refusal to take a fare	£500
s.54 TPCA	Charging more than the agreed fare	£250
s.55 TPCA	Obtaining more than the legal fare	£1000 and 1 months' imprisonment until the excess is refunded
s.56 TPCA	Travelling less than the lawful distance for an agreed fare	£250
s.57 TPCA	Failing to wait after a deposit to wait has been paid	£250
s.58 TPCA	Charging more than the legal fare	£1000
s.59 TPCA	Carrying other person than the hirer without consent	£250
s.60 TPCA	Driving a HC without proprietors consent	£250
s.60 TPCA	Person allowing another to drive HC without proprietors consent	£250
s.61 TPCA	Drunken driving of a HC	£250
s.61 TPCA	Wanton or furious driving or wilful misconduct leading to injury or danger	£250
s.62 TPCA	Driver leaving HC unattended	£250



s.64 TPCA	HC driver obstructing other HCs	£250
s.49 LGMPA	Failure to notify transfer of HC proprietor's licence	£1000
s.50(1) LGMPA	Failure to present HC for inspection as required	£1000
s.50(2) LGMPA	Failure to inform local authority where HC is stored if requested	£1000
s.50(3) LGMPA	Failure to report an accident involving a HC to local authority within 72 hours	£1000
s.50(4) LGMPA	Failure to produce HC proprietors licence and insurance certificate	£1000
s.53(3) LGMPA	Failure to produce HC driver's licence	£1000
s.57 LGMPA	Making false statement or withholding information to obtain HC driver's licence	£1000
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	£1000 plus daily fine of £10
s.61(2) LGMPA	Failure to surrender drivers licence after suspension, revocation or refusal to renew	£1000
s.64 LGMPA	Permitting any vehicle other than a HC to wait on a HC stand	£1000
s.66 LGMPA	Charging more than the meter fare for a journey ending outside the district, without prior agreement	£1000
s.67 LGMPA	Charging more than the meter fare when HC used as a private hire vehicle	£1000
s.69 LGMPA	Unnecessarily prolonging a journey	£1000
s.71 LGMPA	Interfering with a taximeter	£1000
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	£1000
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	£1000
s.73(1)(c) LGMPA	Failure to give information or assistance to authorised officer or constable	£1000

<b>PRIVATE HIRE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.46(1)(a) LGMPA	Using an unlicensed PH vehicle	£1000
s.46(1)(b) LGMPA	Driving a PH vehicle without a PH driver's licence	£1000

s.46(1)(c) LGMPA	Proprietor of a PH vehicle using an unlicensed driver	£1000
s.46(1)(d) LGMPA	Operating a PH vehicle without a PH operator's licence	£1000
s.46(1)(e) LGMPA	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	£1000
s.48(6) LGMPA	Failure to display PH vehicle plate in prescribed manner	£1000
s.49 LGMPA	Failure to notify transfer of PH vehicle licence	£1000
s.50(1) LGMPA	Failure to present PH vehicle for inspection as required	£1000
s.50(2) LGMPA	Failure to inform local authority where PH vehicle is stored if requested	£1000
s.50(3) LGMPA	Failure to report an accident involving a PH vehicle to local authority within 72 hours	£1000
s.50(4) LGMPA	Failure to produce PH vehicle licence and insurance certificate	£1000
s.53(3) LGMPA	Failure to produce PH driver's licence	£1000
s.54(2) LGMPA	Failure to wear PH driver's badge	£1000
s.56(2) LGMPA	Failure by PH operator to keep a record of bookings	£1000
s.56(3) LGMPA	Failure by PH operator to keep records of PH vehicles operated by him	£1000
s.56(4) LGMPA	Failure to produce PH operator's licence on request	£1000
s.57 LGMPA	Making a false statement or withholding information to obtain a PH driver's or operator's licence	£1000
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	£1000 plus daily fine of £10 per day
s.61(2) LGMPA	Failure to surrender driver's licence after suspension, revocation or refusal to renew	£1000
s.67 LGMPA	Charging more than the meter fare when HC used as a PH vehicle	£1000
s.69 LGMPA	Unnecessarily prolonging a journey	£1000
s.71 LGMPA	Interfering with a taximeter	£1000
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	£1000
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	£1000
s.73(1)(c)	Failure to give information or	£1000

	assistance to authorised officer or constable	
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# GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS.

**Supplemental to the Home Office guidance on  
the Relevance of Convictions contained in the  
Department for Transport Circular 2/92 and  
Home Office Circular 13/92 as amended.**

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## **Introduction to the Guidelines Relating to the Relevance of Convictions**

The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle drivers', operators and proprietors' licences.

These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.

The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.

These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

### **EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.**

**A person is not permitted to apply for a hackney carriage or private hire licence until they have held an appropriate driving licence for a minimum of 36 months.**

### **Legislation**

The Local Government (Miscellaneous Provisions) Act 1976 Sections 51 and 59 deal with the issue of driver suitability:

"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence."

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds

1) That he has since the grant of the licence.

i) Been convicted of an offence involving dishonesty  
Indecency or violence.

or

ii) Been convicted of an offence under or has failed to  
comply with the provisions of the Act of 1847 or of Part of this  
Act.

or

2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

## **Convictions**

The Council's Regulatory Committee is required to look at any past indicators (convictions, speeding offences, cautions etc...) that may affect a person's suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.

As part of the licence conditions, the applicant is asked to disclose **all** convictions and cautions. Therefore **all** convictions must be disclosed, including spent convictions- the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) (Amendment) (England and Wales) Order 2003.

In addition, applicants must disclose any recent simple cautions they have received or any pending matters.

If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.

The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days of conviction or caution imposed on him/her during the period of licence.

Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

### **Patterns**

A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received more than one conviction for a violent action, then serious consideration should be made as to the suitability of that person to hold a licence.

The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

### **Rehabilitation Periods**

These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold licence. After consideration by the Committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

### **A "Fit and Proper Person"**

There is no absolute definition as to what constitutes a "fit and proper person", however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on a common sense approach. Some areas give rise to particular concern, including



- Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak and understand English.

### **“Protecting the Public” Question**

The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

If answer is yes, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

### **Compliance with Conditions and requirements of Licensing Authority**

The Committee may take into account an applicant’s history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

## **The Guidelines**

To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.

### **Traffic Offences**

#### **This section refers to New Applicants only**

Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result. All the possible traffic offences have been separated into two categories: minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section (p15).

For information on insurance guidelines, see **Insurance Offences** (p10).

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** (p12) and **Drugs** (p14) sections.

### **Driving Offences**

Any new applicant who has 9 penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Regulatory Committee. The Regulatory Committee then have the option of deciding the application on its merits, and may:

- Issue the licence with or without a written warning
- Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- Refuse the application.

A Licence may only be granted on the condition that the Committee is satisfied that the applicant is a fit and proper person.

For any minor offences totalling 6 or fewer points on an applicants licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.

A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.

If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

### **Medical Offences**

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

### **Cautions**

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.

### **Traffic Offences**

**This section applies to Existing Licence Holders only.**

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving.

Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section (p15).

For the information on Insurance guidelines, see **Insurance Offences** (p10).

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** (p12) and **Drugs** (p14) sections

### **Traffic Offences**

Any existing licence holder who has 9 penalty points or more on his driving licence will be expected to go before a Regulatory Committee hearing to explain their convictions. The Regulatory Committee then have the option of deciding the application on its merits, and may

- Take no further action
- Give a written warning
- Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- Suspend the Licence upon conditions or for a period of time
- Revoke the licence.

### **Medical Offences**

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has been convicted of an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.

The onus is on the applicant to provide appropriate medical evidence from their GP, consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the Committee has any doubts over the applicant's fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

### **Cautions**

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

## Insurance Offences

The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.

More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

## Sexual Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.

Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-

- Take no further action
- Issue a written warning
- Suspend the Licence
- Revoke the licence

The following guidelines illustrate the Council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.

A strict warning as to future conduct should be issued to any applicant who is granted a licence. **Any existing licence holder charged with or convicted of a sexual offence or issued with a simple caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.**

The following offences are listed under this section together with their rehabilitation periods:

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years on completion of sentence.
- **Indecent Assault** - Licence should be revoked/refused until a period of 10 years on completion of sentence.

- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 8 years on completion of sentence.
- **Gross Indecency with a Male** - Licence should be revoked / refused until a period of 8 years on completion of sentence.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years on completion of sentence.
- **Buggery** – Licence should be revoked until a period of 8 years on completion of sentence

### **Drunkness**

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

#### (a) With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

### **New Applicants**

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

### **Existing Drivers**

- A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.

Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be**

**considered until a period of 5 years has elapsed after restoration of the DVLA licence..**

If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Regulatory Committee.

- One or 2 convictions for drunkenness not confined to one year should result in a warning as to future conduct.
- 2 convictions within a year a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
- 3 or more convictions- any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free convictions.

**In both cases**

More than one conviction of drunkenness or refusal to provide a specimen  
may indicate a medical problem and the applicant may be asked to submit to  
a medical examination by a medical practitioner nominated by the Council,  
before the application is entertained. If the results of the examination show  
the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person  
is a  
fit and proper person to hold such a licence before a further application  
is  
considered.

**Drug Offences**

A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.

If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or abuse.

Any new applicant who has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

### **Violence**

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

(a) An application/licence will normally be refused for the following offences, regardless of the period of time lapsed after the date of conviction:

- Murder
- Manslaughter
- Causing death by reckless driving, including:
  - Causing death by reckless driving when unfit through drugs:
  - Causing death by careless driving when unfit through drink
  - Causing death by careless driving with alcohol level above the limit
  - Causing death by careless driving then failing to supply a specimen for analysis
  - Manslaughter or culpable homicide while driving a vehicle
  - Causing death by dangerous driving

(b) An application/licence should be revoked or suspended where the applicant

has a conviction for one of the following offences and where the conviction is

**less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated



(c) An application/licence should be revoked or suspended where the applicant

has a conviction for one of the following offences **and** where the conviction is

**less than 8 years** prior to the date of application:

- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence

(d) An application/licence should be revoked or suspended where the applicant

has a conviction for one of the following offences **and** where a conviction is

**less than 5 years** prior to the date of application:

- Common assault
- Common assault which is racially-aggravated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

### **More than one offence**

The above guidelines are applicable to applicants who have been convicted of one offence.

If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

If an applicant has a history of violence (more than two convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

## **Possession of a Weapon**

If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

## **Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be refused where an applicant has a conviction for an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

## **Complaints Against Drivers**

Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.

The Committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee

should consider whether the driver is fit and proper person to hold such a licence.

### **Conclusion**

The fact an applicant has a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.

A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.

Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision

Written Warning  
not

or

was

licence.

possibly

A letter advising that, although a conviction was serious enough to have warranted the suspension or revocation of the licence, the offence committed was unacceptable and has caused concern among the committee as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, leading to the suspension of the licence.