

Open

# Licensing and Environmental Committee

## Agenda

10.30am  
Monday, 6 June 2022  
Council Chamber  
Wyre Forest House  
Finpoint Way  
Kidderminster



## Licensing and Environmental Committee

### Members of Committee:

**Chairman: Councillor L Whitehouse**  
**Vice-Chairman: Councillor A Coleman**

**Councillor G W Ballinger**

**Councillor R H Coleman**

**Councillor I Hardiman**

**Councillor F M Oborski MBE**

**Councillor C Rogers**

**Councillor J F Byng**

**Councillor B S Dawes**

**Councillor K Henderson**

**Councillor M Rayner**

**Councillor P W M Young**

### Information for Members of the Public:

**Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.**

**Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.**

### Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

### Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 6 June 2022

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 7 February 2022.	5
5.	<b>Draft Hackney Carriage and Private Hire Licensing Policy Review of Consultation Responses</b>  To receive a report from the Head of Worcestershire Regulatory Services to request that Members consider all responses received during the recent consultation on the Council's Draft Hackney Carriage and Private Hire Licensing policy, which was produced in response to the publication and recommendations of the Department for Transport guidance entitled "Statutory Taxi & Private Hire Standards".	7
6.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

7.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

8.	<p><b>Application for Grant of a Licence to Drive Hackney Carriage and Private Hire Vehicles</b></p> <p>To receive a report from the Head of Worcestershire Regulatory Services for the Committee to consider and determine an application for the grant of a licence to drive hackney carriage and private hire vehicles.</p>	
9.	<p><b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b></p>	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

7TH FEBRUARY 2022 (10.30AM)

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**Present:**

Councillors: P Dyke (Chairman), A Coleman (Vice-Chairman), J F Byng, R H Coleman, B S Dawes, C Edginton-White, I Hardiman, K Henderson, F M Oborski MBE, C Rogers, L Whitehouse and P W M Young.

**Observers:**

There were no members present as observers.

**LIC.29 Apologies for Absence**

There were no apologies for absence.

**LIC.30 Appointment of Substitutes**

No substitutes were appointed.

**LIC.31 Declaration of Interests**

No declarations of interest were made.

**LIC.32 Minutes**

**Decision: The minutes of the meeting held on 6th December 2021 be confirmed as a correct record and signed by the Chairman.**

**LIC.33 Hackney Carriage Fare Increase Request**

The Committee Received a report from the Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council to consider a request from a representative of Wyre Forest's hackney carriage drivers, for an increase to the current Wyre Forest hackney carriage fare tariff.

The Technical Officer (Licensing) led Members through the report informing Members that a request had been received on behalf of seventy-five Wyre Forest Licensed hackney carriage drivers. Members had the opportunity to view the request which had been included in the agenda pack.

Councillor P W M Young arrived at this point (10:35am).

The Officer informed Members that the current Wyre Forest taxi table of fares had been unchanged since June 2014 and that the proposed changes

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represented an increase of 17% on the flag fare and the fare for a one-mile journey. This rose slightly to 18% on a journey of two miles. A comparison of how the current and proposed tariffs compared was provided for Members.

The Technical Officer (Licensing) informed Members that any increase agreed would need to be advertised publicly in the local press by means of a notice and a 2-week consultation period would be undertaken. Any objections received would be considered by the Committee before a final decision was made.

Members considered the reasons submitted for the increase before a decision was made.

**DECISION: The Committee approved an increase of the current Wyre Forest Hackney Carriage Fare Tariff in line with the proposal which has been put forward by the representative of the Wyre Forest licensed hackney carriage drivers.**

There being no further business, the meeting ended at 10:43am.

**WYRE FOREST DISTRICT COUNCIL**

**LICENSING AND ENVIRONMENTAL COMMITTEE**

**6<sup>th</sup> JUNE 2022**

**DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**REVIEW OF CONSULTATION RESPONSES**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council.
<b>CONTACT OFFICER:</b>	Niall McMenamin – 01905 822799 <a href="mailto:enquiries@worcestershire.gov.uk">enquiries@worcestershire.gov.uk</a>
<b>APPENDICES:</b>	Appendix 1 – Draft Hackney Carriage and Private Hire Licensing Policy. Appendix 2 – Consultation Questions and Responses Summary. Appendix 3 – Officer Review of Consultation Responses.

**1. PURPOSE OF REPORT**

- 1.1. To request that Members consider all responses received during the recent consultation on the Council’s Draft Hackney Carriage and Private Hire Licensing policy, which was produced in response to the publication and recommendations of the Department for Transport guidance entitled “Statutory Taxi & Private Hire Standards”.
- 1.2. Having considered the responses, ask that Members approve the draft Hackney Carriage and Private Hire Licensing Policy at “Appendix 1” to take effect on 1st September 2022.

**2. RECOMMENDATION**

**The Committee is asked to:**

- 2.1. **Have regard to the responses received during the consultation and RESOLVE to approve the draft Hackney Carriage and Private Hire Licensing Policy at “Appendix 1” to take effect on 1st September 2022.**
- 2.2. **Recommend to full Council that the necessary changes to the Council’s constitution, which arise from the new policy in respect of the delegation of decision making in taxi matters to the Sub-Committee be approved by the Council.**

**3. BACKGROUND**

- 3.1. Section 177 of the Policing and Crime Act 2017 enabled the Secretary of State to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised so as to protect children and vulnerable individuals who are 18 and over from harm.
- 3.2. A public consultation on draft statutory guidance ran between 12<sup>th</sup> February 2019 and 22<sup>nd</sup> April 2019. Following lengthy consideration of the consultation responses, the Department for Transport published guidance entitled Statutory Taxi & Private Hire Standards (hereafter referred to as “the Standards”) on 21<sup>st</sup> July 2020.
- 3.3. The Standards contains several recommendations regarding matters connected to taxi and private hire licensing functions including:
  - Criminality checks for licence holders
  - Working with the Police
  - Sharing information with other licensing authorities
  - Dealing with complaints about drivers and operators
  - Training for Members
  - Criminal convictions and rehabilitation of offenders
  - Safeguarding awareness advice, guidance and training for drivers
  - Language proficiency
  - CCTV in licensed vehicles
  - Regulation of booking and dispatch staff
  - Record keeping
- 3.4. The Statutory Standards state that: “Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators, and safety campaign groups.

**The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.”**

- 3.5. It is clear therefore that it is the desire of the Government to see consistent standards applied by taxi and private hire licensing authorities across the country.
- 3.6. On 6<sup>th</sup> June 2021, Members of the Licensing and Environmental Committee were presented with a copy of a draft Hackney Carriage and Private Hire Licensing Policy for consideration. A copy of the draft policy can be seen at “**Appendix 1**”.
- 3.7. The draft policy provides a uniform approach across all six district Councils in Worcestershire. Implementation of these policies would be substantially similar to



one another, particularly in relation to the licensing of hackney carriage and private hire drivers and private hire operators.

- 3.8. Whilst many of the recommendations set out in the statutory standards were already met within the Council's existing policies, the draft policy had been drafted to incorporate any of the recommendations that were not already being followed.
- 3.9. Committee resolved that officers should undertake consultation on the draft policy that was presented at the Licensing and Environmental Committee meeting on 6<sup>th</sup> June 2021.

#### **4. CONSULTATION**

- 4.1. Initial consultation was undertaken over a 12-week period between 22<sup>nd</sup> November 2021 and 14<sup>th</sup> February 2022. The consultation was then re-opened for a 4-week period between 7<sup>th</sup> April 2022 to 6<sup>th</sup> May 2022 to provide a further opportunity for stakeholders to respond to the consultation.
- 4.2. Consultation was undertaken via a survey that was available to complete online. Paper versions of the consultation survey were also made available for those that wished to respond in that way.
- 4.3. Information on the consultation, along with details on how to respond were sent directly to:
  - Those licensed by Wyre Forest District Council to drive or use a vehicle as a hackney carriage or private
  - Those licensed by Wyre Forest District Council to operate private hire vehicles
  - National Private Hire and Taxi Association
  - Licensed Private Hire Car Association
  - West Mercia Police
  - Safer Roads Partnership
  - West Mercia Police and Crime Commissioner
  - Worcestershire County Council - Relevant contacts at Worcestershire County Council, including those responsible for safeguarding children and adults and arranging home to school transport
  - Relevant interest groups, including those that represent people with disabilities and the elderly
  - Relevant local business groups via the Kidderminster BID
  - Elected Members
- 4.4. The online consultation questionnaire was made available on the Council's website and was promoted via the Council's Communications Team, including via the Council's social media channels.
- 4.5. In total there were 18 individual responses to the consultation. In addition to these there was also a detailed written response from the Policy and Campaigns Manager (Regional) for Guide Dogs, an organisation working with People with a

## Agenda Item No. 5

Learning Disability and members of the public who use hackney carriage and private hire vehicles, in which they support the introduction of the new policy, particularly in relation to the improved safeguarding standards.

- 4.6. In general, most respondents were supportive of the proposals being put forward in the consultation, stating that they had no evidence or compelling local reason why the Council should not adopt the revised policy. The questions asked in the online questionnaire and a summary of the responses received to each of these questions can be seen at “**Appendix 2**”.
- 4.7. Officers having reviewed the responses and comments received to the consultation have taken the time to address several of the concerns which have been raised. A copy of Officers comments in reply to the consultation responses is attached at “**Appendix 3**”.
- 4.8. Whilst it's acknowledged that the implementation of the new standard may have some impact on existing licence holders and also those applying for a new hackney carriage and private hire driver licence, this is some way mitigated by the introduction of the following:
  - Introduction of partial refunds to licence holders who surrender licences midterm
  - A reduced financial outlay over a longer term in relation to DBS checks.
  - The acceptance of DBS certificates from those applicants already signed up to the DBS update service.
  - The introduction of a more efficient process to relicence suspended vehicles, where licences have expired due to being suspended past two months
  - The delegation of taxi licensing decision matters to the Licensing Sub-Committee
- 4.9. Therefore, having considered all the responses and points raised during the Consultation period, Officers are satisfied that there is no compelling reason why the recommendations and new draft policy cannot be implemented without amendment.

### **5. FINANCIAL IMPLICATIONS**

- 5.1. The costs associated with carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.
- 5.2. The cost associated with the introduction of six-monthly DBS checks will be borne by licence holders, however as detailed in the report, this cost will be substantially lower than having to apply for a new DBS check every six months. This cost will also be lower than the existing process of licence holders having to undertake a DBS check every 3 years.
- 5.3. The cost associated with the enhanced safeguarding training requirements, will be met by new applicants only. Officers are working with training providers to ensure that these costs are kept to a minimum.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1. The Statutory Taxi and Private Hire Standards have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017.
- 6.2. Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.
- 6.3. All regulatory policies relating to Environmental Health and Licensing approved by Wyre Forest District Council should comply with the Regulators Code. The Regulators Code is made under the provisions of the Legislative and Regulatory Reform Act 2006. It seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

**7. RISK MANAGEMENT**

- 7.1. Failure to have regard to the guidance issued under section 177 would leave the Council in breach of a legal duty to do so.
- 7.2. Although it remains the case that the Council must reach its own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the Standards without sufficient justification could be detrimental to the authority's defence.
- 7.3. The new standards may have some impact on existing licence holders and also those applying for a new hackney carriage and private hire driver licence, therefore officers have identified those risks and it is believed that they have been mitigated as much as is possible.

**8. EQUALITY IMPACT ASSESSMENT**

- 8.1. The Licensing and Environmental Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity.
- 8.2. As part of the government consultation on the proposed standards a full Equalities Impact Assessment was undertaken. Whilst the Council recognises that a proportion of its hackney carriage and private hire licence holders are from a predominately Asian background and heritage, this is not negatively impacted by the introduction of the proposed policy. The policy will impact all hackney carriage and private hire licence holders equally regardless of age, race or gender and this policy does not unfairly discriminate on any grounds cited in the EQIA.

**9. CONCLUSION**

- 9.1. Introduction of the revised policy and licence conditions in response to the publication of the governments statutory standards, will contribute to ensuring the protection of children, vulnerable adults and all other passengers using hackney carriage and private hire vehicles in Wyre Forest and will result in a consistent approach to safeguarding and taxi licensing across Worcestershire.
- 9.2. The new standards will further improve driver quality and result in an enhanced customer experience for all Wyre Forest, hackney carriage, and private hire passengers.

**10. CONSULTEES**

- 10.1. Solicitor to the Council, Legal Services.

**11. BACKGROUND PAPERS**

- 11.1. Department for Transport guidance “Statutory Taxi & Private Hire Standards”.



**Wyre Forest District Council**

# **Hackney Carriage and Private Hire Licensing Policy (DRAFT)**



**Adopted with effect from: DATE**

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**1.0** **Introduction**

- 1.1 Hackney carriage (taxi) and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 1.2 Wyre Forest District Council is responsible for the issuing of licences in respect of those vehicles used as hackney carriages and private hire vehicles as well as those who drive the vehicles and, in the case of private hire vehicles, those who operate them by inviting and accepting bookings.
- 1.3 In all there are five categories of licence that the Council is responsible for issuing:
- Licence to use a vehicle as a hackney carriage
  - Licence to use a vehicle as a private hire vehicle
  - Licence to drive hackney carriage
  - Licence to drive private hire vehicles
  - Licence to operate private hire vehicles
- 1.4 In relation to all of these categories of licences, the Council has a discretion over whether to grant a licence to an applicant or not.
- 1.5 The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public by ensuring vehicles are safe and fit for use and that drivers and operators are suitable people to undertake these roles.
- 1.6 The Council is also responsible for monitoring the activities of the hackney carriage and private hire trades and taking appropriate action if the standards expected of those to whom it has issued a licence are not maintained.
- 1.7 This document sets out the policies that the Council has adopted in respect of carrying out its hackney carriage and private hire licensing functions and the standard conditions that the Council will attach to the licences that it issues. The primary and overriding objective of the Council in formulating this policy is to protect the public.
- 1.8 In formulating these policies and licence conditions, the Council has had due regard to the statutory guidance issued by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017. The recommendations in the statutory guidance have been implemented except where there is a compelling local reason not to.
- 1.9 The Council has also carried out consultation at a local level before adopting the policies and licence conditions detailed in this document. The Council will always consult on proposed changes in licensing rules that may have a significant impact on passengers and / or the trade.
- 1.10 The Council will conduct a review of this policy at least every five years. The policy may also carry out interim reviews in light of any future developments in legislation, guidance and in the way that the hackney carriage and private hire trades conduct their business.



**2.0                    Licences to Drive Hackney Carriage and / or Private Hire Vehicles**

**2.1.0    Types of Licence Issued**

2.1.1    The Council will normally only issue the following two types of licence:

- A licence to drive hackney carriage and private hire vehicles (a “dual licence”)
- A licence to drive private hire vehicles only

2.1.2    Where a person held a licence issued by Wyre Forest District Council to drive hackney carriage vehicles only at the time this policy took effect, they will be granted a licence that authorises them to drive both hackney carriage and private hire vehicles when they next renew their licence.

2.1.3    The Council will, at the request of an applicant, grant a licence to drive hackney carriage vehicles only, but the application requirements for a licence of this nature will be exactly the same as those for a dual licence.

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**2.2.0 Application Requirements – New Applicants**

2.2.1 An applicant for a licence to drive hackney carriage and / or private hire vehicles must:

- Have the right to work in the United Kingdom (UK)
- Have held a UK driving licence for a period of at least 3 year(s).
- Be over the age of 21.
- Have been awarded the Worcestershire Taxi and Private Hire Competency Certificate
- Be deemed by the Council to be a “fit and proper person” to hold a licence

2.2.2 Before a licence to drive hackney carriage and/or private hire vehicles can be issued, the applicant must have submitted all of the following:

- Completed application form
- Worcestershire Taxi and Private Hire Competency Certificate
- An enhanced Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS) along with proof that they have subscribed to the DBS “Update Service”
- A valid DVLA licence check code
- Proof of their right to work in the United Kingdom
- A recent passport sized photograph of themselves
- Application fee
- A copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to your medical records and history.

2.2.3 In addition, those wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council’s topographical knowledge test.

2.2.4 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

2.2.5 In the interests of public safety, the Council will not licence any individual that appears on either of the children and adult barred lists maintained by the Disclosure and Barring Service (DBS).

2.2.6 The Council will not issue a licence to any person who does not meet the DVLA’s “Group 2 Medical Standards” as set out in the DVLA publication “Assessing fitness to drive – a guide for medical professionals.”

2.2.7 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**2.3.0 Worcestershire Taxi and Private Hire Competency Certificate**

2.3.1 To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person must demonstrate they possess a suitable level of skills, knowledge and understanding in the following key areas:

- English language proficiency – both spoken and written
- Numeracy
- Legislation and policies affecting taxi and private hire licence holders
- Practical driving proficiency
- Safeguarding – including Child Sexual Exploitation, County Lines and Modern Slavery
- Equalities – including assisting passengers with disabilities
- Customer care

2.3.2 The Worcestershire Taxi and Private Hire Competency Certificate is delivered on the Council's behalf by an approved training provider that is suitably qualified and experienced.

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**2.4.0 Previous Licensing History and Use of the National Register of Revocations and Refusals (NR3)**

- 2.4.1 Applicants and licence holders will be required to disclose if they hold or have previously held a licence with another authority. An application will also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.
- 2.4.2 The National Register of Revocations and Refusals (NR3) allows Councils to record details of where a licence to drive hackney carriage and/or private hire vehicles has been refused or revoked and allows local authorities to check new applicants against the register.
- 2.4.3 Details of all applicants for licences to drive hackney carriage and/or private hire vehicles will be checked against NR3 to confirm that there is no record of them having been revoked or refused elsewhere.
- 2.4.4 Where this search reveals that the applicant has had a licence refused or revoked elsewhere, further information will be sought from the relevant Council and this information will be considered in determining whether or not the individual is a fit and proper person to be granted a licence.
- 2.4.5 The Council will also use NR3 to record details of licences that have been refused or revoked by the Council.

**2.5.0 The Fit and Proper Person Test – Drivers of Hackney Carriage and Private Hire Vehicles**

- 2.5.1 The Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence.
- 2.5.2 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 2.5.3 *Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*
- 2.5.4 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 2.5.5 In determining whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will consider:
- Whether an applicant has met the Council’s application requirements
  - Any information revealed by DBS certificates relating to the applicant / licence holder
  - Any information revealed under Common Law Police Disclosure provisions
  - Any information revealed by checks undertaken on the applicant or licence holder’s DVLA driving licence records
  - Any information revealed on the medical fitness certificate
  - Any information revealed during checks on NR3
  - Any information regarding complaints received about an applicant or licence holder
- 2.5.6 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 2.5.7 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.

Delegated Decisions

- 2.5.8 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.
- 2.5.9 Authority is also delegated to officers to grant applications and issue licences to applicants who have no more than 6 current penalty points on their DVLA driving licence.
- 2.5.10 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council’s guidelines on the assessment of previous convictions shown at Annex A.

2.5.11 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to a Licensing Sub-Committee

2.5.12 An application cannot be determined by officers under delegated powers where:

- An applicant has more than 6 points on their DVLA driving licence
- An applicant's DBS certificate reveals more than one previous conviction / caution
- An applicant's DBS certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- Information has been provided about an applicant under Common Law Police Disclosure provisions
- An applicant does not appear to meet the DVLA Group 2 Medical Standards
- An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
- An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked

2.5.13 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.

2.5.14 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

**2.6.0 DBS Update Service Checks**

- 2.6.1 All those to whom the Council has issued a licence to drive hackney carriage or private hire vehicles must subscribe and remain subscribed to the DBS Update Service. They must also give their consent to the Council carrying out update checks on the status of their DBS certificate throughout the period that they remain licensed.
- 2.6.2 The Council will then carry out regular checks in relation to those individuals to whom it has issued a licence to drive hackney carriage or private hire vehicles, to ensure no new information has come to light since the licence was issued.
- 2.6.3 Where a DBS Update Check reveals that new information is available, the licence holder will be required to co-operate with the requesting of a new DBS certificate.
- 2.6.4 A licence holder who fails to remain subscribed to the DBS Update Service or fails to co-operate with obtaining a new DBS certificate will be subject to a review to determine if they remain a fit and proper person to hold a licence, which could lead to the suspension or revocation of their licence.

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**2.7.0 Common Law Police Disclosure and Working with the Police**

- 2.7.1 The DBS is not the only source of information that will be considered as part of a fit and proper assessment for the licensing of hackney carriage and private hire vehicle drivers.
- 2.7.2 Common Law Police Disclosure (CLPD) ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 2.7.3 The Council will maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.
- 2.7.4 Any information provided to the Council under CLPD will be reviewed and will be considered when determining whether an individual remains a fit and proper person to hold a licence.
- 2.7.5 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that the Council has a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the Council and the police, action taken by the Council as a result of information received will be fed-back to the police.
- 2.7.6 To further aid the quality of information available to all parties that have a safeguarding duty, where there is a revocation or refusal of a licence on public safety grounds, steps will be taken to advise the Police of this.



**2.8.0 Referrals to the Disclosure and Barring Service and the Police**

2.8.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS.

2.8.2 The Council will make a referral to the DBS when it is thought that:

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

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

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**2.9.0 Application Requirements – Applicants Renewing a Licence**

- 2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:
- Continue to benefit from the right to work in the United Kingdom (UK)
  - Be deemed by the Council to remain a “fit and proper person” to hold a licence
- 2.9.2 Before a licence to drive hackney carriage and/or private hire vehicles can be renewed, the applicant must have submitted all of the following:
- Completed application form
  - A valid DVLA licence check code
  - Application fee
  - A recent passport sized photograph of themselves
- 2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.
- 2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.5 Once a licence holder reaches 65 years of age they will be required to provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.6 If an application to renew a licence to drive hackney carriage and/or private hire vehicles is received more than 14 days after the previous licence has expired, the applicant will be treated as if they were applying for a licence to drive hackney carriage and/or private hire vehicles for the first occasion.
- 2.9.7 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**2.10.0 Amending a licence to drive private hire vehicles so as to authorise the holder of the licence to also drive hackney carriage vehicles**

2.10.1 Where a person who holds a licence to drive private hire vehicles licensed by the Council also wishes to be authorised to drive hackney carriage vehicles, they may apply to amend their licence in the following way.

2.10.2 Before being able to amend their licence the holder must pass the Council's topographical knowledge test.

2.10.3 The licence holder must then submit:

- The relevant application form
- The relevant application fee

2.10.4 When amending a licence to authorise the holder to drive hackney carriage vehicles, the expiry date of the licence will not be changed and the licence will still expire on the date that it would have expired had the application not been made.

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**2.11.0 Review of Licences Issued to Driver of Hackney Carriage and/or Private Hire Vehicles**

2.11.1 As the Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.

2.11.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.

2.11.3 Such information could include:

- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
- Information revealed under Common Law Police Disclosure
- Information revealed by checks undertaken on the licence holder's DVLA driving licence records
- Information revealed on the medical fitness certificate
- Information regarding immigration penalties paid by the licence holder
- Information regarding the licence holder's right to work in the United Kingdom
- Information revealed during checks on NR3
- Information regarding complaints received about a licence holder
- Information received from the licence holder themselves

2.11.4 When conducting a review of a driver's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:

- Issue a warning to the licence holder
- To require the licence holder to undertake additional training / assessments
- To suspend the driver's licence
- To revoke the driver's licence

Suspending or revoking a licence with immediate effect

2.11.5 In normal circumstances, any decision to suspend or revoke a licence to drive hackney carriage and/or private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.

2.11.6 However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, then notice of the reasons for this will be given to the driver and the suspension or revocation will take effect when that notice is given to the driver.

2.11.7 Where a Licensing Sub-Committee has decided to suspend or revoke a driver's licence, they will also consider whether the interests of public safety require that suspension or revocation to have immediate effect.

Suspending a licence with immediate effect on medical grounds under delegated powers

2.11.8 If information is received that suggests that a driver is no longer medically fit to act as a driver or a hackney carriage or private hire vehicle the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to

immediately suspend a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.

- 2.11.9 Any licence suspended under this section will remain suspended until the licence holder has provided satisfactory evidence that they meet the DVLA's "Group 2 Medical Standards" as set out in the DVLA publication "Assessing fitness to drive – a guide for medical professionals."
- 2.11.10 Once satisfactory evidence of this has been received, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to lift the suspension without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.11 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Revoking a licence with immediate effect under delegated powers

- 2.11.12 From time to time information may be received about a licence holder that is of such a serious nature that action needs to be taken very quickly to ensure public safety.
- 2.11.13 These circumstances may arise where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
  - A drug related offence
  - An offence of a sexual nature
  - An offence involving violence
  - An offence involving dishonesty

- 2.11.14 A licence may also need to be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.
- 2.11.15 In such circumstances the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately revoke a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.16 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Reinstatement of licences revoked with immediate effect under delegated powers

- 2.11.17 This section applies where a driver's licence has been revoked with immediate effect under powers delegated to the Head of Worcestershire Regulatory Services.
- 2.11.18 In exceptional circumstances, where further information comes to light that clearly indicates that the individual whose licence was revoked in fact remains a fit and proper person, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately reissue a licence of the type that was revoked to the individual concerned without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.19 Such exceptional circumstances could for example arise where it comes to light that the initial serious information received did not in fact relate to the licence holder at all and there has been a case of "mistaken identity."
- 2.11.20 The licence holder will not be required to submit an application or meet any of the requirements

normally placed on other individuals applying for a licence for the first time.

- 2.11.21 Any licence reissued in accordance with this section will be issued with the same expiry date as was shown on the licence that was revoked.
- 2.11.22 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

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**2.12.0 Licence Conditions**

- 2.12.1 All licences issued authorising a person to drive hackney carriage and / or private hire vehicles will be granted subject to the standard conditions shown at Annex B
- 2.12.2 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

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**3.0 Licences to Use a Vehicles as a Hackney Carriage or Private Hire Vehicle**

**3.1.0 Obtaining a licence to use a vehicle as a Hackney Carriage for the first occasion - Application Requirements**

General vehicle requirements

3.1.1 An applicant for a licence to use a vehicle as a hackney carriage must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria meets the following criteria:

- vehicles must be of a purpose built design for use a Hackney Carriage
- the vehicle body must be of a fixed head type and have a bulkhead partition
- vehicles must be designed and developed exclusively for use as a wheelchair accessible taxi, with wheelchair access from the side and not from the rear
- 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.
- 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.
- provisions must be made for the ramps to be stowed safely when not in use.
- vehicles 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.
- 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.
- the identification decal provided by the Council shall be applied to the mid or upper section of the nearside and offside front doors
- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- have a minimum of four doors, each adjacent to, and allowing direct access to and from the seats.
- each seat shall have a minimum width of not less than 407mm per person. The seat width for 3 persons of 1220mm shall be measured by taking the actual distance between the arm rests.
- vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

Vehicle age requirements

3.1.2 Vehicles when first submitted for licensing must be less than two (2) years old.

3.1.4 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).



Vehicles written off for insurance purposes

- 3.1.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

- 3.1.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

- 3.1.7 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:
- Completed application form
  - A current MOT certificate
  - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
  - The V5C certificate for the vehicle or other equivalent proof of ownership
  - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.1.8 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

**3.2.0 Obtaining a licence to use a vehicle as a private hire vehicle for the first occasion - Application Requirements**

General requirements

3.2.1 An applicant for a licence to use a vehicle as a private hire vehicle must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria:

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- vehicles capable of carrying a wheelchair passenger must be able to do so in a secure forward or rear facing position.
- 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.
- 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.
- 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.
- 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.
- 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.
- Vehicles shall have a minimum of four doors, each adjacent to, and allowing direct access to and from the seats.
- each seat shall have a minimum width of not less than 407mm per person. The seat width for 3 persons of 1220mm shall be measured by taking the actual distance between the arm rests.
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

Vehicle age requirements

3.2.2 Vehicles when first submitted for licensing must be less than two **(2)** years old.

3.2.3 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.2.4 The Council will not licence any vehicle to be used as a private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

- 3.2.5 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

- 3.2.6 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:
- Completed application form
  - A current MOT certificate
  - Valid insurance showing the vehicle is insured for use for hire and reward for private hire hire or in accordance with a private hire licence.
  - The V5C certificate for the vehicle or other equivalent proof of ownership
  - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.2.7 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

**3.3.0 Renewing a licence to use a vehicle as a Hackney Carriage – Application Requirements**

3.3.1 An applicant seeking to renew a licence to use a vehicle as a hackney carriage must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.1.1 of this policy.

Requirements as to the age of the vehicle upon renewal of licence

3.3.2 A licence to use a vehicle as a hackney carriage will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

3.3.3 Vehicles will not be renewed once a vehicle is over 10 years of age from the date of first registration unless agreed by the Council who may on a vehicle by vehicle basis extend this period dependent on the condition of the vehicle. Please refer to 3.11.0 of this policy

3.3.4 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.3.6 The Council will not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.3.7 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.3.8 Before a licence to use a vehicle as a hackney carriage can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle.
- A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.3.9 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.3.10 If an application to renew a licence to use a vehicle as a hackney carriage is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a hackney carriage for the first occasion and will have to meet the stated criteria for such vehicles.

**3.4.0 Renewing a licence to use a vehicle as a Private Hire Vehicle  
Application Requirements**

3.4.1 An applicant seeking to renew a licence to use a vehicle as a private hire vehicle must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.2.1 of this policy.

Requirements as to the age of the vehicle upon renewal of licence

3.4.2 A licence to use a vehicle as a private hire vehicle will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

3.4.3 Vehicles will not be renewed once a vehicle is over 7 years of age from the date of first registration unless agreed by the Council who may on a vehicle by vehicle basis extend this period dependent on the condition of the vehicle. Please refer to 3.11.0 of this policy

3.4.5 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.4.6 The Council will not renew any licence to use a vehicle as a private hire vehicle if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.4.7 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.4.8 Before a licence to use a vehicle as a private hire vehicle can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle.
- A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.4.9 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.4.10 If an application to renew a licence to use a vehicle as a private hire vehicle is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a private hire vehicle for the first occasion and will have to meet the stated criteria for such vehicles.

**3.5.0 Obtaining a licence to use a vehicle as a Hackney Carriage on a temporary basis  
Application Requirements**

3.5.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

Vehicle criteria

3.5.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.1.1 to 3.1.4 of this policy.

Accident reporting

3.5.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

Vehicles written off for insurance purposes

3.5.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off.

Vehicles licensed by other local authorities

3.5.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.5.7 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

Duration of licence

3.5.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

**3.6.0 Obtaining a licence to use a vehicle as a Private Hire Vehicle on a temporary basis  
Application Requirements**

3.6.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a private hire vehicle but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

Vehicle criteria

3.6.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.2.1 to 3.2.4 above.

3.6.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

3.6.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

Vehicles written off for insurance purposes

3.6.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off.

Vehicles licensed by other local authorities

3.6.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.6.7 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

Duration of licence

3.6.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

**3.7.0 Transferring a licence to use a vehicle as a Hackney Carriage (Change of Proprietor) Application Requirements**

Documentation to be submitted:

- 3.7.1 An applicant for the transfer of a licence to use a vehicle as a hackney carriage must submit:
- Completed application form
  - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
  - Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
  - The V5C certificate for the vehicle or other equivalent proof of ownership
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.7.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.7.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.



**3.8.0 Transferring a licence to use a vehicle as a Private Hire Vehicle (Change of Proprietor) Application Requirements**

Documentation to be submitted:

3.8.1 An applicant for the transfer of a licence to use a vehicle as a private hire vehicle must submit:

- Completed application form
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.8.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.8.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

**3.9.0 Changing the vehicle that you are licensed to use as a hackney carriage**

3.9.1 If a person who holds a licence to use a vehicle as a hackney carriage wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a hackney carriage for the first occasion.

Hackney Carriage vehicle written off due to accident damage

3.9.2 A hackney carriage vehicle written off due to accident damage may be replaced by a like-for-like vehicle, meaning a vehicle of the:

- Same make and model (or similar)
- Same engine capacity,
- Same colour (in line with the Council's policy on vehicle colour)
- Same or increased internal passenger capacity:
- Same age or younger (dates will be calculated based on the date of first registration shown on the vehicle registration certificate -VC5)

3.9.3 Formal written evidence demonstrating that the original vehicle has been written off, shall be provided to the Council for consideration prior to the licensing of a replacement vehicle.

3.9.4 Any licensed vehicle which is written off and is outside the Council's current policy on upper age criteria, cannot benefit from the above accident damage like-for-like vehicle replacement policy.

**3.10.0 Changing the vehicle that you are licensed to use as a private hire vehicle**

3.10.1 If a person who holds a licence to use a vehicle as a private hire vehicle wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a private hire vehicle for the first occasion.

Private Hire vehicle written off due to accident damage

3.10.2 A private hire vehicle written off due to accident damage may be replaced by a like-for-like vehicle, meaning a vehicle of the:

- Same make and model (or similar)
- Same engine capacity,
- Same colour (in line with the Council's policy on vehicle colour)
- Same or increased internal passenger capacity:
- Same age or younger (dates will be calculated based on the date of first registration shown on the vehicle registration certificate -VC5)

3.10.3 Formal written evidence demonstrating that the original vehicle has been written off, shall be provided to the Council for consideration prior to the licensing of a replacement vehicle.

3.10.4 Any licensed vehicle which is written off and is outside the Council's current policy on upper age criteria, cannot benefit from the above accident damage like-for-like vehicle replacement policy.

**3.11.0 Consideration of applications to licence vehicles that do not meet the required criteria**

- 3.11.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.11.2 Where a vehicle does not meet councils criteria on age, the application will be determined by authorised officers under powers delegated to them by the Council.
- 3.11.3 For all other criteria the application will be determined at a hearing of the Council's Licensing Sub-Committee.
- 3.11.4 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.11.5 In considering whether the vehicle is of an exceptional standard, regard will be had to:
- The age of the vehicle
  - The mileage of the vehicle
  - The make, model and specifications of the vehicle
  - The emissions standards met by the vehicle
  - The MOT and service history of the vehicle
  - The interior and exterior condition of the vehicle
  - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.11.6 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.11.7 The primary and overriding consideration will be whether the vehicle is safe and fit for use.

**3.12.0 The Fit and Proper Person Test – Hackney Carriage and Private Hire Vehicle Proprietors**

- 3.12.1 As well as the suitability of the vehicle, in determining whether to grant a licence to use a vehicle as a hackney carriage / private hire vehicle, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 3.12.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to use a vehicle as a hackney carriage / private hire vehicle.
- 3.12.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 3.12.4 *“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”*
- 3.12.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 3.12.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
  - Any information revealed by basic disclosure relating to the applicant
  - Any information revealed under Common Law Police Disclosure provisions
  - Any information revealed during checks on NR3
  - Any information regarding complaints received about an applicant or licence holder
- 3.12.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 3.12.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 3.12.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.
- 3.12.10 In the case of an application from a number of joint proprietors, the Council will apply the “fit and proper person” test to each proprietor identified in the application for the licence.

Delegated Decisions

- 3.12.11 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.

- 3.12.12 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 3.12.13 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 3.12.14 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
  - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
  - Information has been provided about an applicant under Common Law Police Disclosure provisions
  - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
  - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 3.12.15 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 3.12.16 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

**3.13.0 Licence Conditions**

- 3.13.1 All licences issued authorising a person to use a vehicle as a hackney carriage will be granted subject to the standard conditions shown at Annex C.
- 3.13.2 All licences issued authorising a person to use a vehicle as a private hire vehicle will be granted subject to the standard conditions shown at Annex D.
- 3.13.3 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

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**3.14.0 CCTV cameras in hackney carriage and private hire vehicles**

3.14.1 The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle as well as to drivers, who can also be victims of violence and abuse.

3.14.2 The Council therefore will allow the proprietor of any vehicle that it has authorised to be used as a hackney carriage or private hire vehicle to install CCTV cameras in their vehicle subject to the following requirements:

- No installation of a CCTV system shall take place within a licensed vehicle unless the proprietor of the vehicle has notified the Council in advance.
- All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

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**3.15.0 Inspection of hackney carriage and private hire vehicles**

- 3.15.1 In order to ensure the safety of the public, the Council will do all it can to ensure that the vehicles it licences to be used as hackney carriages or private hire vehicles are safe and fit for use.

Programmed Inspections of Licensed Vehicles

- 3.15.2 A licence to use a vehicle as a hackney carriage or private hire vehicle will not be granted or renewed unless the vehicle has been inspected and found to be safe and fit for use in accordance with the Council's criteria for licensing vehicles for such use.

Mid Term Inspection of Licensed Vehicles

- 3.15.3 Once a vehicle licence has been issued, the vehicle must be presented for further inspection within a four week period beginning on the date six months after the licence issue date or as notified by the Council.
- 3.15.4 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Other inspections of Licensed Vehicles

- 3.15.5 As well as these programmed inspections of licensed vehicles, the Council has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle it has licensed to ascertain its fitness for use.
- 3.15.6 Therefore from time to time, the proprietor or driver of a licensed vehicle may be directed to present their vehicle for inspection. Failure to present the vehicle for inspection as directed may lead to formal action being taken against the relevant proprietor or driver.

**3.16.0 Powers to suspend and revoke vehicle licences**

Suspension of a licence on grounds of vehicle condition

- 3.16.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.16.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.16.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.

3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.

3.16.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

Revocation of a licence on grounds of vehicle condition

- 3.16.6 If a licence is suspended in accordance with section 68 of the Act and the vehicle is not deemed to be fit for use again within a period of two months, the Act states that the licence is deemed to have been revoked.
- 3.16.7 Section 60 of the Act provides a further power to revoke a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- 3.16.8 The Council revoke any licence issued authorising a vehicle to be used as a hackney carriage or private hire vehicle if that vehicle is graded as a Category A, Category B or Category C or Category S write-off.

Applying for a licence to use a vehicle as a hackney carriage or private hire vehicle after a licence has been deemed to be revoked in accordance with section 68

- 3.16.9 This section applies where a licence to use a vehicle has been deemed to have been revoked by virtue of section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.16.10 The proprietor may apply for a licence to use the same vehicle for the same purpose as it was previously licensed. The proprietor must provide all the relevant documents required when applying to licence a vehicle as a hackney carriage or private hire vehicle for the first occasion and the vehicle must meet the relevant criteria with the exception of having to be vehicle of a particular categorisation or age.
- 3.16.11 An application made in reliance on this section of the policy must be made within a period of 2 months from the date that the licence was deemed to have been revoked.

Suspension and revocation of a licence on grounds of licence holder suitability

- 3.16.12 Where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 3.16.13 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
  - Information revealed under Common Law Police Disclosure
  - Information revealed by checks undertaken on the licence holder's DVLA driving licence records
  - Information regarding immigration penalties paid by the licence holder
  - Information revealed during checks on NR3
  - Information regarding complaints received about a licence holder
  - Information received from the licence holder themselves
- 3.16.14 When conducting a review of a licence to use a vehicle as a hackney carriage or private hire vehicle, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
  - To require the licence holder to undertake additional training / assessments
  - To suspend the licence
  - To revoke the licence
- 3.16.15 Any decision to suspend or revoke a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.

**3.17.0 Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles**

- 3.17.1 Sections 165 – 167 of the Equality Act 2010 came into force in April 2017. The legislation places obligations on the drivers of designated wheelchair accessible vehicles to:
- transport wheelchair users in their wheelchair
  - provide passengers in wheelchairs with appropriate assistance
  - charge wheelchair users the same as non-wheelchair users
- 3.17.2 Drivers found to be discriminating against wheelchair can be fined up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the requirements.
- 3.17.3 The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.
- 3.17.4 Wyre Forest District Council has adopted a position statement on sections 165 – 167 of the Equality Act 2010, which can be seen at Annex E.

**3.18.0 Exempting Proprietor's from Displaying External Licence Plate on a Private Hire Vehicle**

3.18.1 The Council has adopted a policy on the very limited circumstances where it will provide an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate on the vehicle. This policy can be seen at Annex F.

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4.0

**Licences to Operate Private Hire Vehicles**

**4.1.0 Application Requirements – New Applicants**

4.1.1 An applicant for a licence to operate private hire vehicles must:

- Have the right to work in the United Kingdom (UK)
- Be over the age of 18.
- Be deemed by the Council to be a “fit and proper person” to hold a licence

4.1.2 Before a licence to operate private hire vehicles can be issued, the applicant must have submitted all of the following:

- Completed application form
- An basic Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS).
- Proof of their right to work in the United Kingdom
- Application fee

4.1.3 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

4.1.4 Where the applicant for the licence is a company, the requirement to provide a Basic Criminal Record Check Certificate, “Certificates of Good Conduct” (where applicable) and proof of right to work in the United Kingdom, will apply to all directors of that company.

4.1.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by Wyre Forest District Council to drive hackney carriage and / or private hire vehicles.

4.1.6 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**4.2.0 Application Requirements – Renewal Applications**

4.2.1 An applicant to renew a licence to operate private hire vehicles must:

- Continue to have the right to work in the United Kingdom (UK)
- Continue to be considered by the Council as being a “fit and proper person” to hold a licence

4.2.2 Before a licence to operate private hire vehicles can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A basic Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS).
- Proof of their right to work in the United Kingdom
- Application fee

4.2.3 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

4.2.4 Where the applicant for the licence is a company, the requirement to provide a Basic Criminal Record Check Certificate, “Certificates of Good Conduct” (where applicable) and proof of right to work in the United Kingdom, will apply to all directors of that company.

4.2.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by Wyre Forest District Council to drive hackney carriage and / or private hire vehicles.

4.2.6 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**4.3.0 The Fit and Proper Person Test – Private Hire Operators**

- 4.3.1 In determining whether to grant a licence to operate private hire vehicles, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 4.3.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to operate private hire vehicles.
- 4.3.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 4.3.4 *“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?”*
- 4.3.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 4.3.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
  - Any information revealed by basic disclosure relating to the applicant
  - Any information revealed under Common Law Police Disclosure provisions
  - Any information revealed during checks on NR3
  - Any information regarding complaints received about an applicant or licence holder
- 4.3.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 4.3.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 4.3.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.

Delegated Decisions

- 4.3.10 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.



- 4.3.11 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 4.3.12 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 4.3.11 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
  - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions.
  - Information has been provided about an applicant under Common Law Police Disclosure provisions
  - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
  - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 4.3.12 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 4.3.13 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

**4.4.0 Licence Conditions**

- 4.4.1 All licences issued authorising a person to operate private hire vehicles will be granted subject to the standard conditions shown at Annex G.
- 4.4.2 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

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**4.5.0 Review of Licences Issued to Operators of Private Hire Vehicles**

- 4.5.1 As the Council cannot grant a licence to someone to permit them to operate private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.
- 4.5.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 4.5.3 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
  - Information revealed under Common Law Police Disclosure
  - Information regarding immigration penalties paid by the licence holder
  - Information regarding the licence holder's right to work in the United Kingdom
  - Information revealed during checks on NR3
  - Information regarding complaints received about a licence holder
  - Information received from the licence holder themselves
- 4.5.4 When conducting a review of an operator's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
  - To require the licence holder to undertake additional training / assessments
  - To suspend the driver's licence
  - To revoke the driver's licence
- 4.5.5 Any decision to suspend or revoke a licence to operate private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.

**5.0**

**General**

**5.1.0 Complaints against licence holders**

- 5.1.1 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.
- 5.1.2 Therefore the Council will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.
- 5.1.3 Guidance for passengers and other members of the public on making complaints about licence holders will be provided on the Council's website. Ways of making complaints will also be provided on the internal licence plate that must be displayed in all licensed vehicles.
- 5.1.4 Licensees with a number of complaints made against them will be contacted by licensing officers and concerns will be raised with the driver and operator (if appropriate). Further action in terms of the licence holder will be determined by licensing officers, which could include no further action, warnings, the offer of training, a formal review of the licence and/or formal enforcement action.
- 5.1.5 The Council has adopted a penalty points system to assist in the recording and monitoring of non-compliance with hackney carriage and private hire licensing requirements. A copy of the penalty points system can be seen at Annex H.

**5.2.0 Duties on licence holders in relation to assistance dogs**

5.2.1 Part 12 of the Equality Act 2010 imposes duties on the drivers of hackney carriage vehicles that have been hired:

- by or for a disabled person who is accompanied by an assistance dog, or
- by another person who wishes to be accompanied by a disabled person with an assistance dog.

5.2.2 The driver of the hackney carriage must:

- carry the disabled person's dog and allow it to remain with that person;
- not make any additional charge for doing so.

5.2.3 In respect of private hire vehicles, part 12 of the Equality Act 2010 provides that the operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle:

- if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

5.2.4 The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

5.2.5 The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator:

- if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.

5.2.6 Wyre Forest District Council places particular importance on the need for those that they licence to comply with these duties. Where complaints are received regarding non-compliance with the requirements, they will be investigated thoroughly and formal action will be taken wherever possible.

5.2.7 If a licence holder commits an offence under Part 12 of the Equality Act 2010 in relation to the carriage of assistance dogs, serious consideration will be given to whether the licence holder remains a fit and proper person to hold a licence.

5.2.8 Part 12 of the Equality Act 2010 does provide the Council with authority to grant certificates to drivers exempting them from their duties in relation to the carrying of assistance dogs on medical grounds. The Council's policy on how they will deal with requests for exemption certificates is set out at Annex I.

**5.3.0 Duration of Licences Issued**

Licences to drive hackney carriage and / or private hire vehicles

- 5.3.1 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Licences will not be issued on a "probationary" basis.

Licences to use a vehicle as a hackney carriage or private hire vehicle

- 5.3.2 Licences to use a vehicle as a hackney carriage or private hire vehicle will normally be issued for a period of 1 year and will then expire.
- 5.3.3 A licence issued in respect of a vehicle being used as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use, for example due to accident damage, will be issued for a period of no more than four months and will then expire.

Operator Licences

- 5.3.4 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Licences will not be issued on a "probationary" basis.

Licence holders whose leave to remain in the UK is time-limited

- 5.3.5 This section applies where the Council has to issue a licence of a shorter duration to those above as the licence holder's leave to remain in the UK is time-limited. When the licence holder provides evidence that their leave to remain has been extended or made permanent, the Council will extend their licence period so that the licence expires on whichever of the following dates is the earliest:
- The date the licence would have expired if the licence holder's leave to remain was not time-limited at the time of their application
  - The expiry of the licence holder's extended leave to remain in the UK
- 5.3.6 Licence holder's whose licences are extended in accordance with this section will not be charged any fee in order to have their licence extended.

**5.4.0 Surrender of Licences**

- 5.4.1 The holder of a licence to drive hackney carriage and/or private hire vehicles, use a vehicle as a hackney carriage or private hire vehicle or operate private hire vehicles may at any time surrender the licence to the Council by giving notice in writing and returning their licence and any associated licence plates or ID badges they have been issued.

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**5.5.0 Refund of Fees Paid When a Licence is Surrendered**

5.5.1 Where a licence holder surrenders a licence that they have been issued, refunds may be given on request, of the fee paid when applying for that licence in accordance with the following formulas.

Licences of 1 year duration

5.5.2 1/12 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 9/12 (75%) of the licence fee paid.

Licences of 3 year duration

5.5.3 1/36 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 27/36 (75%) of the licence fee paid.

Licences of 5 year duration

5.5.4 1/60 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 45/60 (75%) of the licence fee paid.

5.5.5 Any fees paid in respect of DBS Checks, vehicle inspections, training and assessment requirements etc. are non-refundable.



**Annexes**

- Annex A** Guidelines on the Assessment of Previous Convictions
- Annex B** Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles
- Annex C** Standard conditions attached to a licence to use a vehicle as a hackney carriage
- Annex D** Standard conditions attached to a licence to use a vehicle as a private hire vehicle
- Annex E** Equality Act 2010 – Position Statement on Sections 165 – 167
- Annex F** Plate exemption policy for licensed private hire vehicles
- Annex G** Standard conditions attached to a licence to operate private hire vehicles
- Annex H** Hackney carriage and private hire penalty points system
- Annex I** Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

Annex  
A

**Guidelines on the Assessment of Previous Convictions**

General approach

- A.1 The Council will always consider each case on its own merits and will ensure applicants / licence holders have a fair and impartial consideration of their application.

Cautions

- A.2 Cautions are given to anyone aged 10 or over for minor criminal offences. You have to admit an offence and agree to be cautioned. Whilst a caution is not a criminal conviction, it can be used as evidence of bad character. Therefore for the purpose of these guidelines, references to convictions will also be taken to include cautions accepted for offences.

Rehabilitation periods

- A.3 Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

- A.4 Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- A.5 Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

- A.6 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- A.7 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

- A.8 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.
- A.9 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

- A.10 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

- A.11 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- A.12 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- A.13 In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- A.14 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

- A.15 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- A.16 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

- A.17 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

- A.18 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

**Annex B Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles**

Conduct

- B.1 The licence holder must behave in a civil, orderly and respectful manner at all times whilst acting as the driver or a hackney carriage or private hire vehicle.
- B.2 The licence holder must not discriminate against any person whilst acting as the driver or a hackney carriage or private hire vehicle because of their:
- Age
  - Disability
  - Gender reassignment
  - Marriage & Civil Partnership
  - Pregnancy & Maternity
  - Race
  - Religion or Belief
  - Sex
  - Sexual Orientation
- B.3 The licence holder must not engage in inappropriate conversations with passengers. Inappropriate topics of conversation include (but are not limited to) references to a persons personal life, relationship status, appearance, religion or political beliefs.
- B.4 The licence holder must not eat any food whilst carrying a hirer in their vehicle.
- B.5 The licence holder must not smoke or use any e-cigarette or other vaping device inside any licensed hackney carriage or private hire vehicle at any time.
- B.6 The licence holder must not play any audio in a licensed hackney carriage or private hire vehicle at such a level as to cause annoyance to the hirer.
- B.7 The licence holder must only use the horn of a vehicle in accordance with the Highway Code and specifically shall not sound their horn to announce their arrival / presence to the hirer.

Appearance

- B.8 Whilst acting as the driver of a hackney carriage or private hire vehicle, a licence holder must be dressed suitably and be of clean and tidy appearance.

Assisting Passengers

- B.9 A licence holder must offer passengers with reasonable assistance with the loading and unloading of any luggage or baggage into and out of, any licensed vehicle they are in control of.
- B.10 A licence holder must offer reasonable assistance to any person with a disability or other mobility issue, when that person is entering or leaving a licensed vehicle they are in control of.

Changes of Circumstances

- B.11 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- B.12 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 72 hours if they have developed a medical condition that might impair their ability to drive a motor vehicle.
- B.13 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

DBS Update Service

- B.14 A licence holder must retain a valid subscription to the Disclosure and Barring Service (DBS) Update Service at all times whilst they remain licensed to drive hackney carriage and/or private hire vehicles.

Wearing and Display of Badges

- B.15 A licence holder must wear one of the ID badges issued to them by the Council at all times when acting as the driver of a hackney carriage or private hire vehicle. The badge must be worn on the licence holder's person in a way that it can be seen by passengers.
- B.16 A licence holder must display one of the ID badges issued to them by the Council inside any hackney carriage or private hire vehicle they are in control of in such a way as to be clearly visible to any passengers.

Lost property

- B.17 After passengers alight the licensed vehicle, a licence holder should check the vehicle to ensure no property has been left in the vehicle by that passenger.
- B.18 If any property belonging to a passenger is discovered in a licensed vehicle after that passenger has left the vehicle, the driver should take reasonable steps to return the lost property to the person that it belonged to.
- B.19 If the licence holder cannot identify who the lost property belongs to in order to return it to them, they must seek advice from the local police on what to do with the property by calling the non-emergency number 101.

Receipts

- B.20 Upon request, a licence holder must provide his passenger with a clear and legible receipt for the cost of their journey. This receipt must also identify the licence holder's name or licence number and the registration number of the vehicle that the journey was undertaken in.

Production of Documents

- B.21 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Their DVLA driving licence card
  - Proof of their right to work in the United Kingdom
  - Proof of their residential address
  - Any DBS certificate relied upon when their licence was granted

Return of licence and ID badge

- B.22 The licence holder must return the licence and any related ID badges issued by the Council when requested to do so. The licence and ID badges must be returned as soon as reasonably practicable and in any case not more than 7 days after such a request has been made by an authorised officer of the Council.

Production of medical certificate

- B.23 Any licence holder aged 65 or over must provide the Council with a copy of the Council's prescribed medical fitness certificate, completed by a registered medical practitioner with access to their medical records and history, on the anniversary of the issue of the licence each year.

Deposit of Copy of Licence

- B.24 A licence holder must deposit a copy of their licence with:
- The proprietor of any licensed hackney carriage or private hire vehicle that they have been authorised to drive
  - Any licensed private hire operator who accepts bookings in respect of a licensed vehicle that they are authorised to drive

Charging of fares

- B.25 Before commencing a journey, a licence holder must establish that their passenger understands what fare they will be charged for the journey or the method by which that fare will be calculated (e.g. in accordance with a taximeter installed in the vehicle).
- B.26 A licence holder must not charge a passenger for their journey more than:
- A fixed fare that has either been agreed before the commencement of the journey; or
  - The fare that has been calculated in accordance with the agreed method of calculation.
- B.27 When acting as the driver of a hackney carriage and undertaking a journey entirely within the Council's administrative boundaries, the licence holder must engage the taximeter installed in the vehicle and must not charge more than is permitted in accordance with the Council's approved table of fares.

Carriage of animals

- B.28 A licence holder must not carry any animal in a licensed hackney carriage or private hire vehicle without the express permission of the hirer.

**Annex C Standard conditions attached to a licence to use a vehicle as a hackney carriage**

Condition of Vehicle

- C.1 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. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

- C.2 Once a vehicle has been inspected and a licence has been granted the vehicle must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from an authorised officer of the Council. This includes the addition of any tinting film or similar products to the windows of the vehicle.

Licensing a Vehicle with Another Council

- C.3 No hackney carriage licensed by the Council may be licensed in any other authority as a hackney carriage or private hire vehicle.

Insurance Cover

- C.4 The licence holder must at all times that the vehicle is licensed to be used as a hackney carriage, maintain a valid policy of insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- C.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Allowing Other Persons to Drive the Vehicle

- C.6 Only a person licensed by the Council to drive hackney carriages can drive a vehicle that the Council has licensed to be used as a hackney carriage. If the licence holder proposes to allow someone else to drive their vehicle at any time, before doing so they must obtain from the driver the following documents:
- a) A copy of their current licence issued by Wyre Forest District Council authorising them to drive hackney carriage vehicles, and
  - b) A copy of their insurance documentation covering them to use the vehicle as hackney carriage.
- C.7 The licence holder must ensure that the driver's licence to drive hackney carriage vehicles and insurance remain current for the duration of the period they are permitted to drive the vehicle.

Display of External Licence Plate

- C.8 The external licence plate issued by the Council must be securely fixed to the outside rear of the vehicle below the window line.

Display of Internal Licence Plate

- C.9 The internal licence plate issued by the Council must be securely fixed to the inside of the windscreen on the passenger side of the vehicle so that the front of the licence plate is visible from the outside of the vehicle and the rear of the licence plate is visible from inside the vehicle.

Roof Signs

- C.10 A sign containing the word "TAXI" must be displayed on the roof of the vehicle at all times when it is being driven on a public road or otherwise used as a hackney carriage.
- C.11 The lettering on the sign must be a minimum of 80mm high.
- C.12 The roof sign must be appropriately and safely wired so that the sign is illuminated when the vehicle is available for hire and not illuminated when the vehicle is hired or is not available for hire.

Return of Licence Plate(s)

- C.13 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- C.14 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- C.15 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Advertising on Licensed Vehicles

- C.16 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.

Production of Documents

- C.17 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
  - Vehicle registration certificate (V5C)
  - Vehicle MOT test certificate
  - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle



Presentation of Vehicle for Inspection

- C.18 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.

Mid Term Inspection of Licensed Vehicle

- C.19 Once a vehicle licence has been issued, the vehicle must be presented for further inspection within a four week period beginning on the date six months after the licence issue date, or as directed by the Council.

Table of Fares (Tariff Card)

- C.20 The licence holder must ensure that a copy of the current table of fares (tariff card) set by the Council is carried in the vehicle at all times in a position where it can be accessed and read by any passenger as required.

CCTV

- C.21 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- C.22 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- C.23 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
  - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
  - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- C.24 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- C.25 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

**Annex D Standard conditions attached to a licence to use a vehicle as a private hire vehicle**

Condition of Vehicle

- D.1 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. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

- D.2 Once a vehicle has been inspected and a licence has been granted the vehicle must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from an authorised officer of the Council. This includes the addition of any tinting film or similar products to the windows of the vehicle.

Licensing a Vehicle with Another Council

- D.3 No private hire vehicle licensed by the Council may be licensed in any other authority as a hackney carriage or private hire vehicle.

Insurance Cover

- D.4 The licence holder must at all times that the vehicle is licensed to be used as a private hire vehicle, maintain a valid policy of insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- D.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Allowing Other Persons to Drive the Vehicle

- D.6 Only a person licensed by the Council to drive private hire vehicles can drive a vehicle that the Council has licensed to be used as a private hire vehicle. If the licence holder proposes to allow someone else to drive their vehicle at any time, before doing so they must obtain from the driver the following documents:
- a) A copy of their current licence issued by Wyre Forest District Council authorising them to drive private hire vehicles, and
  - b) A copy of their insurance documentation covering them to use the vehicle as a private hire vehicle.
- D.7 The licence holder must ensure that the driver's licence to drive private hire vehicles and insurance remain current for the duration of the period they are permitted to drive the vehicle.

Display of External Licence Plate

- D.8 The external licence plate issued by the Council must be securely fixed to the outside rear of the vehicle below the window line.

Display of Internal Licence Plate

- D.9 The internal licence plate issued by the Council must be securely fixed to the inside of the windscreen on the passenger side of the vehicle so that the front of the licence plate is visible from the outside of the vehicle and the rear of the licence plate is visible from inside the vehicle.

Roof Signs

- D.10 No sign may be displayed either on the roof of or above the roof of the a vehicle licensed to be used as a private hire vehicle.

Advertising on Licensed Vehicles

- D.11 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.

External Signage

- D.12 Signage must be displayed on the vehicle with wording that makes clear that the vehicle must be booked in advance and is not available for immediate hiring. Such wording could include "Advance Booking Only" "This vehicle must be booked in advance" "No booking, no ride" or similar.

Prohibition on Display of Certain Words

- D.13 The words "Taxi" or "Cab" either in singular or plural or words of a similar meaning or appearance either alone or as part of a name must not be displayed anywhere on the vehicle licensed to be used as a private hire vehicle.

Return of Licence Plate(s)

- D.14 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- D.15 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- D.16 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Production of Documents

- D.17 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
  - Vehicle registration certificate (V5C)
  - Vehicle MOT test certificate
  - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- D.18 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.

Mid Term Inspection of Licensed Vehicle

- D.19 Once a vehicle licence has been issued, the vehicle must be presented for further inspection within a four week period beginning on the date six months after the licence issue date, or as directed by the Council.

Taximeters

- D.20 Where a taximeter is fitted in a vehicle licensed to be used as a private hire vehicle the must be fitted securely in a position where it can be easily read by passengers in the vehicle and must not be obscured from view in any way. A table of fares must be available in the vehicle for inspection by passengers to explain clearly the basis on which any hiring charges will be calculated by the taximeter.

CCTV

- D.21 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- D.22 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- D.23 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
  - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
  - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- D.24 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- D.25 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

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**Annex E Equality Act 2010 – Position Statement on Sections 165 – 167**

**Introduction**

- E.1 The Government commenced sections 165 and 167 of the Equality Act 2010, in so far as they were not already in force, on 6<sup>th</sup> April 2017.
- E.2 Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then place duties on the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- E.3 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act.
- E.4 This allows Local Authorities to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- E.5 In adopting this position statement, Wyre Forest District Council has had regard to the guidance issued by the Secretary of State under section 167(6) of the Equality Act 2010.

**Maintaining a List of Designated Vehicles**

- E.6 Section 167 of the Act permits, but does not require, licensing authority to maintain a designated list of wheelchair accessible hackney carriage and private hire vehicles.
- E.7 Whilst not being under a specific legal duty to maintain a list of designated vehicles, Wyre Forest District Council has decided that it will do so.
- E.8 The list of designated vehicles will be published and maintained by Wyre Forest District Council with effect from **XXXXXXXXXXXX**. This will provide a reasonable amount of time for drivers to make applications for exemption from the duties that will be placed upon them once a list of designated vehicles is published.
- E.9 Once published, the list of designated vehicles will be available to access via the Wyre Forest District Council website. A hard copy of the list of designated vehicles will also be provided on request. To request a hard copy of the list of designated vehicles you will need to contact Worcestershire Regulatory Services by emailing [enquiries@worcestershire.gov.uk](mailto:enquiries@worcestershire.gov.uk) or telephoning 01905 822799.

**Accessibility Requirements for Vehicles Included on the List of Designated Vehicles**

- E.10 The Act states that a vehicle can be included on a licensing authority’s list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- E.11 Wyre Forest District Council has decided that a vehicle will only be included in the authority’s list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. For this purpose, a “reference wheelchair” is as defined in Schedule 1 of the Public Service Vehicle

Accessibility Regulations 2000.

**The Duties Placed on Drivers of Designated Vehicles**

- E.12 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible hackney carriage and private hire vehicles.
- E.13 The duties are:
- to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.
- E.14 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
  - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- E.15 It is an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the licensing authority's designated list to fail to comply with these duties.

**Exemptions from the Duties Placed on Drivers of Designated Vehicles**

- E.16 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows licensing authorities to grant exemptions from the duties to individual drivers.
- E.17 Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties.
- E.18 If a licensed driver wishes to obtain an exemption from the duties placed on them under section 165, they must complete the relevant application form and submit this to the licensing authority alongside relevant supporting evidence. The supporting evidence must include a letter or report from the licensed driver's general practitioner.
- E.19 If required, a licensed driver seeking to obtain an exemption from the duties, must submit to an examination by an independent medical practitioner appointed by the licensing authority. The decision as to whether an exemption is granted and for how long, will be taken by the Head of Worcestershire Regulatory Services
- E.20 If the exemption application is successful then the licensing authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle.

- E.21 If the exemption application is unsuccessful , the applicant will be informed in writing within a reasonable timescale and provided with a clear explanation of the reasons for the decision.
- E.22 Section 172 of the Act enables drivers to appeal against the decision of the licensing authority not to issue an exemption certificate. That appeal should be made to the Magistrate's Court and must be made within 28 days beginning with the date of the refusal.

**Enforcement**

- E.23 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the licensing authority that licensed them, and the licensing authority has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- E.24 Wyre Forest District Council will look to take firm action where drivers breach their duties under section 165 of the Act and will use all their available powers to ensure that drivers who discriminate against disabled passengers are held accountable for their actions.
- E.25 If a driver receives a conviction for breaching their duties under section 165 of the Act, the authority will review whether or not they remain a fit and proper person to hold a licence to drive hackney carriage or private hire vehicles.



**Annex  
F**

**Plate exemption policy for licensed private hire vehicles**

- F.1 The Council will only grant an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate where the vehicle meets **all** of the following requirements:
- the vehicle must be an executive model, and
  - the vehicle interior and exterior must be maintained in exceptional condition, and
  - the vehicle must be used exclusively for executive hire or chauffeur work.
- F.2 Each application for exemption from the requirement to display an external licence plate will be determined by an authorised officer of the Council on a case by case basis.
- F.3 Those applying for exemption from the requirement to display an external licence plate will be required to present their vehicle to an authorised officer for inspection and provide evidence to show it is use exclusively for executive hire or chauffeur work.

**Annex G Standard conditions attached to a licence to operate private hire vehicles**

Duty to Provide a Basic Disclosure Annually

- G.1 Where the licence holder does not a licence issued by Wyre Forest District Council authorising them to drive hackney carriage and/or private hire vehicles, they must submit a basic disclosure certificate annually within a 4 week period beginning with the anniversary of the date that the licence was issued.

Location of Operating Base and Records

- G.2 The licence holder must operate private hire vehicles from an address within the licensing authority's administrative area (hereafter referred to as "the operating base").
- G.3 All records required by these conditions and that are kept in a written form, must be kept and made available for inspection at the operating base.
- G.4 Where records are held electronically, they must be capable of being viewed by an authorised officer or police officer visiting the operating base.
- G.5 The licence holder must be able to provide an authorised officer or police officer with a printed copy of any records held electronically upon request.

Changes of Circumstances

- G.6 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- G.7 A licence holder must notify the licensing authority within 7 days of any change to their name and / or home address
- G.8 A licence holder must notify the licensing authority within 7 days of any change to the address of their operating base.

Records of Bookings

- G.9 The licence holder must ensure that accurate records of all bookings received are maintained. The following is the minimum information that must be recorded in respect of each booking:
- The name of the passenger
  - The time that the booking was received
  - The pick-up point
  - The requested pick-up time
  - The destination
  - The name of the driver dispatched to undertake the booking
  - The driver's licence number of the driver dispatched to undertake the booking
  - The vehicle registration number of the vehicle dispatched to undertake the booking

- The name of any individual that responded to the booking request
  - The name of any individual that dispatched the vehicle
- G.10 The licence holder's record of all private hire bookings, whether retained in a book or on a computerised system, must be kept at the licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Record Keeping – Vehicles and Driver's Operated

- G.11 The licence holder must retain an accurate records for all of the vehicles and drivers that they dispatch to undertaken bookings made with them. These records must include:
- The full name of each driver
  - Any call signs allocated to any drivers
  - The identity of the local authority that issued the relevant driver's licence
  - The registration number of any vehicles
  - The licence plate number of any vehicles
  - The identity of the local authority that issued the relevant vehicle's licence
- G.12 The licence holder must obtain and retain the following documentation in respect of every vehicle and driver they operate prior to allocating them any bookings, namely:
- a copy of the driver's current private hire driver's licence or badge
  - a copy of the vehicle's current private hire vehicle licence or front identity plate
  - a copy of the vehicle's current MOT certificate
  - a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
- G.13 The above documentation relating to vehicles and drivers must be retained at the licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for the licence holder and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Record Keeping – Form of Records and Data Security

- G.14 Whether records are kept in written or electronic form, they must at all times be in a format that is clear and legible.
- G.15 The licence holder must comply with their duties under data protection legislation to protect the information that they record and retain.

Provision of Information to Driver Dispatched

- G.16 A driver dispatched to fulfil a booking that has been accepted must be provided with the following information as a minimum:
- The name of the passenger
  - The pick-up point
  - The requested pick-up time
  - The destination

Provision of Information to Person Who Has Made a Booking

- G.17 A person who has had a booking accepted must be provided with the following information as a minimum:
- The registration number of the vehicle that will be dispatched to pick them up.
  - The licence (badge) number of the driver that will be driving the vehicle dispatched to pick them up.
- G.18 This information can be provided verbally over the telephone, by text message or by other electronic means.
- G.19 If the person's booking is being sub-contracted and will be carried out by a vehicle and driver licensed by a different licensing authority, the passenger must be provided the following information as a minimum:
- The name of the operator to whom the booking has been sub-contracted and the name of the licensing authority that has issued a licence to that operator.
  - The registration number of the vehicle that will be dispatched to pick them up.
  - The licence (badge) number of the driver that will be driving the vehicle dispatched to pick them up.
  - The name of the licensing authority that has licensed both the driver and vehicle

Use of Passenger Service Vehicles (PSVs) to Fulfil Bookings

- G.20 Where the licence holder also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

Register of Staff

- G.21 The licence holder must maintain a register of all staff that will take bookings or dispatch vehicles.
- G.22 The licence holder must have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

Recording and Dealing with Complaints

- G.23 The licence holder must establish and maintain a written complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- the name, contact details of complainant and date complaint received
  - the date, time and details/nature of the complaint
  - the name of the driver (and Badge number) or member of staff, to which the complaint relates
  - details of the investigation carried out and any action taken.

G.24 Upon receiving a complaint or allegation concerning any of the following matters in relation to any person licensed by Wyre Forest District Council you must report it to the Council immediately:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violent, aggressive or abusive behaviour
- dishonesty such as overcharging, theft or retention of lost property
- breach of equality legislation, such as refusing to carry an assistance dog

Waiting Rooms / Areas

G.25 Where a licence holder makes available a waiting room/area for those making bookings, this room/area must be maintained in a clean and tidy condition and must be free from any hazards.

Standard of Service

G.26 The licence holder shall take all reasonable steps to ensure that a reliable service is provided to anyone from whom a booking is accepted.

Conduct of licence holder and employees

G.27 The licence holder must behave in a civil, orderly and respectful manner at all times whilst communicating with people in course of delivering a private hire service.

G.28 In offering their services, the licence holder must ensure that they and any persons employed by them to communicate with customers, process bookings or dispatch vehicles, do not discriminate against any person because of their:

- Age
- Disability
- Gender reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

G.29 The licence holder must ensure that they and any persons employed by them to communicate with customers, process bookings or dispatch vehicles, do not engage in inappropriate conversations with passengers. Inappropriate topics of conversation include (but are not limited to) references to a persons personal life, relationship status, appearance, religion or political beliefs.

Lost Property

G.30 The licence holder must have a written policy setting out their procedure for dealing with property left in a licensed vehicle after a journey has ended. This policy must be communicated to all drivers to whom bookings are allocated.

G.31 The licence holder must take all reasonable steps to ensure any lost property is returned safely to its owner.

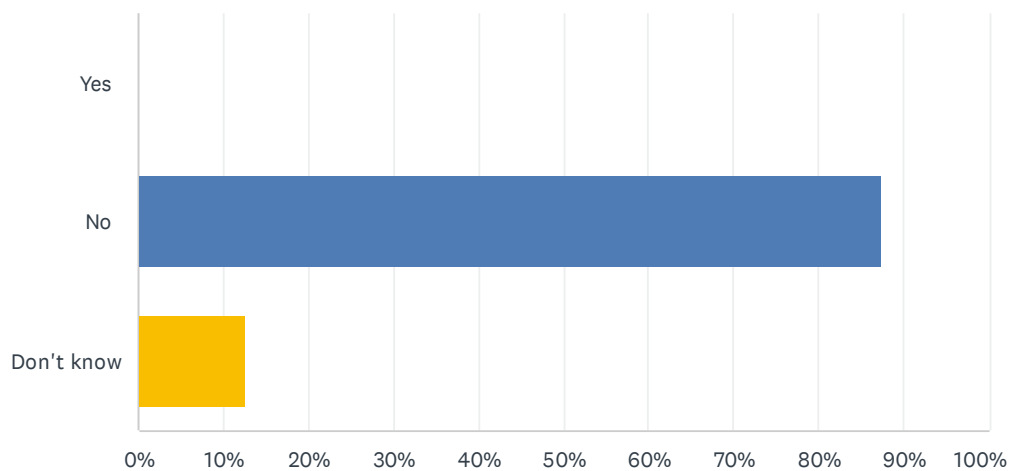
**Annex H Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs**

- H.1 Any person wishing to be exempted from the duties placed on them in respect of the carriage of assistance dogs in hackney carriage or private hire vehicles must complete and submit the relevant application form.
- H.2 The application must be accompanied a letter from the person's own registered GP that states that they are of the opinion that the person has a genuine medical condition that is aggravated by exposure to dogs. The application must also be accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.
- H.3 If an authorised officer of the Council is satisfied by the evidence accompanying the application, the licence holder will be issued with a notice of exemption notice. Whenever they are driving a hackney carriage or private hire vehicle, the holder of a notice of exemption must place it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard
- H.4 Where an exemption certificate is issued, the Council will also provide an additional tactile and/or large print resource to hackney carriage and private hire vehicle drivers so that assistance dog owners who are blind can identify that the driver has been issued with a certificate.

**Agenda Item No. 5 Appendix 2**

**Q1 We're proposing to require all those who are granted a licence to drive hackney carriage and/or private hire vehicles to subscribe to the DBS Update Service and to remain subscribed throughout the period that they hold such a licence. We will then carry out a DBS update check using this service at least every six months in respect of each licence holder. This change is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this requirement?**

Answered: 16 Skipped: 3

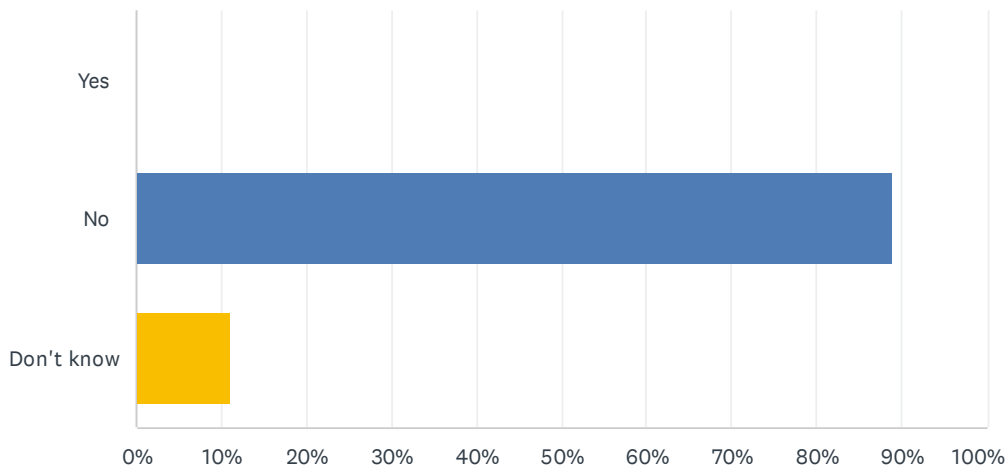


ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	87.50% 14
Don't know	12.50% 2
<b>TOTAL</b>	<b>16</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

Q2 We're proposing to use the National Register of Revocations and Refusals (NR3) to check the details of all applicants for licences to drive hackney carriage and/or private hire vehicles to confirm that there is no record of them having been revoked or refused elsewhere. The NR3 will record details of applications for licences that it has refused and licences that it has revoked. The use of NR3 is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not use NR3 for these purposes?

Answered: 18 Skipped: 1



ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	88.89% 16
Don't know	11.11% 2
<b>TOTAL</b>	<b>18</b>

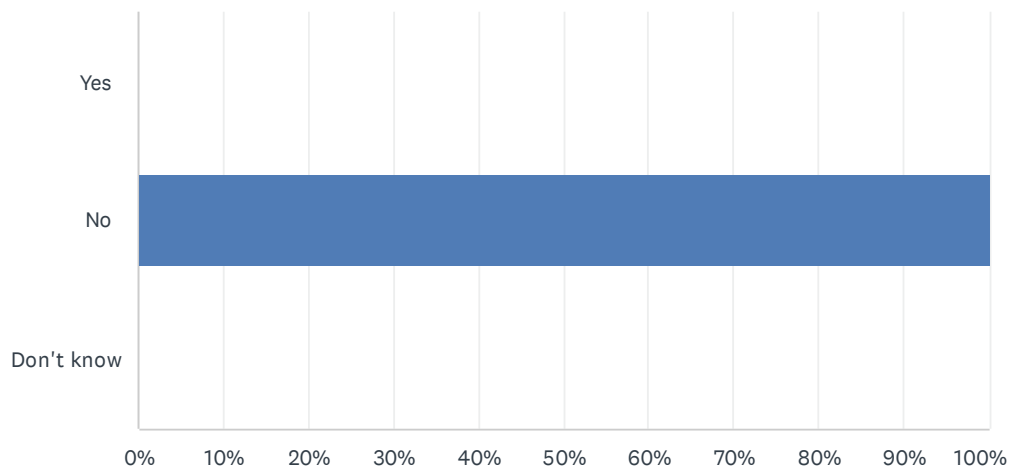
#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	



**Agenda Item No. 5 Appendix 2**

**Q3 In the interests of public safety, we're proposing to adopt the stance that we will not licence any individual that appears on either of the children and adult barred lists maintained by the Disclosure and Barring Service (DBS). This stance is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this stance?**

Answered: 17 Skipped: 2



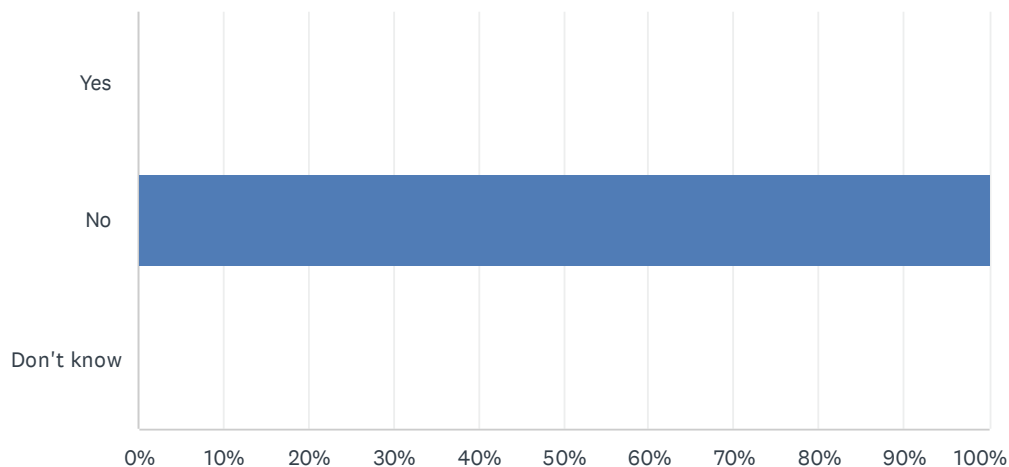
ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	17
Don't know	0.00%	0
<b>TOTAL</b>		<b>17</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

Q4 We're proposing to adopt the approach of making referrals to the Disclosure and Barring Service where it takes a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult. This approach is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this approach?

Answered: 16 Skipped: 3

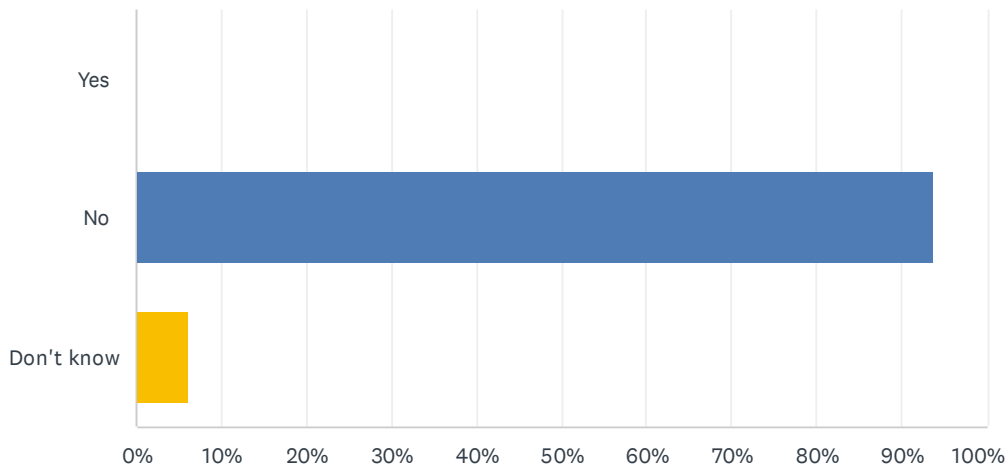


ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	16
Don't know	0.00%	0
TOTAL		16

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

Q5 We're proposing to adopt new “Guidelines on the Assessment of Previous Convictions” which we've set out in Annex A of the draft Hackney Carriage and Private Hire Licensing Policy. The proposed Guidelines on the Assessment of Previous Convictions are more robust than our current guidelines and are recommended by the Department for Transport in the Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt the new Guidelines on the Assessment of Previous Convictions?

Answered: 16 Skipped: 3

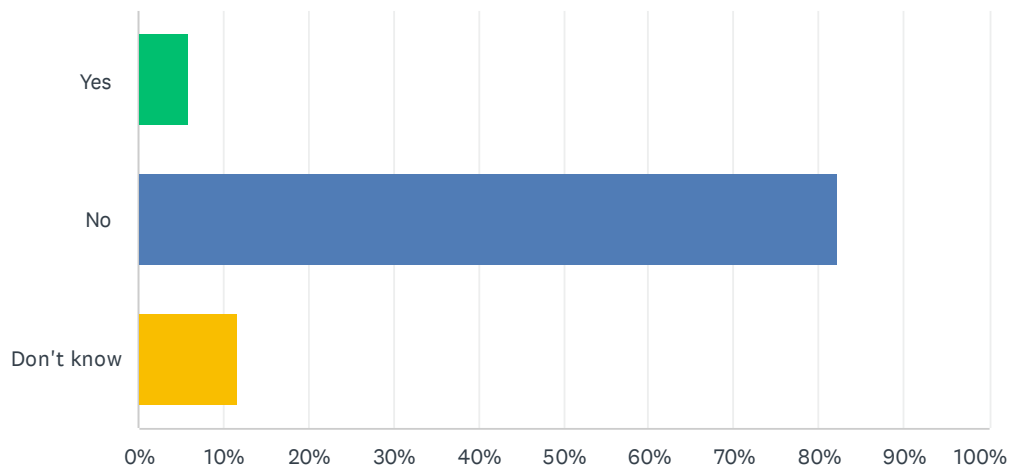


ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	93.75% 15
Don't know	6.25% 1
<b>TOTAL</b>	<b>16</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

**Q6 We're proposing to require all new applicants for licences to drive hackney carriage and/or private hire vehicles to undertake safeguarding training. The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this requirement?**

Answered: 17 Skipped: 2



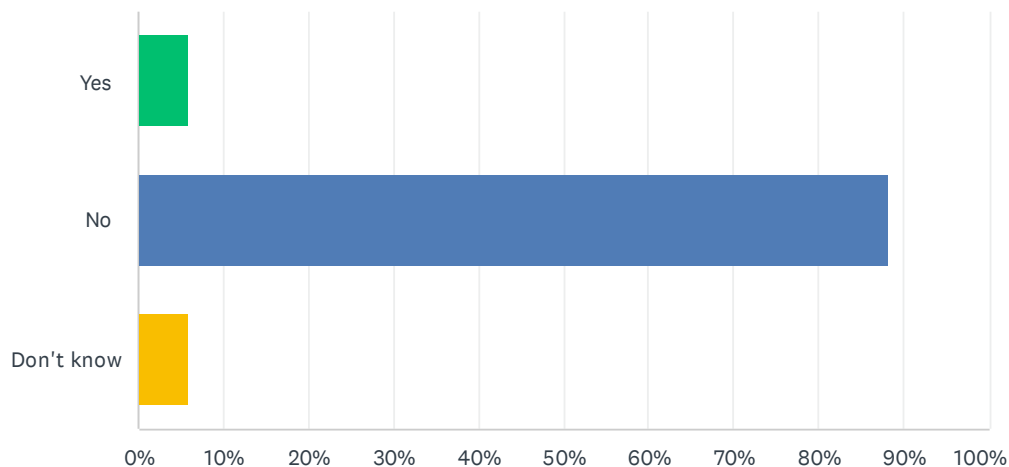
ANSWER CHOICES	RESPONSES
Yes	5.88% 1
No	82.35% 14
Don't know	11.76% 2
<b>TOTAL</b>	<b>17</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

**Q7 We're proposing to require all new applicants for licences to drive hackney carriage and/or private hire vehicles to demonstrate they have suitable oral and written English language skills. The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this requirement?**

Answered: 17 Skipped: 2



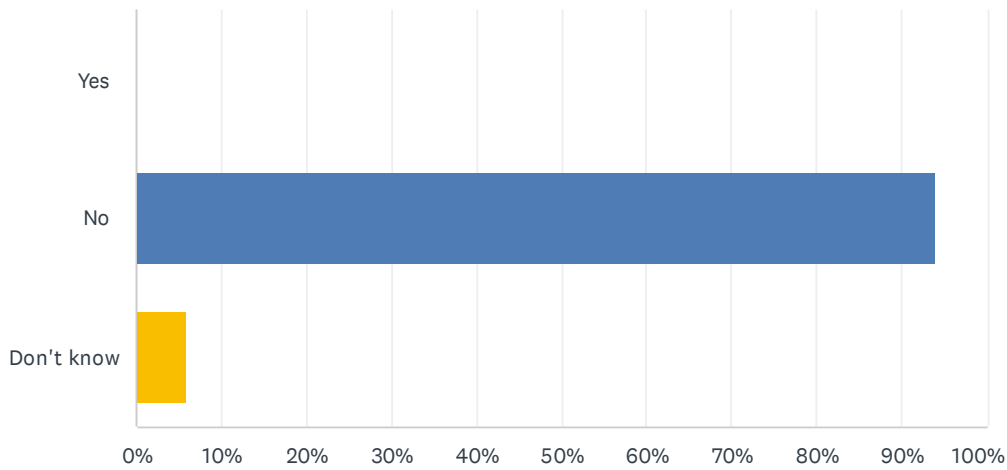
ANSWER CHOICES	RESPONSES
Yes	5.88% 1
No	88.24% 15
Don't know	5.88% 1
TOTAL	17

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
1	I believe it may be a little excessive to expect applicants to have written English language skills - it would depend on what is meant by 'suitable' and it could discriminate against some communities where English is not their first language. I believe that spoken English is essential but I'm not sure if written English is.	1/13/2022 11:42 AM

**Agenda Item No. 5 Appendix 2**

Q8 We want to continue to have close links with the police to make sure effective and efficient information sharing procedures and protocols are in place and are being used. We're proposing that as part of building an effective working relationship with the police, any action we take as a result of information we have received from the police will be fed-back to them. To further aid the quality of information available to all parties that have a safeguarding duty, where this is a revocation or refusal of a licence on public safety grounds, we will make sure steps are taken to advise the police. The adoption of this approach is in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this approach to working with the police?

Answered: 17 Skipped: 2



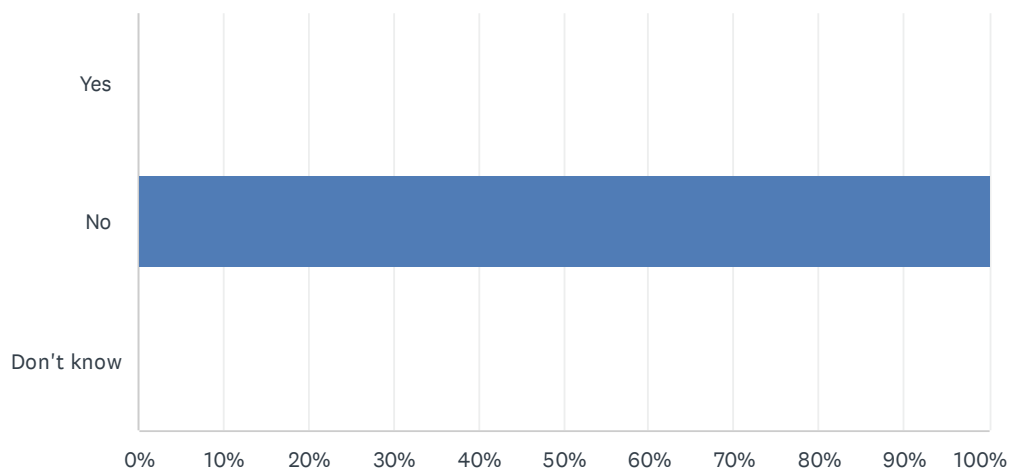
ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	94.12% 16
Don't know	5.88% 1
<b>TOTAL</b>	<b>17</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

Q9 We're proposing to require every person applying for a licence to use a vehicle as a hackney carriage or private hire vehicle to provide a basic disclosure. (Unless they already hold a licence to drive hackney carriage and/or private hire vehicles)We're then proposing to consider any information revealed by such a disclosure when deciding whether or not to grant a licence to the applicant.The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.Do you have any evidence of a compelling local reason why we should not adopt this requirement?

Answered: 17 Skipped: 2



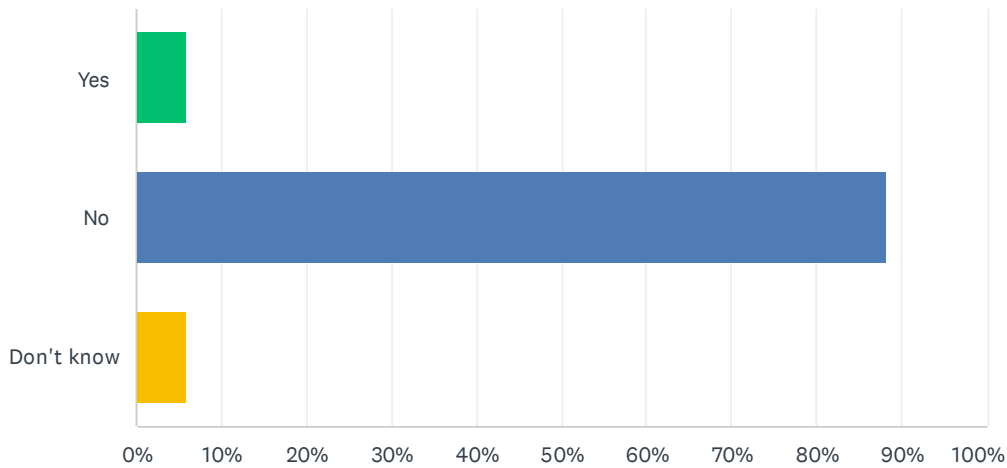
ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	100.00% 17
Don't know	0.00% 0
<b>TOTAL</b>	<b>17</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

**Q10 We're proposing to require those that hold a licence to operate private hire vehicles to maintain a register of all staff that will take bookings or dispatch vehicles. The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this requirement?**

Answered: 17 Skipped: 2



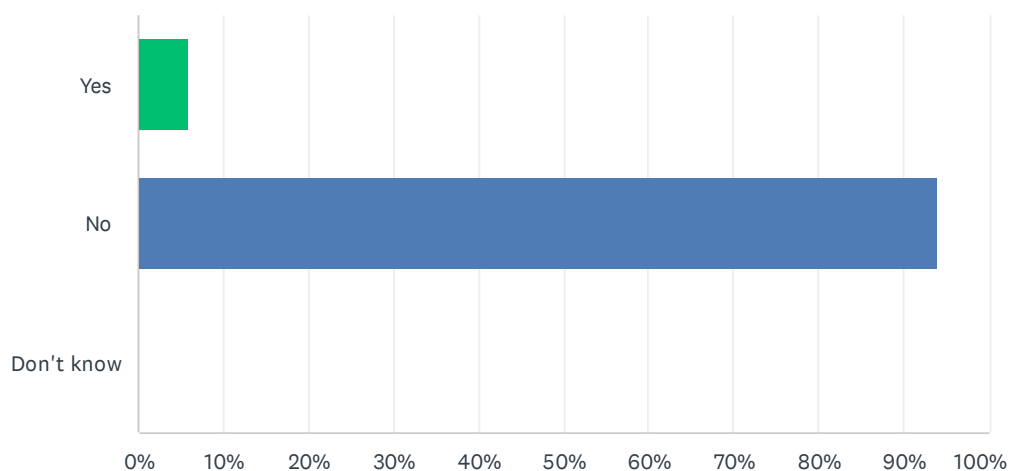
ANSWER CHOICES	RESPONSES
Yes	5.88% 1
No	88.24% 15
Don't know	5.88% 1
<b>TOTAL</b>	<b>17</b>

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	



**Q11** We're proposing to require those that have a licence to operate private hire vehicles to have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles. The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards. Do you have any evidence of a compelling local reason why we should not adopt this requirement?

Answered: 17 Skipped: 2



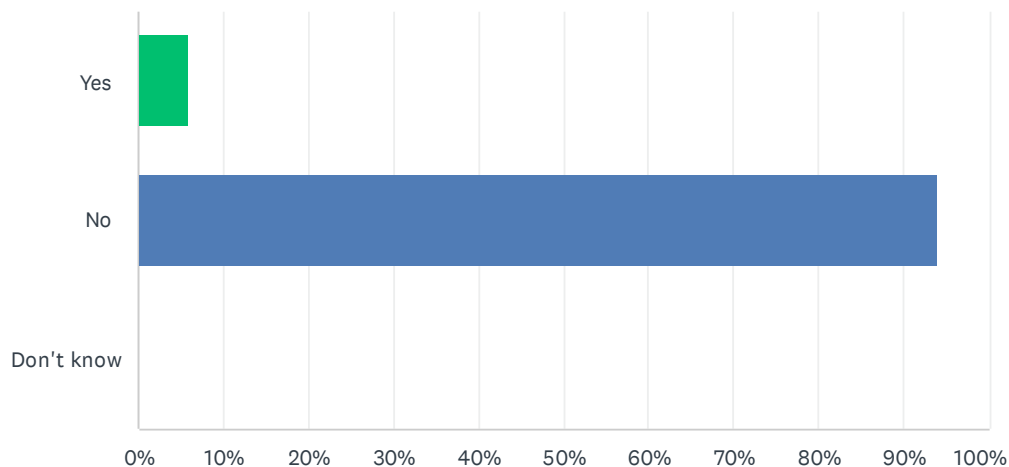
ANSWER CHOICES	RESPONSES
Yes	5.88% 1
No	94.12% 16
Don't know	0.00% 0
TOTAL	17

#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

Q12 We're proposing to require any person who holds a licence to operate private hire vehicles to provide a basic disclosure certificate annually (unless they already hold a licence to drive hackney carriage and/or private hire vehicles)The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.Do you have any evidence of a compelling local reason why we should not adopt this requirement?

Answered: 17 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	5.88%	1
No	94.12%	16
Don't know	0.00%	0
<b>TOTAL</b>		<b>17</b>

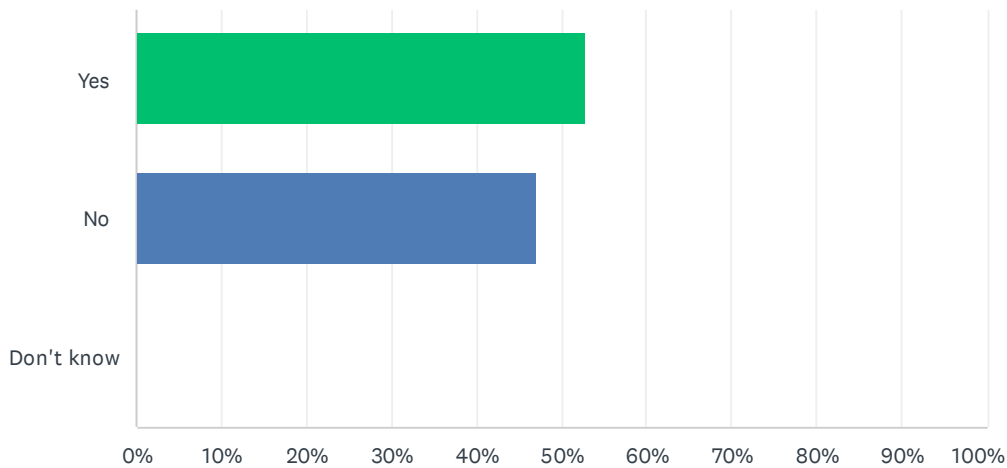
#	IF YES, PLEASE PROVIDE DETAILS BELOW...	DATE
1	Every 3 years is enough	5/4/2022 7:27 PM

Q13 We're proposing to introduce a requirement that all new applicants for licences to drive hackney carriage and/or private hire vehicles must obtain the "Worcestershire Taxi and Private Hire Competency Certificate." To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person will be required to demonstrate that they possess a suitable level of skills, knowledge and understanding in the following key areas:

- English language proficiency – both spoken and written.
- Numeracy.
- Legislation affecting taxi and private hire licence holders.
- Practical driving proficiency.
- Safeguarding – including Child Sexual Exploitation, County Lines and Modern Slavery.
- Equalities – including assisting passengers with disabilities.
- Customer care.

The Worcestershire Taxi and Private Hire Competency Certificate will replace the existing training and assessment requirements for those seeking licences to drive hackney carriage and/or private hire vehicles. The only exception to this would be that in addition to the Worcestershire Taxi and Private Hire Competency Certificate, those wishing to be granted a licence to drive hackney carriage vehicles must have passed our topographical knowledge test. Do you agree with the proposal to introduce this requirement?

Answered: 17 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	52.94%	9
No	47.06%	8
Don't know	0.00%	0
<b>TOTAL</b>		<b>17</b>

#	PLEASE PROVIDE YOUR REASONS AND ANY EVIDENCE IN SUPPORT OF YOUR	DATE
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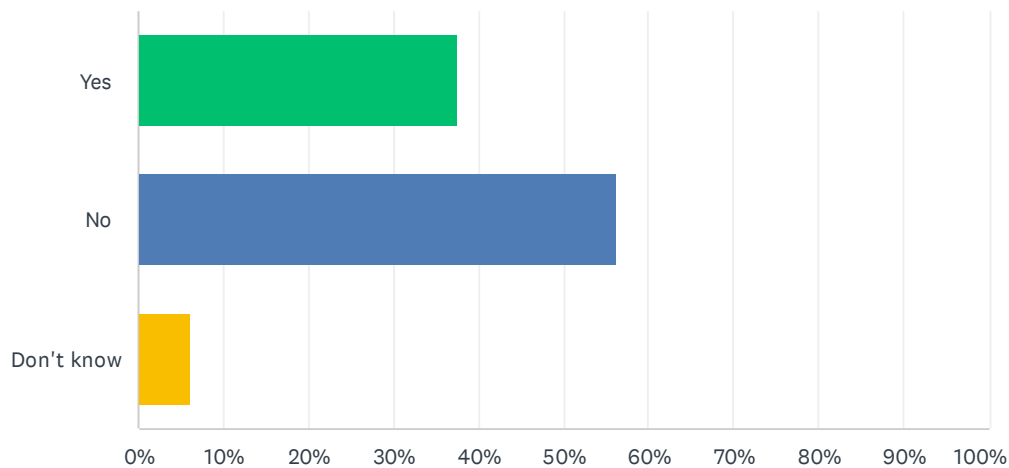
**Agenda Item No. 5 Appendix 2**

	ANSWER...	
1	As a hackney carriage driver who on a daily basis transport's wheelchair passengers...I know only full well that they are not getting the transport that they require...I listen to many complaints about drivers that refuse to carry them and the drivers inability to secure the wheelchair safely All drivers should undergo wheelchair training...	5/4/2022 12:22 PM
2	Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. The 2019 Guide Dogs report "Access Denied" ( <a href="https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/access-report-2019.pdf">https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/access-report-2019.pdf</a> ) found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers and we welcome the inclusion of this in the Taxi and Private Hire Competency Certificate. It is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.	12/17/2021 4:20 PM

**Agenda Item No. 5 Appendix 2**

Q14 We're proposing to issue all licences to operate private hire vehicles for a period of 5 years unless we thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Do you agree with this proposal?

Answered: 16 Skipped: 3



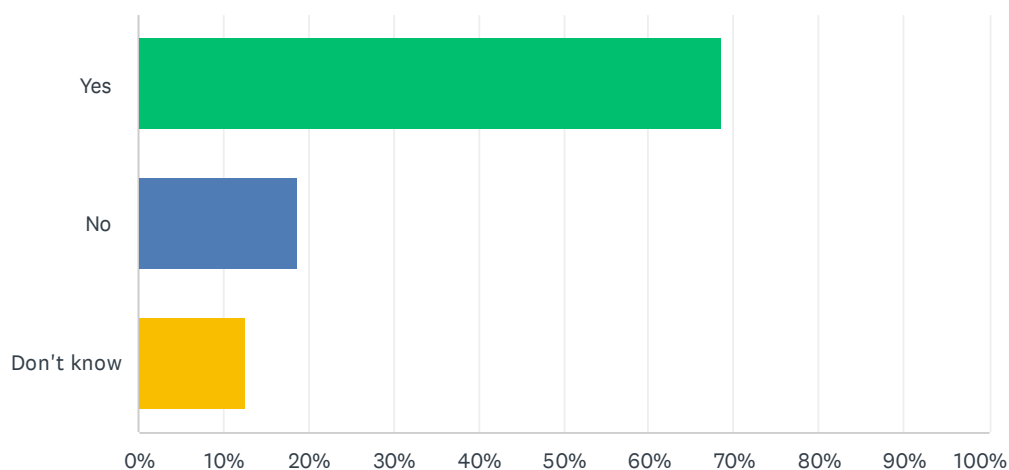
ANSWER CHOICES	RESPONSES
Yes	37.50% 6
No	56.25% 9
Don't know	6.25% 1
TOTAL	16

#	PLEASE PROVIDE YOUR REASONS AND ANY EVIDENCE IN SUPPORT OF YOUR ANSWER...	DATE
1	the current cost of the licence is the highest of all local authorities in worcs. This needs to be addressed before the trade can afford a 5 yr licence	5/4/2022 6:36 PM
2	compared to other local authorities in worcestershire the cost of an operators licence is excessively high, therefore the option of a 1 year licence should be available	5/4/2022 10:27 AM
3	Because WyreForest expect one man bands to pay the same as big operators creating cartels	4/20/2022 5:05 PM
4	I think it should be yearly for passenger safety	12/16/2021 5:08 PM

**Agenda Item No. 5 Appendix 2**

Q15 We're proposing to adopt a change of policy that applies to a person whose licence to use a vehicle as a hackney carriage or private hire vehicle is revoked automatically because it has remained suspended under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a period of 2 months. The policy would enable officers to grant such a person a new licence under delegated authority authorising them to use the same vehicle for the same purpose as it was used for previously, notwithstanding the fact that the vehicle may now be older than the maximum age at which we would normally licence a new vehicle entering the hackney carriage/private hire fleet for the first occasion. This policy would apply provided that the application is made within a period of 2 months from the date the licence is automatically revoked under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. Do you agree we should adopt this policy?

Answered: 16 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	68.75%	11
No	18.75%	3
Don't know	12.50%	2
TOTAL		16

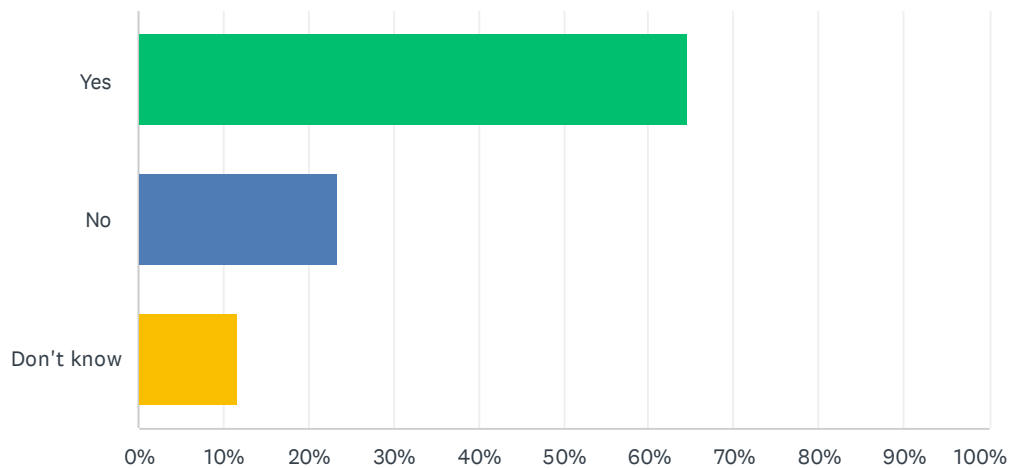
**Q16 What amendments (if any) do you think we should make to this policy? Please provide details and your reasons...**

Answered: 1 Skipped: 18

#	RESPONSES	DATE
1	Taxis in silver are no longer available change of colour is now essential	4/20/2022 5:08 PM

Q17 We propose to adopt a policy on the refunds we will offer on licence fees paid when a licence is surrendered before it is due to expire. The details of this policy are at Part 5.5 of the draft Hackney Carriage and Private Hire Licensing Policy on page 54. Do you agree we should adopt this policy in respect of refunding licence fees when licences are surrendered?

Answered: 17 Skipped: 2



ANSWER CHOICES	RESPONSES
Yes	64.71% 11
No	23.53% 4
Don't know	11.76% 2
TOTAL	17



**Q18 What amendments (if any) do you think we should make to this policy? Please provide details and your reasons**

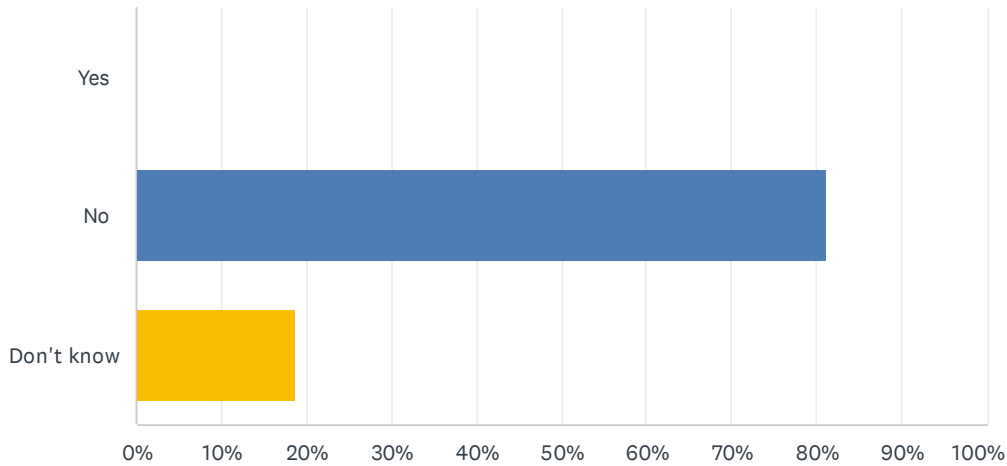
Answered: 0 Skipped: 19

#	RESPONSES	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

**Q19 We propose to attach the standard conditions shown in Annex B of the draft Hackney Carriage and Private Hire Licensing Policy to every licence we issue to someone authorising them to drive hackney carriage and/or private hire vehicles. Do you think any of the standard conditions in Annex B should be amended or removed?**

Answered: 16 Skipped: 3

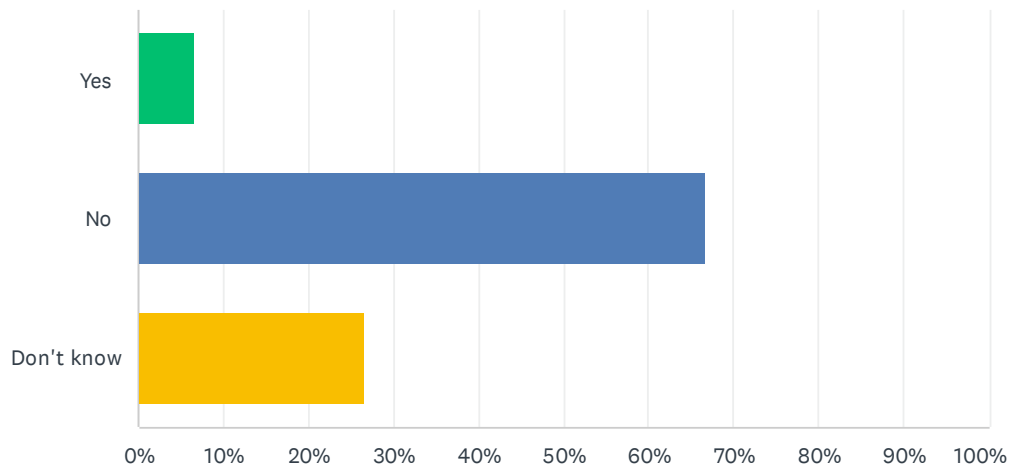


ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	81.25%	13
Don't know	18.75%	3
<b>TOTAL</b>		<b>16</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

## Q20 Do you think that any additional standard conditions need to be added to those set out in Annex B?

Answered: 15 Skipped: 4



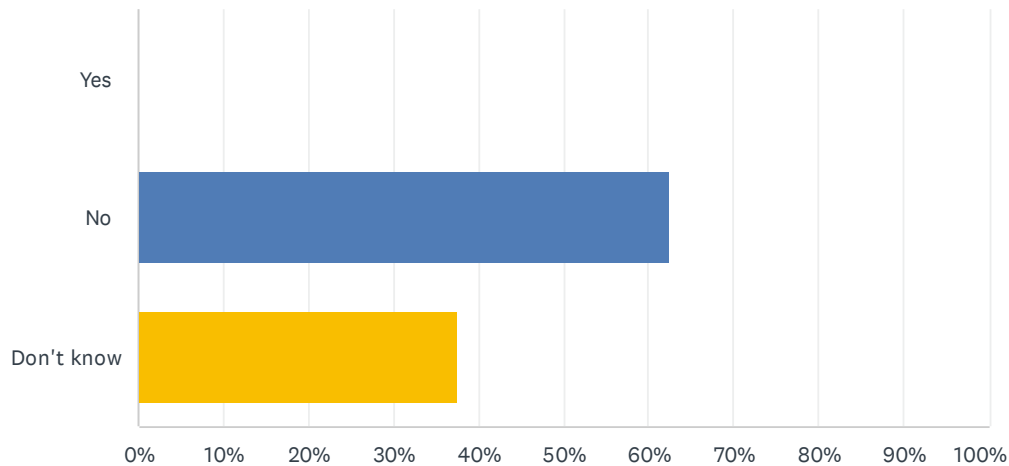
ANSWER CHOICES	RESPONSES
Yes	6.67% 1
No	66.67% 10
Don't know	26.67% 4
TOTAL	15

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
1	I would like to see greater security to passengers/lone female passengers. More accountability for the tracing of taxi drivers when not booking through a company, i.e. picking up a taxi in the street. Reducing the possibility of attacks on female passengers. A possible Black Box to record locations and times of pick ups.	12/16/2021 5:14 PM

**Agenda Item No. 5 Appendix 2**

Q21 We're proposing to attach the standard conditions shown in Annex C of the draft Hackney Carriage and Private Hire Licensing Policy to every licence we issue to someone authorising them to use a vehicle as a hackney carriage. Do you think any of the standard conditions in Annex C should be amended or removed?

Answered: 16 Skipped: 3

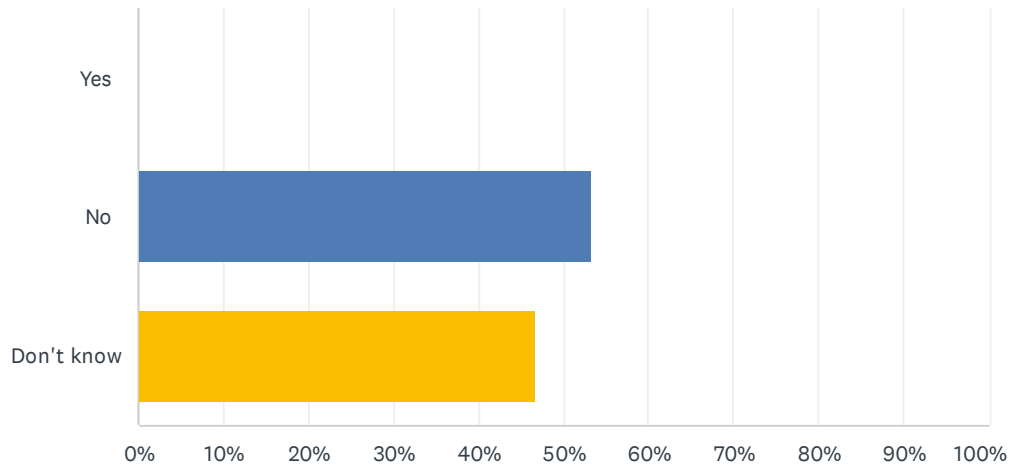


ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	62.50% 10
Don't know	37.50% 6
<b>TOTAL</b>	<b>16</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

## Q22 Do you think that any additional standard conditions need to be added to those set out in Annex C?

Answered: 15 Skipped: 4



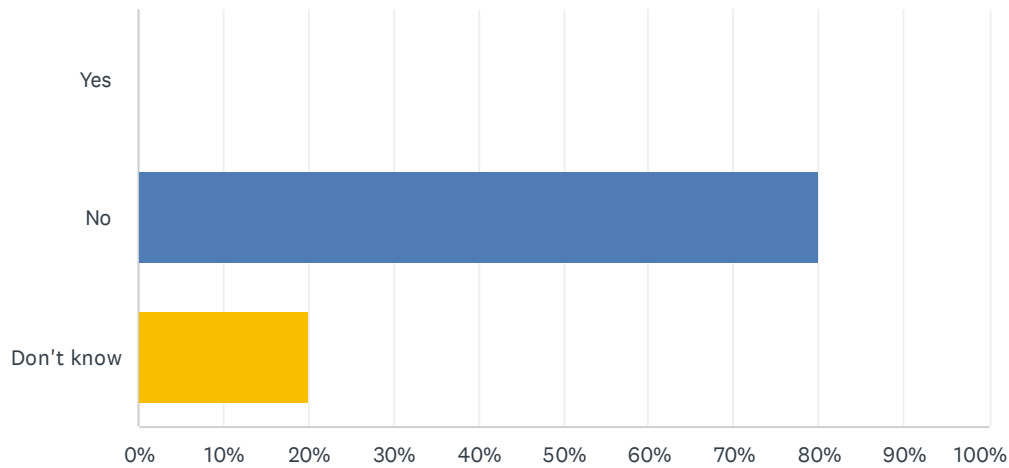
ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	53.33% 8
Don't know	46.67% 7
<b>TOTAL</b>	<b>15</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

**Q23 We're proposing to attach the standard conditions shown in Annex D of the draft Hackney Carriage and Private Hire Licensing Policy to every licence we issue to someone authorising them to use a vehicle as a private hire vehicle. Do you think any of the standard conditions at Annex D should be amended or removed?**

Answered: 15 Skipped: 4

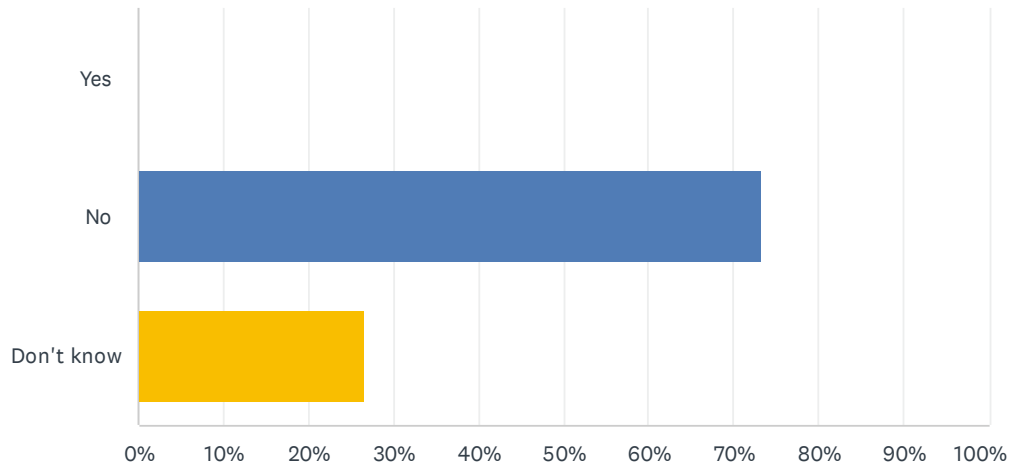


ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	80.00% 12
Don't know	20.00% 3
<b>TOTAL</b>	<b>15</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

## Q24 Do you think that any additional standard conditions need to be added to those set out in Annex D?

Answered: 15 Skipped: 4

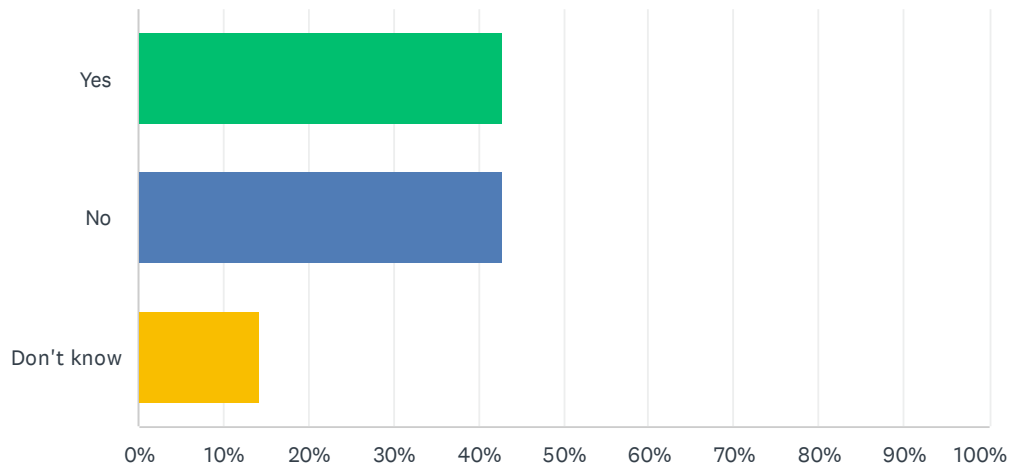


ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	73.33%	11
Don't know	26.67%	4
<b>TOTAL</b>		<b>15</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

**Q25 We're proposing to adopt the policy shown in Annex F of the draft Hackney Carriage and Private Hire Licensing Policy on how we will deal with requests for exemption from the requirement to display external licence plates on a private hire vehicle. Do you agree that we should adopt this policy?**

Answered: 14 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	42.86%	6
No	42.86%	6
Don't know	14.29%	2
<b>TOTAL</b>		<b>14</b>



**Q26 What amendments (if any) do you think we should make to this policy? Please provide details and your reasons...**

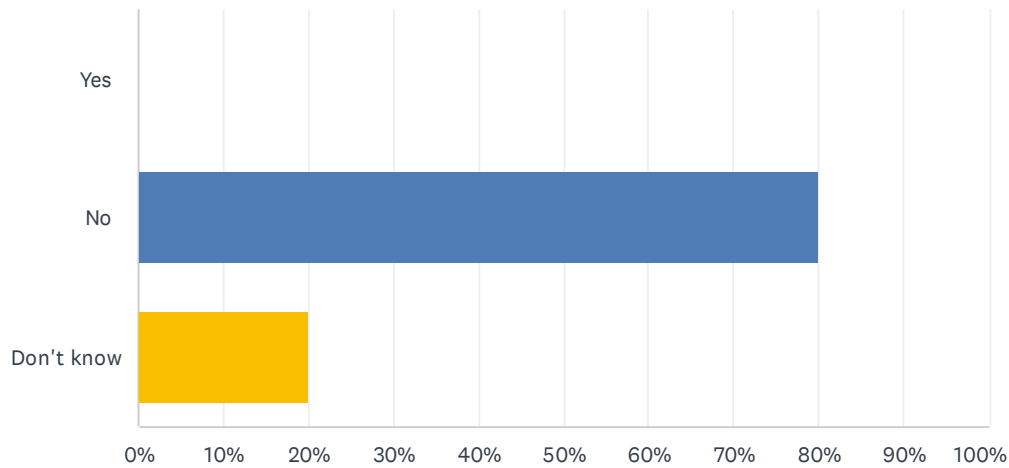
Answered: 0 Skipped: 19

#	RESPONSES	DATE
	There are no responses.	

**Agenda Item No. 5 Appendix 2**

Q27 We're proposing to attach the standard conditions shown in Annex G of the draft Hackney Carriage and Private Hire Licensing Policy to every licence we issues to someone authorising them to operate private hire vehicles Do you think any of the standard conditions in Annex G should be amended or removed?

Answered: 15 Skipped: 4

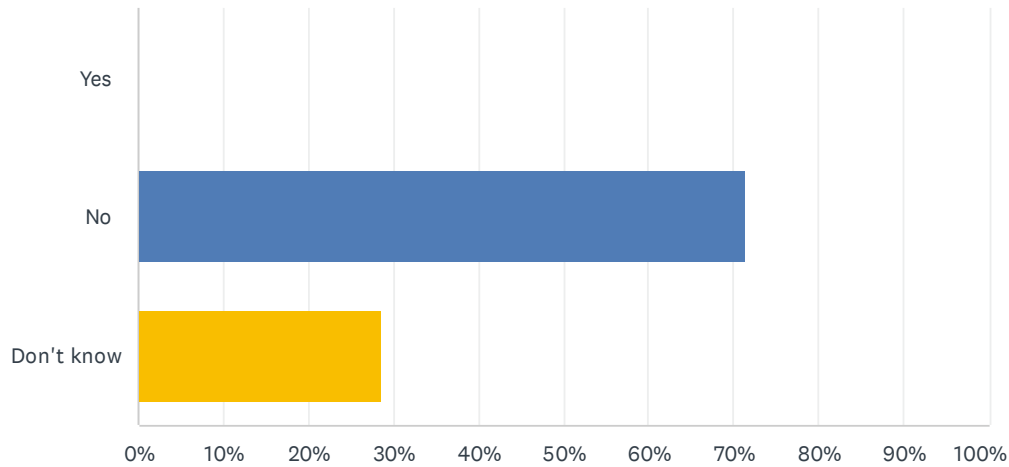


ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	80.00% 12
Don't know	20.00% 3
<b>TOTAL</b>	<b>15</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

### Q28 Do you think that any additional standard conditions need to be added to those set out in Annex G?

Answered: 14 Skipped: 5

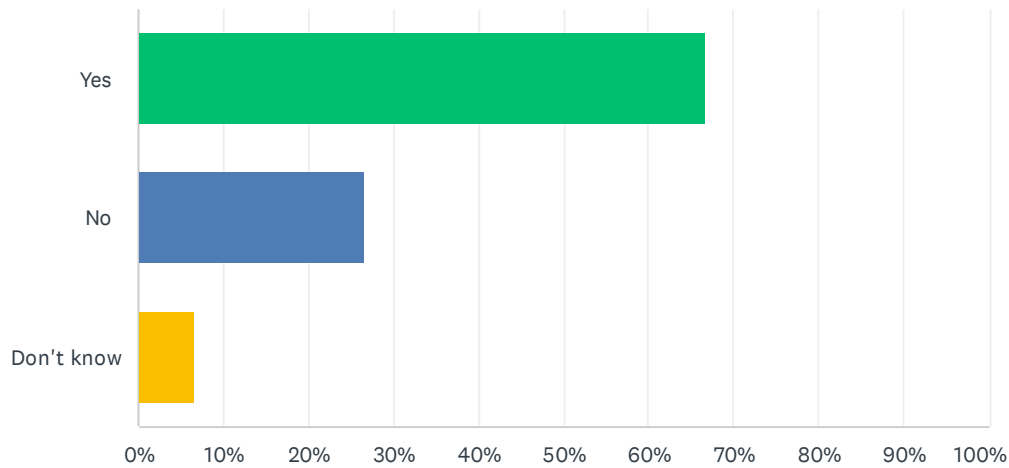


ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	71.43% 10
Don't know	28.57% 4
<b>TOTAL</b>	<b>14</b>

#	PLEASE PROVIDE DETAILS AND REASONS FOR YOUR ANSWER...	DATE
	There are no responses.	

**Q29 We're proposing to adopt the policy shown in Annex H of the draft Hackney Carriage and Private Hire Licensing Policy on how we will deal with the granting of certificates exempting drivers from the duties in respect of carrying assistance dogs. Do you agree we should adopt this policy?**

Answered: 15 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	26.67%	4
Don't know	6.67%	1
<b>TOTAL</b>		<b>15</b>

## Q30 What amendments (if any) do you think we should make to this policy? Please provide details and your reasons

Answered: 2 Skipped: 17

#	RESPONSES	DATE
1	A suitable driver must be found for the customer	12/18/2021 5:57 PM
2	Guide Dogs welcomes the inclusions of Annex H, and in particular: "H.2 The application must be accompanied a letter from the person's own registered GP that states that they are of the opinion that the person has a genuine medical condition that is aggravated by exposure to dogs. The application must also be accompanied by medical evidence, for example a blood test, a skin prick test or clinical history." Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore recommend the issue of exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E' and a braille marker to accommodate both braille readers and non-braille readers.	12/17/2021 4:23 PM

## Q31 Do you have any further comments or observations to make on the content of our draft Hackney Carriage and Private Hire Licensing Policy?

Answered: 10 Skipped: 9

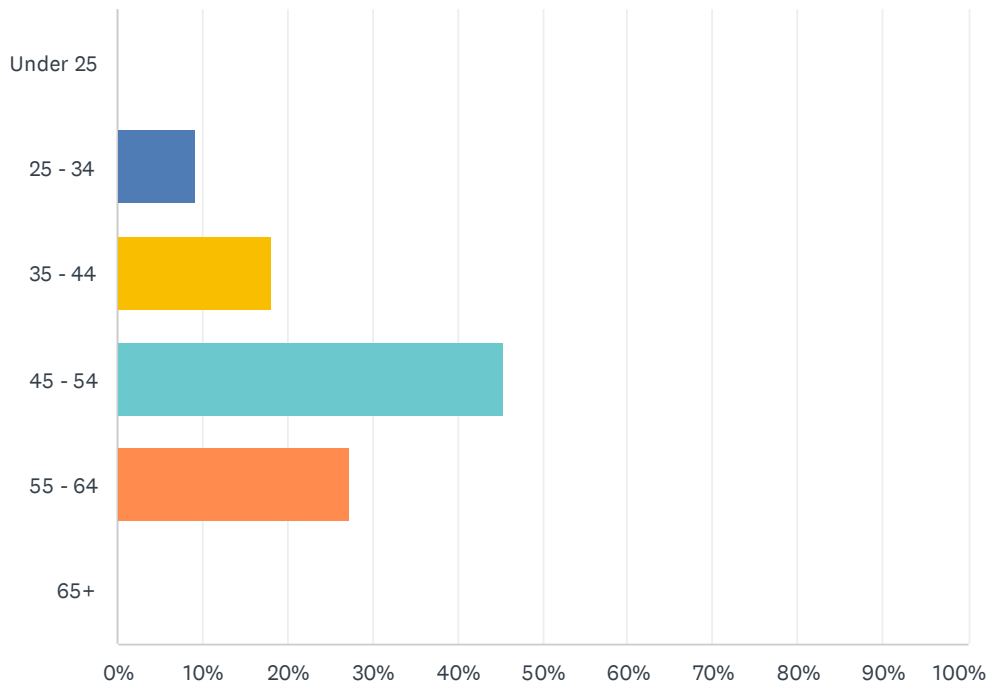
#	RESPONSES	DATE
1	I have sent a Proposal for the change/addition to Byelaw 5. Age related Hackney Carriage Vehicles.to Niall Mcmenamin and Licencing Committee members	5/6/2022 11:48 AM
2	I believe that the price of Wyre Forest private hire vehicle and Drivers licence should be reduced. My reasons are: 1 Wychavon private hire Drivers/vehicles are working in Kidderminster Bewdley and Stourport and they have paid considerably less for their licences than Wyre Forest Drivers/Vehicle licences holders. 2 Wychavon licence holders also have the added benefit, of purchasing a vehicle upto 10 years old and of any colour. Wyre Forest licence holders, are restricted to having to purchase a vehicle less than 2 years old and it must be red. Why should Wyre Forest vehicle licence holders have these stipulations put on us , which means we have to pay more for our vehicles than Wychavon private hire licence holders , yet they work in our district. I feel I'm being penalised for sticking with my district council. I'm sure you know the fees, here they are: Wychavon: Private Hire Driver 3yrs £245 Wyre Forest Private Hire Driver 3yrs £426 Wychavon: Private Hire Vehicle £213 Wyre Forest: Private Hire Vehicle £430. Why is there such a difference in fee prices when both sets of drivers and vehicle owners work in the same district? This issue needs to be addressed as soon as possible. A. Salsano.	5/6/2022 7:22 AM
3	taxi drivers and owners are deserting wyre forest in favour of other licensing authorities whose charges are substancially lower. The age limits for both hackney carriage and private hire vehicles are crippling the taxi trade in Wyre Forest and need to be reviewed as a matter of urgency.	5/4/2022 6:42 PM
4	Cost difference between wyre forest and Wychavon for licence is not fair due to Wychavon cars working in wyre forest and paying way less for licence. Fare Tariff should be for all vehicles and adhered to , not less for P/H	5/4/2022 1:34 PM
5	I propose that all licensing fees are brought in line...ie wychavon.....all hackney carriage vehicles to have a fifteen year life in service....and then to be inspected on a yearly basis....	5/4/2022 12:32 PM
6	Re: Wyre Forest District Council Hackney Carriage/Private Hire licensing conditions. It's becoming increasingly apparent that taxi operators are looking to save money by taking advantage of new Private Hire legislation that allows for cross-border hiring. This new legislation means that operators can legally operate in one district with a private hire vehicle licensed in another district. These operators (and I include myself) are taking advantage of cheaper licenses, and older vehicle legislation which gives them a competitive advantage over Wyre Forest licensed vehicles. In the Wyre Forest, we have the strictest licensing conditions of all the local authorities In Worcestershire, particularly the vehicle age conditions which require vehicles first licensed to be under 2 years old. Since the outbreak of covid vehicle prices have risen well over 50%, An example is a vehicle purchased by myself pre covid for £9,000 will now cost over £14,000. Although legislation in Wyre Forest allows for vehicles to be licensed beyond the age limit, these vehicles must be in exceptional condition. In order to comply with these conditions, most operators will take no chances, often respraying the vehicle in order for it to pass the inspection as there is now (as I understand it) no second opportunity to correct any defects. To ensure vehicles comply with the exceptional condition requirement year on year is a false economy, as eventually, these vehicles will have to be replaced. The age conditions of both hackney and private hire vehicles no longer reflect the current climate in which taxi owners operate and need to come more in line with the age conditions of te other local authorities in Worcestershire. The operators and taxi owners in the other local authorities are our closest competition and we are entitled to compete in a level playing field. Not Only does Wyre Forest have the strictest licensing conditions, it also has the most expensive vehicle, operator and driver licensing costs. Taxi operators in Wyre Forest are entitled to ask, why is this? as WRS are undertaking more or less the same tasks for each local authority, certainly, regarding the issue of an operator's licence the application form is the same and yet the cost varies from £486,00 for Wychavon to the highest of £1,810 for Wyre Forest. The recent fare rise for hackney carriage journeys barely covers the cost of the increase in fuel, however any further increase would be counter-productive and unfair on the customers who also struggle with the higher cost of living. To many members of the public the taxi is a	5/4/2022 11:02 AM

necessity not a luxury and therefore should remain affordable. This will not happen unless changes are made to Wyre Forests current licensing conditions

7	New Hackney carriage should be moved to 3 years old from 1st registration and private hire should be extended to 10 year life	4/20/2022 5:11 PM
8	<p>Yes a responsible council would not be licensing vehicles on an IVA alone - You can use the Individual Vehicle Approval ( IVA ) scheme if you're making or importing a single vehicle or a very small number of vehicles in the following categories: passenger cars. goods vehicles. special purpose vehicles, such as vehicles specially designed to hold a wheelchair. ... A responsible council would be asking for European approval and certification. What is the point of a supplier paying costs to ensure vehicle is purpose built, safe, tested when you will license on an IVA? On top of this you want in silver and under 2 years old, forgetting the current shortage of any type of vehicle new or used you want also in silver? Where are the available vehicles, please advise??? Could I suggest an absolute minimum of European Type ie Cab Direct, Penso, LEVC, Voyager ( a proper vehicle) and maybe rather than an age limit but an emission requirement ie Euro 6? This puts safe, purpose built vehicles into Wyre Forrest and enables drivers a more, affordable, achievable target vehicle base. Current policy is restricting hackney drivers, limiting purpose vehicles and discriminatory.</p>	2/11/2022 3:38 PM
9	<p>The 2019 Guide Dogs report "Access Denied" (<a href="https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/access-report-2019.pdf">https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/access-report-2019.pdf</a>) shows that while many assistance dog owners have been refused access, many of these incidents are not reported. Indeed, research in 2019 found that only 8% of owners who had been refused access had taken legal action which resulted in prosecution. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued. Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated. It is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore recommend that it is clearly stated that failure to carry an assistance dog without the requisite medical exemption certificate will result in immediate suspension or revocation of a driver's license. We also recommend that Wyre Forest District Council works together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases.</p>	12/17/2021 4:23 PM
10	Overall I would like to see greater safety precautions for lone female passengers who have not booked a taxi from a company.	12/16/2021 5:16 PM

### Q32 Which age range do you fall into?

Answered: 11 Skipped: 8



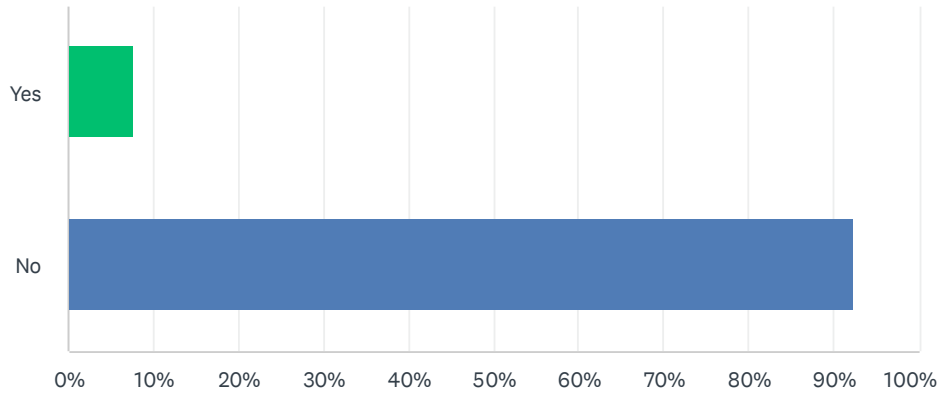
ANSWER CHOICES	RESPONSES
Under 25	0.00% 0
25 - 34	9.09% 1
35 - 44	18.18% 2
45 - 54	45.45% 5
55 - 64	27.27% 3
65+	0.00% 0
<b>TOTAL</b>	<b>11</b>



**Agenda Item No. 5 Appendix 2**

**Q33 Do you consider yourself to have a disability? (i.e. do you have physical or mental impairment which has a substantial long term adverse effect on your ability to carry out day to day activities?)**

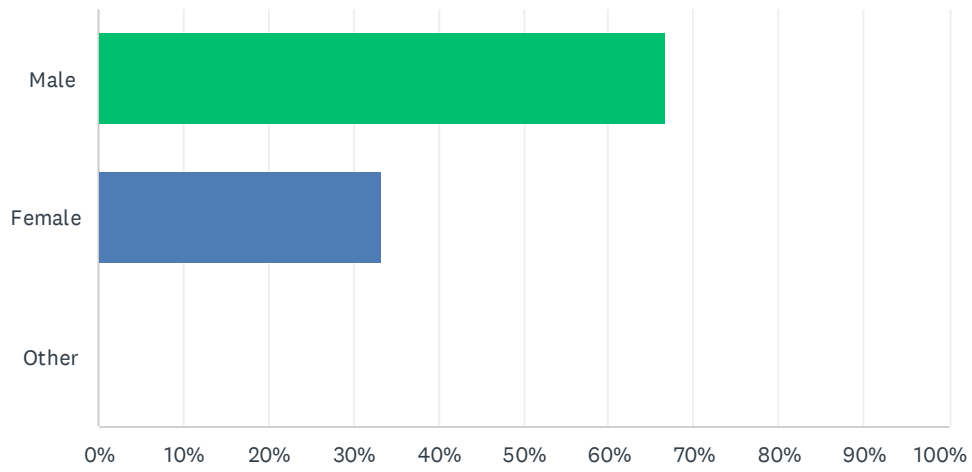
Answered: 13 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	7.69%	1
No	92.31%	12
TOTAL		13

### Q34 What is your gender?

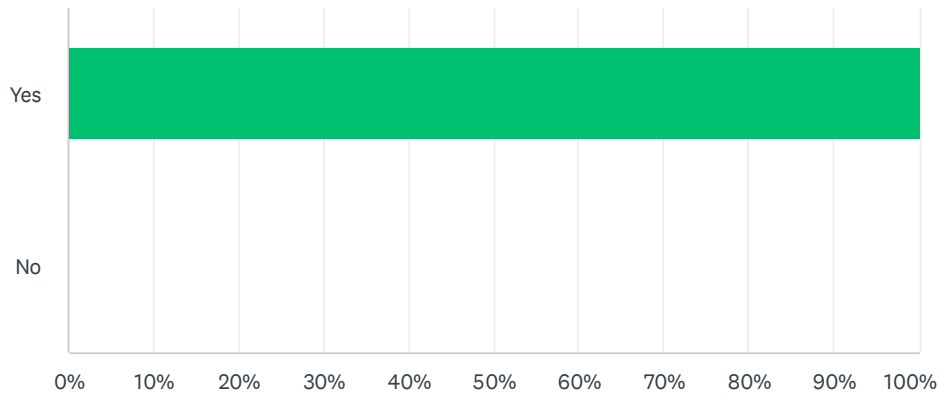
Answered: 12 Skipped: 7



ANSWER CHOICES	RESPONSES	
Male	66.67%	8
Female	33.33%	4
Other	0.00%	0
<b>TOTAL</b>		<b>12</b>

### Q35 Is your gender identity the same as the gender you were assigned at birth?

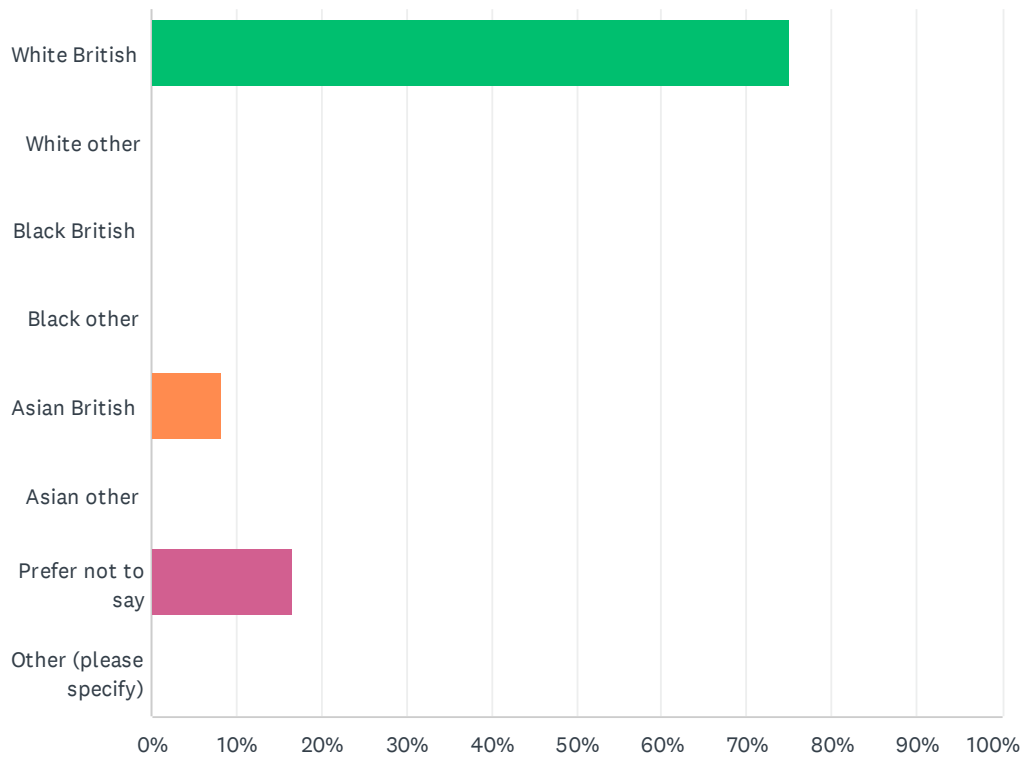
Answered: 12 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	100.00%	12
No	0.00%	0
TOTAL		12

### Q36 How would you describe your ethnicity?

Answered: 12 Skipped: 7

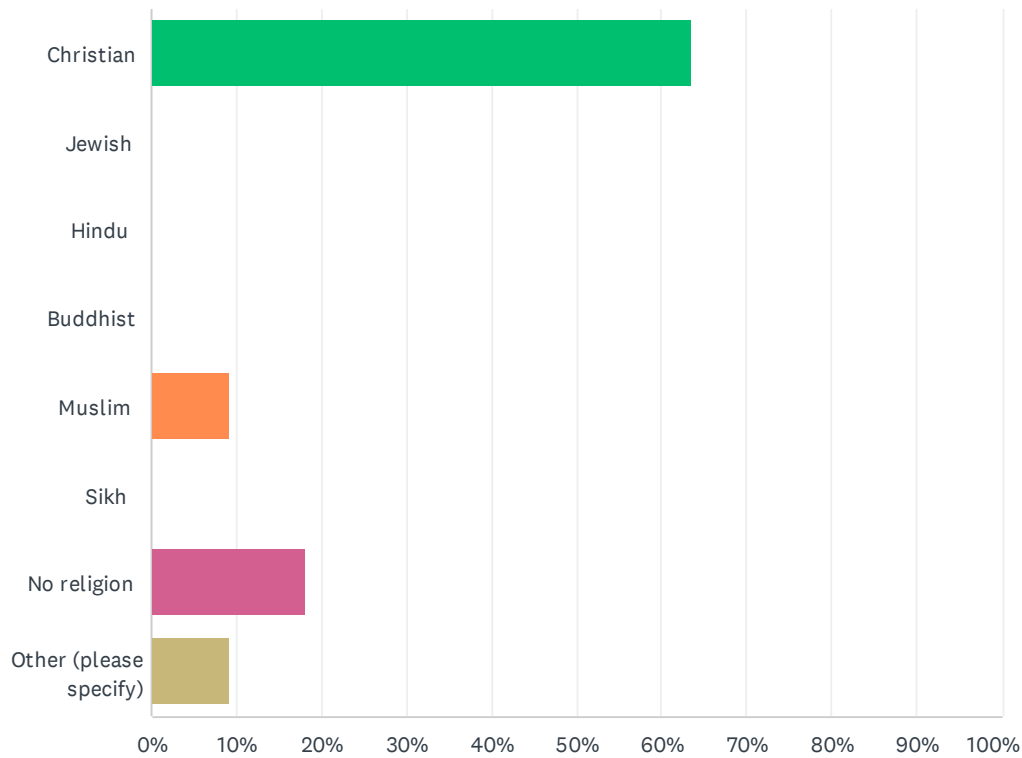


ANSWER CHOICES	RESPONSES	
White British	75.00%	9
White other	0.00%	0
Black British	0.00%	0
Black other	0.00%	0
Asian British	8.33%	1
Asian other	0.00%	0
Prefer not to say	16.67%	2
Other (please specify)	0.00%	0
<b>TOTAL</b>		<b>12</b>

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

### Q37 What is your religion/belief?

Answered: 11 Skipped: 8

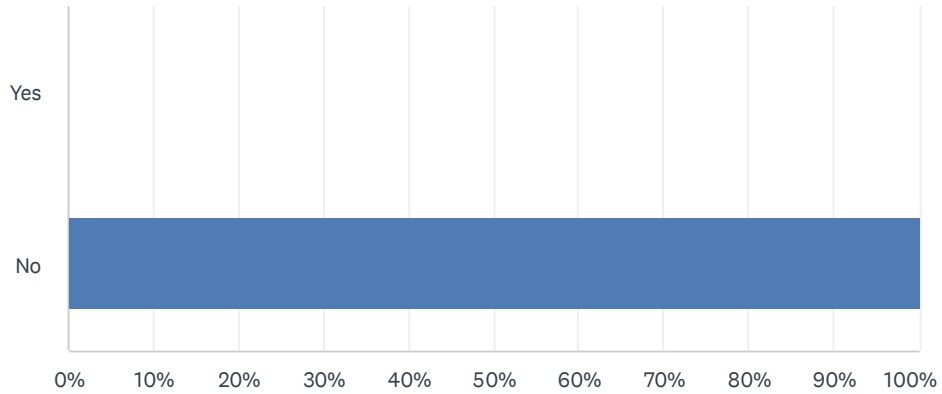


ANSWER CHOICES	RESPONSES
Christian	63.64% 7
Jewish	0.00% 0
Hindu	0.00% 0
Buddhist	0.00% 0
Muslim	9.09% 1
Sikh	0.00% 0
No religion	18.18% 2
Other (please specify)	9.09% 1
<b>TOTAL</b>	<b>11</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	Catholic	5/6/2022 7:25 AM

**Q38 Are you pregnant or have you given birth in the last 26 weeks?**

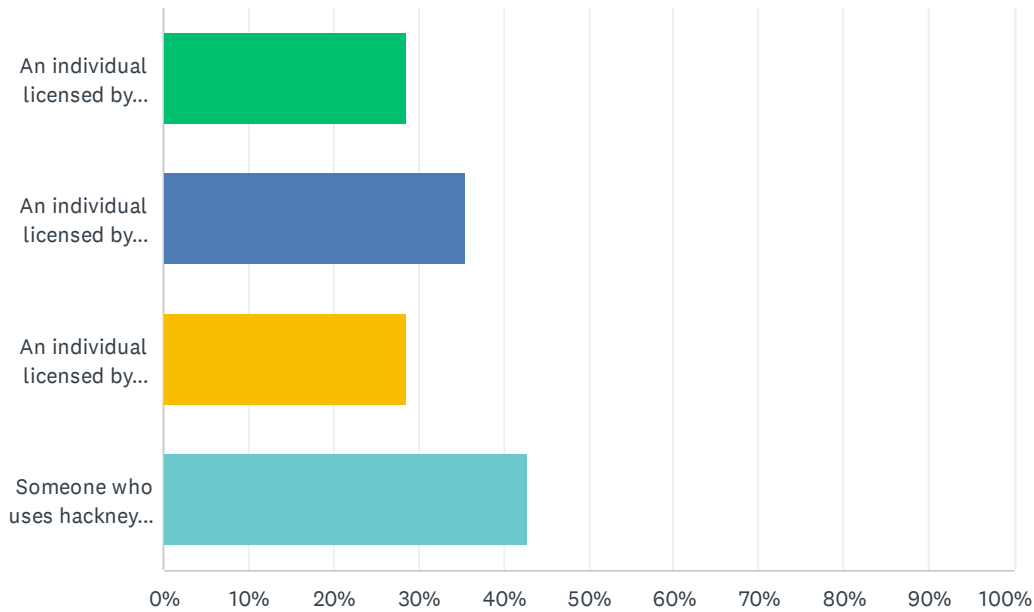
Answered: 11 Skipped: 8



ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	100.00% 11
<b>TOTAL</b>	<b>11</b>

**Q39 In what capacity are you responding to this consultation? (select all that apply)**

Answered: 14 Skipped: 5



ANSWER CHOICES	RESPONSES	
An individual licensed by Wyre Forest District Council to drive hackney carriage and/or private hire vehicles	28.57%	4
An individual licensed by Wyre Forest District Council to use a vehicle as a hackney carriage or private hire vehicle.	35.71%	5
An individual licensed by Wyre Forest District Council to operate private hire vehicles	28.57%	4
Someone who uses hackney carriage or private hire vehicles	42.86%	6
Total Respondents: 14		

**Agenda Item No. 5 Appendix 3**

**Officer Review of Consultation Responses**

**Question 7. English Language Proficiency.**

Concerns were raised in relation to the level of English language proficiency.

**Officers response** – The level of English language skills that will be required, will be that which is suitable and sufficient to the role being performed, this will be guided by the relevant part of the statutory standards. This will mean that applicants will need to have conversational English.

This will form part of the competency certificate but should be no more onerous than the current knowledge tests taken by new applicants.

**Question 12. Criminality Checks for Private Hire Operators.**

Concerns were raised in relation to the frequency of DBS checks for private hire operators.

**Officers response** – Most licensed private hire operators hold hackney carriage/private hire driver licences so there will be no additional burden. However for those that do not the requirement for an annual check is in line with the standards.

**Question 13. Worcestershire Taxi and Private Hire Competency Certificate (new applicants).**

Most responses were in support of the introduction of additional training for new driver applicants.

The training requirements will apply to new applicants only and Officers will work very closely with training providers to ensure costs are kept to a minimum.

**Question 14. Duration of Private Hire Operator Licences (5 years).**

Concerns were raised in relation to the extended duration of the private hire operator licence.

**Officers response** - Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 says the following in respect of private hire operator licences:

“Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.

The proposal in the draft policy is therefore in line with legislative requirements.

However, as part of the new proposed standards, there is also a proposal to introduce refunds for surrendered licences, which should address this concern



should the situation arise where an operator wishes to surrender a licence midterm. This again is a positive introduction for licence holders.

**Question 15. Issuing new vehicle licences after automatic revocation under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.**

**Officers response** - It has been noted that some respondents may have misinterpreted the above standard.

This standard only related to existing licensed vehicles which have been suspended by officers, due to being unfit as a result to mechanical failure or accident damage and where any repairs may take longer than the current legal 2 month limit. It serves as a fast track method to get those vehicle licence holders back on the road.

**Question 16. What amendments (if any) do you think we should make to this policy?**

A respondent has requested a change to the Council's vehicle colour policy

**Officers response** – This particular matter hasn't been considered as part of the taxi standards policy review, however with the pending publication of the DfT best practice guidance for hackney carriage and private hire vehicles, Officers will endeavour to undertake to review this requirement and present the finding to members as part of a wider vehicle policy review.

**Question 20. Do you think that any additional standard conditions need to be added to those set out in Annex B**

Concerns were raised in relation to the safety of female passengers using hackney carriage vehicles hailed in the street.

**Officers response** – The mandatory requirement for a tracking device to be fitted to licensed hackney carriage vehicles is unfortunately not practical, however officers feel that the changes being introduced by the new policy will go a long way to ensuring passengers safety.

**Question 31. Do you have any further comments or observations to make on the content of our draft Hackney Carriage and Private Hire Licensing Policy?.**

Several respondents have requested an amendment to the Council's vehicle age policy and reduction in vehicle and operator licence fees

**Officers response** – These particular matters haven't been considered as part of the taxi standards policy review, however with the pending publication of the DfT best practice guidance for hackney carriage and private hire vehicles, Officers will endeavour to undertake a further review and present the finding to members as part of a wider vehicle policy review.