



# South Staffordshire Council

## THE TAXI HANDBOOK June 2010 Edition (1<sup>st</sup>)

### SOUTH STAFFORDSHIRE DISTRICT COUNCIL TAXI/PRIVATE HIRE LICENSING POLICIES

South Staffordshire District Council ("the Council") is the licensing authority for private hire vehicles and hackney carriages in South Staffordshire.

Private Hire Vehicles must be booked in advance through an office. Taxis can be hailed directly on the street.

Private Hire Vehicles must be licensed, the driver must be licensed and the person responsible for taking the bookings and dispatching the driver ("the operator") must also be licensed. All three licences must be with the same Council.

Taxi drivers must be licensed with the Council as must the taxi itself. Both licences must be with the same Council.

The rules on taxis and private Hire Vehicles are complex. This document is intended to make it clear how the Council operates its licensing service.

Each time this handbook is altered a new version will be produced. This edition was issued in June 2010.

This document will set out the following:

<b>Content</b>	<b>Page</b>
1. The Council's mission statement	2
2. The service the Council provides	3 - 4
3. Vehicle policy	5 - 9
4. Drivers policy	10 -14
5. Operators policy	15 - 17
6. Enforcement	18 - 23
7. Licensing decisions	24 - 25
8. Fares and fees	26
<b>Annexes</b>	<b>Page</b>
1. Licensing Conditions	27 - 38
2. Exemptions policy	39 - 40
3. Limousine additional conditions	41
4. Convictions criteria	42 - 45
5. Licensing Fees	46

## **The Council's mission statement**

### **1. Taxis and Private Hire Vehicles Mission Statement**

The main aims of the Council are to protect the public, to encourage and support the provisions of taxis and private hire vehicles in the area and to support and develop the private hire/taxi trade in the district.

- Public protection - Private hire Vehicles and Taxis must be safe, comfortable and properly insured. The Council plays an important role in protecting the public by ensuring that only fit and proper people drive the vehicles and operate private hire vehicles.
- Encouraging and supporting the provision of taxis/private hire vehicles in South Staffordshire - Private hire Vehicles and Taxis play a vital role in South Staffordshire. The district has many areas that are poorly served by public transport and has many residents who rely on taxis/private hire vehicles for their transport. South Staffordshire Council ("the Council") recognises this and is keen to ensure that there is a healthy and vibrant private hire/hackney carriage trade serving the district. The Council also considers that it has a responsibility to promote accessible transport.
- Support and Develop the trade - The Council will strive to support, develop and assist the trade through education and advice. This will in turn assist in protecting the public.

## **The Service provided by the Council**

### **2.1 Level of taxis and private hire vehicles in South Staffordshire**

There are, as at June 2010, currently approximately 322 drivers, 42 operators, 178 private hire vehicles and 6 hackney carriages.

### **2.2 Who runs the Licensing Service at the Council?**

The Director with responsibility for running the service is David Pattison (01902 696803). The day to day control of the service is carried out by the licensing officer, Joan Cox (01902 696804). She is assisted by Rebecca Oram (01902 696803) and Pat Miller (01902 696803). The Service also has two enforcement officers, Michael Sullivan and Julie Eaton-Lees (01902 696803) and receives legal advice from the Council's solicitor, Venice Archer-Dyer.

The Service is answerable to the Licensing Committee. This is a Committee of the Council made up of 15 Councillors. The Committee's chairman is Councillor Kath Perry and the Vice Chairman is Councillor Roy Moreton.

The Licensing Service is based at:

*Council Offices  
Wolverhampton Road  
Codsall  
Staffordshire  
WV8 1PX*

Whilst we are based in Codsall we are happy and do come out to visit the trade in the district to discuss issues.

### **2.3 What can I expect from the Licensing Service?**

You can expect a friendly and efficient service. The service aims to be focused on the public and the trade. If you have any concerns about the service you receive you should not hesitate to contact one of the team.

Ultimately if you are unhappy with the service provided you can take this forward through the Council's complaints procedure.

We consider that our performance should be open to scrutiny and that you should know when you can expect to receive an answer. We have therefore set the following service standards. We will report on these through our regular Taxi forums and also set out how we are doing on the service's website.

Our service standards are:

- ***To send off a completed Criminal Records Bureau Check form (CRB form) within 24 hours of receipt***
- ***To make a decision on a driver's application within 14 days of the completed CRB form being received***

- ***To issue a vehicle licence plate within 1 working day of receiving all the relevant paperwork***
- ***To answer any email received within 24 hours of receipt***
- ***To acknowledge letters within 7 days of receipt***
- ***To answer letters with a full reply within 14 days of receipt***

## **2.4 Our approach**

We seek to balance protection of the public against placing requirements which are too severe. Requirements which are too severe may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

We are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible.

We wish to involve the trade and the public in the design, delivery and assessment of the service. We seek to involve the trade through regular Taxi Forums. We are working on the ways in which we can build up the involvement of those using taxis and private hire vehicles in the District, if you would like to contribute in any way please contact David Pattison on 01902 69 6132.

We wish to work to help educate the public and the trade.

## **2.5 Equalities**

The Council is strongly committed to equal opportunities for all regardless of sex, age, race, disability or sexual orientation. The team in the Licensing Service are similarly committed.

The Licensing Service will shortly be carrying out a thorough audit of all existing policies and approaches in particular to see what more can be done to encourage the provision of taxis/private hire vehicles to those with mobility issues/disabilities.

## **Vehicle Policy**

### **3.0 Vehicles**

The Council has set conditions on the licences for private hire vehicles and hackney carriages. These are attached in annex 1. ***Set out below are the policies that the Council will have regard to in carrying out its licensing duties in relation to vehicles.***

These policies set out the position the Council will **normally** adopt. The Council can only depart from these policies where there is a good reason for doing so.

The vehicle must comply with the law, in particular the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1846 and the conditions set by the Council.

This Council does not have a limitation on the number of hackney carriages in the district nor does it have any intention of imposing a limitation.

The Council does not have the power to limit the number of private hire vehicles in the district generally or in any one part of the district.

### **3.1 Applications**

Applications must be made on the prescribed form and must be accompanied by the correct documentation. The Council will generally only accept original insurance documentation. The exception to that policy is that the Council will accept copy documentation where the Council itself receives a faxed confirmation of cover from the Insurance Company itself and the Council is entirely satisfied as to its validity.

The application must be accompanied by the correct fee these are currently:

<u>Vehicles</u>	
<b>Under 5 years old</b>	
Annual licence fee (non LPG/Biofuel)	£230
**Annual licence fee (LPG/Biofuel)	£215
<b>5years old or more</b>	£260
Annual licence fee (non LPG/Biofuel)	£245
**Annual licence fee (LPG/Biofuel)	
Transfer of ownership of vehicle	£15
Vehicle <b>re</b> -test fee	£17.50 (if re-test within 7 days of failure)

<p><b>**LPG/Bio fuel reductions will only be applied on production of conversion certificate or in the case of Bio fuel a letter from HM Customs &amp; Excise to confirm that usage has been declared &amp; duty paid where appropriate.</b></p>	<p>£35 if retest takes place 7 days or more after failure</p>
--	---

### 3.2 Length of licence

The Council will grant each vehicle a one year licence.

### 3.3 Colour

The Council will licence any colour of private hire vehicle. The Council no longer requires private hire vehicles to be a particular colour. Similarly the Council does not require hackney carriages to be any particular colour.

### 3.4 Vehicle requirements

All vehicles must have at least 4 road wheels. The vehicle must be designed or adapted to seat fewer than 9 passengers. Hackney Carriages first licensed by this Council after 1 June 2010 must be of an approved type of vehicle.

No vehicles that have been the subject of a major conversion or modification will be accepted, other than those listed on the approved Hackney type of vehicle list, unless an Individual Vehicle Approval (IVA) has been issued by the Vehicle Inspectorate (VOSA) covering such conversion or modification is presented at the time of inspection.

Private hire vehicles must be a right hand drive vehicle *other than* a vehicle approved form of hackney carriage. This is to help ensure that there is a clear differentiation between hackney carriages and private hire vehicles in the district.

The Council is happy for any vehicle previously licensed as a hackney carriage *which is not an approved type of vehicle* to be re-registered as a private hire vehicle. There will be no cost for this.

The Council currently approves the following types of vehicle as possible hackney carriages:

- **Purpose-built hackney carriages**, namely the LTI FX4, LTI TX1, TX2, TX4 and Metrocab.
- **The Mercedes Eurocab**, produced by Jubilee Automotive Group, provided that the taxi conversion of the vehicle was completed by the producer after 31 October 2000.
- **The Peugeot Eurotaxi**, produced by Cab Direct, provided that the taxi conversion of the vehicle was completed by the producer after 31 January 2001.
- **The Volkswagen 'Unique Cab'** produced by Bernard Mansell Ltd, provided that the taxi conversion of the vehicle was completed by the producer after 30 June 2003.

- **The Peugeot E7**, produced by Cab Direct, provided that the taxi conversion of the vehicle was completed by the producer after 26 July 2006.
- **The Fiat TW200**, produced by Patons Taxis/TW Automotive, provided that the taxi conversion of the vehicle was completed by the producer after 13 February 2008.
- **Jubilee Eurocab SX** produced by Jubilee Automotive Group, provided that the taxi conversion of the vehicle was completed by the producer after 18 October 2006.
- **Fiat Scudo**, produced by Gainmanor Scotcab, provided that the taxi conversion of the vehicle was completed by the producer after 19 December 2007.

The Council will of course consider other requests for licensing of vehicles as Hackney carriages.

The Council's policy on Limousines is set out separately (in paragraph 3.8)

### **3.5 Maximum Age of Vehicle**

The Council has an age restriction for private hire vehicles/ hackney carriages. This age restriction came into force on 1 July 2009. From that date the vehicle must be less than 10 years old on issue of the licence.

Vehicles older than 10 years can only be licensed after that date if the Council grants an exceptional condition exemption. Exceptional condition exemptions will only be granted where the interior and exterior of the vehicle are, in the opinion of the Council, equal to or better than a vehicle of less than 10 years old which would be in a sufficient condition to be licensed. The mileage of the vehicle will be one of the factors that the Council takes into account. The Council would generally expect petrol driven cars to have less than 15,000 miles per annum and diesel vehicles 20,000 miles per annum.

The Council will, if necessary, take into account the decision of the Council's appointed garage in reaching a decision on exceptional condition.

### **3.6 Vehicle Testing**

The Council requires all vehicles to be tested at least once a year to ensure that they are of a satisfactory quality to be licensed.

Testing of all but the largest vehicles takes place at the Council's appointed garage, namely Shires Garage. Those which are too large to be accommodated at Shires garage will be tested at alternative garages. Shires' details are:

*Brewood Road  
Coven  
Wolverhampton  
Staffordshire  
WV9 5DA*

*Tel: 01902 790217  
Fax: 01902 791346*

Appointments are now to be made direct with the garage. The test result will be sent directly to the Council. However you should bring a copy of the pass certificate with you when collecting your plates, failure to do so may result in delay due to checking with the garage.

The frequency of testing is as follows:

*Less than 5 years old - once a year*  
*5- 9 years 364 days old – twice a year*  
*10 years old or more – three times a year*

The cost of the testing fee is included in the vehicle licence fee. The licence fee also includes one MOT test. The MOT will be granted if the vehicle passes on the first test the vehicle takes at the Council's appointed garage.

The Council will, on issue of the licence, tell you when the vehicle needs to be tested. The Council will send you a reminder letter before that test date. It is however your responsibility to organise the testing of the vehicle.

If you fail to attend an appointment **on time** the subsequent test will be treated as a re-test and you will be charged by the Council for that re-test. It is therefore vital that you ensure that the vehicle attends the appointment on time.

### **3.7 Signage**

Plates - As set out in the Council's conditions all vehicles are required to display the Council's licence plates. These must be displayed in accordance with the conditions. The only circumstances where this is not required are where an exemption from displaying the plates has been granted. The Council has an exemption policy, a copy of which can be found in annex 2. All exemptions are only granted for a maximum of one year and are reviewed regularly. The starting position is that the Council expects the sign(s) to be displayed unless there are good reasons (which the Council accepts) why they should not be.

Door signs/roof signs (private hire) – As set out in the Council's conditions private hire vehicles must display *either* a specific door livery *or* a specific form of roof sign, alternatively the vehicle can display both of these. Again the Council will grant exemptions from this policy where it is appropriate to do so. However once again the starting position is that the Council expects the sign(s) to be displayed unless there are good reasons (which the Council accepts) why they should not be.

Roof sign (hackney) – Hackney carriage vehicles must display a sign on the roof marked taxi. The sign must be capable of illuminating.

### **3.8 Limousines and multi purpose vehicles**

The Council's starting position is that it will licence limousines and multi purpose vehicles **where they are safe and meet the Council's policy set out below.** The use of unlicensed limousines and multi purpose vehicles is a very real danger and one that the Council is working hard to stop.

All applications to license stretched limousines and multi purpose vehicles as private hire vehicles will be treated on their merits. Because these vehicles will

not meet the usual vehicle requirements, additional documentation and inspection will be needed. This is to make sure that the Council is licensing safe vehicles. Imported stretched limousine type vehicles and special event vehicles will generally:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- will be granted an exemption from the age limit; and
- be approved for licensing as private hire vehicles subject to additional conditions (set out in the conditions at annex 3).

There are obviously concerns regarding the use of darkened glass in stretch limousines. On that basis, the driver's area and the front passenger seat, must not be fitted with darkened or blackened glass.

**For safety reasons limousines and special event vehicles will need to be tested three times a year, regardless of when they were first registered.**

The Council will, in accordance with the position on all private hire vehicles, require an Individual Vehicle Approval (IVA) issued by the Vehicle Inspectorate (VOSA) covering the conversion or modification of the vehicle before the vehicle is licensed. The Council will not be in a position to issue the licence until the IVA (or Single Vehicle Approval Certificate) has been seen.

The Council strongly recommends that anyone wishing to licence a limousine or a multi purpose vehicle contacts the licensing team **before** purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

### **3.9 Transfer of Vehicle plates**

The Council will allow transfer of the vehicle licence from one owner to another on payment of the appropriate fee (£15) and sight of the registration certificate and valid insurance.

The Council will also seek to assist when the vehicle plate is moved from one vehicle to another. In this situation, and this situation only, the Council will refund a proportion of the existing fee and reduce the licence fee from the new vehicle by that amount. The refund will be calculated on a monthly rate for the vehicle taking into account any garage tests that have already taken place.

### **3.10 Advertisements**

Vehicles can display advertisements approved by the Council. The approval is needed **before** the advert is displayed on the vehicle. A draft or mock up of the advert should be sent to the licensing team for approval.

Approval is only likely to be refused where the advert is unlawful, inappropriate for the vehicle or distracts from the livery or other signage the vehicle is required to display.

## **Driver's policy**

### **4.0 Drivers**

The Council issues dual licences for its drivers. This means that the holder of a driver licence can drive either a hackney carriage or a private hire vehicle.

The Council has set conditions on the driver's licence. These are attached in annex 1. ***Set out below are the policies that the Council will have regard to in carrying out its licensing duties in relation to drivers.***

These policies set out the position the Council will **normally** adopt. The Council can only depart from these policies where there is a good reason for doing so.

The driver must comply with the law, in particular the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1846 and the conditions set by the Council.

### **4.1 Applications**

Applications must be made on the prescribed form and must be accompanied by the correct documentation as set out on the form.

Initially the applicant must first obtain a Criminal Records Bureau check (CRB). The fee charged by the Council for obtaining and administering this is currently £45. As from 20 July 2010 drivers may also apply for registration with the ISA (Independent Safeguarding Authority) in which case the total fee is £73 (this also includes a CRB check).

The full application must be accompanied by the correct fee namely £110 for a two year licence.

The Council offers payment of the licence fee in instalments to those applicants who are on jobseekers allowance or income support. Please contact the licensing officer for details.

Renewals must be made before the expiry of the licence or they will be treated as new applications which may cause considerable delay not least in terms of requiring a new CRB before the licence can be granted.

### **4.2 Length of licence**

The Council will grant drivers a two year licence.

### **4.3 Age/Experience**

You must have held a DVLA driving licence or acceptable equivalent foreign licence (such as those issued in the European Community or European Economic Area) for at least one year before the Council will grant you a driver's licence.

The Council has no upper age limit on the age a driver can be. However the older drivers are, the more often the Council requires them to have medical checks, this is simply to make sure that the driver is still fit to drive.

#### 4.4 Test

As from 1 July 2010 all new applicants must pass the Council's written test before the Council will grant them a driver's licence. The test will be offered once you have paid the full application fee. Existing drivers who are renewing their licence will not be required to undergo the test. However drivers who have let their licence lapse will be required to undergo the test.

The test comprises of a 40 minute multiple choice exam covering the following areas:

- the highway code
- taxi/private hire law
- the Council's drivers and private hire vehicle conditions

The pass mark is 30 out of 50. Anyone failing the test will be entitled to two free re-tests. **If they fail these then they will not be able to be granted a licence for a period of 3 months from the last failure.** Please contact the licensing team to find out when the next test will take place.

This new policy is to ensure that the applicant has a sufficient knowledge of the relevant laws and sufficient English to carry out the job.

If any applicant struggles with their English then they should contact the Licensing team and we will happily put them in contact with training providers who may be able to offer free training to improve their English.

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing team know.

#### 4.5 Medical examination

The applicant/driver must be sufficiently fit medically to drive a vehicle.

The Council adopts "Group 2" medical standards as applied by the DVLA to the Licensing of lorry and bus drivers and applies the C1 standards to its drivers with insulin treated diabetes. This approach is recognised as best practice by the Department for Transport.

The medical must be filled out on the Council's medical application form. **The medical must be carried out either by the applicant/driver's own GP or by the Council's approved medical practitioners.** Any other medical will not be accepted. The Council's approved medical practitioners are:

*Norwich Union Occupational Health Ltd  
Bredon House  
321 Tettenhall Road  
Wolverhampton  
WV6 0JZ*

*Tele: (01902) 756334*

*or*

*Dr G R Mahay  
The Poplars Medical Centre  
122 Third Avenue  
Wolverhampton  
WV10 9DG*

*Tele: (01902) 731195*

All new applicants are required to provide a medical as are all drivers on renewal. Those aged 60 or over must provide a medical annually to the Council (on the anniversary of their licence). The Council may also require drivers to undertake more regular medicals if their medical condition warrants it.

#### **4.6 Access to previous records**

Where the applicant has previously been a private hire/hackney carriage driver for another authority the Council will require the applicant to fill in a form allowing the Council access to these records. This is to give the Council the full picture about the applicant/driver's past actions and to help in deciding whether the applicant is a fit and proper person. Where such access is not permitted by the applicant unfortunately the application cannot proceed.

The Council will also require the applicant/driver on application and renewal to provide access to other records such as the records held by the DVLA. **A DVLA mandate will be required in all situations to allow the applicant/driver's driving record to be verified.** Where such access is not permitted by the driver/applicant the application/renewal will not be able to proceed.

#### **4.7 Driving assessment**

The Council will not routinely require applicants and drivers to undergo a driving assessment. The Council's starting point is that if the applicant/driver holds a DVLA or equivalent driving licence they can drive. However where there is evidence that casts doubt on applicant/driver's ability to drive, the Council can require the driver/applicant to attend a driving assessment at his/her own cost.

The assessment will be with Staffordshire County Council and currently cost £75.

The usual approach the Council will adopt is that if:

- an applicant/ driver currently has **7 or more points** on their driving licence the Council would require them to undergo an assessment.
- there has been a complaint that casts real doubt on a driver's ability then the Council will put that complaint to the driver. If the Council is not satisfied with the reply and considers that there remains a real doubt as to the driver's capability the Council would require the driver to undergo an assessment

The result of the assessment will then be considered before a decision is made as to whether the driver/applicant remains/is fit to hold a driver's licence with the Council.

#### **4.8 Criminal Records Bureau Checks**

The Council requires a valid enhanced CRB check for all new applicants for a driver's licence. **The CRB application must be made with this Council.** The Council does not accept "ported" applications from other authorities. This is because this involves considerable additional work, runs a risk that important information might be overlooked and also as this service has been used very rarely by drivers.

The Council requires the CRB to be renewed on renewal of the driver's licence. In other words the CRB must be updated every 2 years.

The Council requires the CRB form to be up-to-date and if it is older than 3 months when considering fitness a new CRB will be required.

Where an applicant has recently been living in another country, a CRB Enhanced check will still be required, although this will be of limited value. Therefore, in addition the applicant must produce a Certificate of Good Conduct, or equivalent document, issued and authenticated by the appropriate embassy or a statutory declaration of absence of convictions, signed by a solicitor. This should be officially translated into English at the applicant's own expense.

#### **4.9 Immigration Checks**

In accordance with Department for Transport Guidance we will not grant a licence to drive as a hackney or private hire driver unless we are satisfied that you have a right to work in the UK.

#### **4.10 Relevance of Convictions and Cautions**

The Council will consider each application on its own merits once the appropriate tests have been undertaken, and the application form and supporting documents are complete.

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits.

Fit and Proper refers to driving ability, medical condition, convictions, test, an awareness of the requirements of the area and the requirements of disabled persons.

The over-riding consideration of the Council, in making the decision on fitness, is to protect the travelling public.

The Council will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application, the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.

In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.

In relation to previous convictions, the Council will have regard to the following:

- Whether the convictions are spent or unspent;
- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty.

Guidance in relation to specific offences is given in Annex 4. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

In particular, applications are less likely to be successful where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
- More than nine points have been acquired on their DVLA Driving Licence.

## **Operators policy**

### **5.0 Operators**

The Council issues licences to operators that is those who “make provision for the invitation or acceptance of bookings for a private hire vehicle”.

The Council has set conditions on the operator’s licence. These are attached in annex 1. ***Set out below are the policies that the Council will have regard to in carrying out its licensing duties in relation to operators.***

These policies set out the position the Council will **normally** adopt. The Council can only depart from these policies where there is a good reason for doing so.

The operator must comply with the law, in particular the Local Government (Miscellaneous Provisions) Act 1976 and the conditions set by the Council.

Under the conditions the operator is required to keep a number of different forms of record namely:

- Booking records
- Operator vehicle schedule
- Operator driver schedule
- Maintenance programme

It is very important that each of these records is kept up to date by the operator as they will help to ensure that the operator complies with various other legal requirements. We would expect records to be kept for a period of at least 6 months.

Ultimately the operator must be able to show that he/she uses only drivers licensed by the Council, vehicles licensed by the Council and complies with all relevant laws and conditions on the licence.

### **5.1 Applications**

Applications must be made on the prescribed form and must be accompanied by the correct documentation as set out on the form, including appropriate references.

The application must be accompanied by the correct fee. The annual fee is £200 per operator plus £10 per vehicle covered by the operator’s licence *at the* time of application/renewal. The fee must be paid by the anniversary of the grant of the licence each year.

Renewals must be made before the expiry of the licence or they will be treated as new applications which may cause considerable delay.

### **5.2 Length of Licence**

Operator Licences are granted for 3 years.

### **5.3 Suitability**

The Council will take into account all relevant factors in deciding whether an operator is a fit and proper person.

The Committee will interview a person before they are granted a licence and officers will visit their proposed premises so that it can be satisfied that the person is aware of their responsibilities and has suitable premises for the work.

The Council will look very carefully at whether the person stated as applying to be the operator will in fact be the operator. The Council is likely to have concerns if the person applying is no more than a figurehead and not the controlling mind of the business.

#### **5.4 Operator Bases**

The Operator must have a base within the District, this is to ensure that the Council can inspect and check that the Operator is meeting its obligations and ultimately take action if that is not the case.

The Council's conditions require that the operator only operates from the base stated on the licence. Licences granted are base specific. Operators cannot operate from any address other than the address stated on the licence.

Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all laws including the Disability Discrimination Act 1995 have been complied with.

#### **5.5 Planning Permission**

The Council requires the operator to have any necessary planning permission for the operator base before a licence will be granted. The Council is happy to provide advice as to whether planning permission is required.

#### **5.6 Insurance**

The Council requires sight of all employers and public liability insurance. Where the public has access to the premises there must be public liability insurance of at least £5,000,000 – public liability insurance is not required where the public do not have access to the premises.

The Council will generally only accept original insurance documentation. The exception to that policy is that the Council will accept copy documentation where the Council itself receives a faxed confirmation of cover from the Insurance Company itself and the Council is entirely satisfied as to its validity.

#### **5.7 Relevance of Convictions and Cautions**

The Council will consider each application on its own merits once the appropriate tests have been undertaken, and the application form and supporting documents are complete.

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits.

Fit and Proper in the context of operators refers to ability to operate in accordance with the law, convictions, an awareness of the requirements of the area and the requirements of disabled persons.

The Council will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application, the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.

In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.

In relation to previous convictions, the Council will have regard to the following:

- Whether the convictions are spent or unspent;
- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty.

Guidance in relation to specific offences is given in Annex 4. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that a licence will be granted.

In particular, applications are less likely to be successful where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;

## **Enforcement**

### **6.1 Enforcement Policy Statement**

The Council has set this policy having regard to the Statutory Code of Practice for regulators from the Department of Business Enterprise and Regulatory Reform (BERR)

All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, appearance before the Director of Legal and Licensing, Licensing Committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. **Enforcement action will not be used to punish occasional minor technical contraventions of legislation.**

The Licensing Team when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Director of Legal and Licensing before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).

The Licensing Team must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

Enforcement Officers will be authorised by the Council to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.

We will investigate all valid complaints with regard to drivers, vehicles and operators/proprietors. We will also do spot checks and undercover checks. **Investigations will be focused and targeted on businesses that do not comply.** They will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints should be considered first by the licensing officer for consideration as to the nature of the complaint being serious enough to be forwarded to the Director of Legal and Licensing or Licensing Committee.

The Director of Legal and Licensing/Licensing Committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council should consider whether the driver is a fit and proper person to hold such a licence.

Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

As licence holders the Council expects the highest standards and existing drivers can expect any misconduct to be fully investigated and appropriate action taken in line with this breach of trust.

## **6.2 Enforcement Options**

Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is very important. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

Licence application and enforcement decisions must always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:-

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- danger to the public.

Having considered all relevant information and evidence, the choices for action are:-

### Licence Applications:

- grant licences subject to the Council's Standard Conditions
- refuse to grant a licence.

### Enforcement Action:

- take no action;
- take informal action;
- suspend a licence;
- revoke a licence;
- use formal cautions;
- prosecute.

This policy details guidance on the various options for enforcement action.

## **6.3 Informal Action**

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

Such informal enforcement action may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is generally high;

- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

#### **6.4 Appearance before the Director of Legal and Licensing/Licensing Committee**

An offending individual or company may be summoned before the Director of Legal and Licensing or Licensing Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.

The Director of Legal and Licensing/Licensing Committee has the option of deciding the application on its merits, and may

- If appropriate require the driver to undergo a driver's assessment, at the driver's own expense, within 2 months of their decision.
- take no action;
- give a written warning;
- require the production of driving licences or other specified documentation at the Council's Office;
- suspend the licence, upon conditions, or for a period of time;
- revoke the licence;
- recommend prosecution action

Details of the appeals procedure are set out in section 7 of this document.

#### **6.5 Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976**

An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice.

This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle.

This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

Details of the appeals procedure are set out in section 7 of this document.

#### **6.6 Prosecution**

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded,

legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards which ensure a consistent approach.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers or other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;
- where a particular contravention has caused serious public alarm.

When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

Before referring a matter to the Council's solicitor for possible prosecution, the Licensing Team must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; If there is insufficient evidence to prosecute, the issue of a formal caution is not an alternative.

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

- the seriousness of the alleged offence;
- the risk or harm to the public;
- identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard of safety for financial reward;
- the previous history of the party concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings;
- the ability of any important witnesses and their willingness to cooperate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution);
- whether other action, such as issuing a formal caution in accordance with the Home Office Circular 18/1994, would be more appropriate or effective.

## **6.7 Formal Cautions**

A formal caution may be used as an alternative to a prosecution in certain circumstances.

Home Office Circular 18/1994 states that the purposes of the formal caution are:-

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences

To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered:-

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence;
- the suspected offender must understand the significance of a formal caution and give informed consent to being cautioned.

If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a formal caution. A formal caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a formal caution and no pressure should be applied to the person to accept a caution).

Formal cautions must be used in accordance with the Home Office Circular and may only be issued by the Director of Legal and Licensing/the Council's solicitor.

Where a person declines the offer of a formal caution, it will be necessary to consider whether alternative enforcement action including prosecution should now proceed, however this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

## **6.8 Transparency**

Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;

- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

The clear distinction between legal requirements and matters which are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

## **Licensing decisions**

### **7.1 Licensing Decisions**

The Council is the licensing authority. The Council's constitution delegates all functions relating to the licensing of private hire/taxis to the Council's licensing committee. The Committee has, in turn, delegated the determination of some of the private hire/taxi applications to the Director of Legal and Licensing.

- Decisions on drivers/applicants to drive are taken by the Director of Legal and Licensing/Licensing Committee.
- Decisions on vehicles are taken by either the enforcement officer of the Council or the Director of Legal and Licensing.
- Decisions on current and future operators are taken by the Licensing Committee except where renewal of an existing operator licence is within the scope of the Council's policy.

### **7.2 Application/Renewal Decision other than approval/renewal**

Where the Council may not approve the licence/renewal in the form applied for it will give the applicant/licence holder a chance to make representations in person or by letter *before* the decision is taken.

Where an adverse decision is made full reasons will be given as soon as possible for the decision. In addition details of the rights of appeal will always be given.

### **7.3 Decision to suspend/revoke a licence**

Revocation of a licence can only be carried out by the Director of Legal and Licensing or the Licensing Committee. Suspension of a vehicle licence can be carried out by the Council's enforcement officer or the Director of Legal and Licensing.

Where the Council may revoke a licence/not renew the licence it will give the applicant/licence holder a chance to make representations in person or by letter *before* the decision is taken.

In the case of suspensions these are generally urgent decisions that cannot wait and as such generally representations will only be possible after the suspension has been commenced. The Council will of course happily consider any representations on a suspension.

Where an adverse decision is made full reasons will be given as soon as possible for the decision. In addition details of the rights of appeal will always be given.

### **7.4 Internal Appeal**

If any applicant/licence holder is not satisfied with the decision of the Director of Legal and Licensing he/she can request an appeal to the Licensing Committee. Such appeal should be made within 14 days of the Director of Legal and Licensing's decision.

Where an adverse decision is made full reasons will be given as soon as possible for the decision. In addition details of the rights of appeal will always be given.

The right of internal appeal also applies to the imposition of any conditions on the licence that the applicant/licence holder is not content with.

### **7.5 Appeal to the Magistrates Court**

If the applicant/licence holder is not satisfied with the decision of the Council he/she may appeal to Stafford Magistrates Court. The appeal needs to be made within 21 days of the Council's decision.

If the applicant/licence holder has had an internal appeal the 21 days starts from the decision of the sub-committee. If the applicant/licence holder has decided not to appeal internally the 21 days starts from the decision of the Director of Legal and Licensing.

## **Fares and fees**

### **8.1 Fares and fees**

The Council's policy is that the fees charged by the authority should meet the cost to the authority. The service provided in relation to taxis and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is line with Council's charging policy.

The current fees are set out in annex 5.

### **8.2 Review of fees**

The Council will review the licence fee annually, with a view to any changes coming into force in November/December. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade. The Council will keep the trade involved in the annual review of the licence fee.

### **8.3 Private Hire rates**

The Council has no power to regulate the rate for private hire vehicles. However the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey.

### **8.5 Hackney carriage rates**

The Council sets the rate for hackney carriage journeys. These will, from now on, be reviewed annually, with a view to any changes coming into effect in approximately April each year. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by virtue of section 67 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey.

## ANNEX 1 – LICENSING CONDITIONS



# South Staffordshire Council

## PRIVATE HIRE VEHICLE OPERATOR CONDITIONS

These conditions are attached to the licenses issued by South Staffordshire District Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

South Staffordshire District Council has carefully considered the following conditions and have decided that they are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire vehicle operator in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become and remain an operator and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. Information on these issues is set out in other documentation provided by the Council.

**Breach of these conditions may lead to the immediate suspension of the licence and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

### Notification

1. Change of Address - The private hire operator (the "operator") must notify the Legal and Licensing Department at South Staffordshire District Council ("the Council") within 72 hours of his/her change of personal address.
2. Change of Vehicles – The operator must inform the Council *before* they wish to operate an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10 he/she must notify the Council within 72 hours.
3. Convictions/Cautions or other enforcement action – The operator must notify the Council within 72 hours of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority. The operator must also notify the Council within 72 hours of any other enforcement action taken by another local authority under the 1976 Act or the Town Police Clauses Act 1847. If the operator is a company or partnership any action listed above taken against the company or any of the directors or partners must also be notified to the

Council. **For the avoidance of doubt this condition also applies to any driving convictions.**

4. Where the operator is required to notify the Council under condition 4 they must provide the Council with details of
  - the offence/mischief
  - the date of conviction/enforcement action
  - the sanction imposed
  - the imposing authority/place
5. Accident damage – The operator must report any accident damage to the Council within 72 hours and must be repaired as soon as possible.

### **Record Keeping**

6. Booking records - Each operator must keep a record of the particulars of every booking invited or accepted by him. Such records must be kept for 12 months. **Each record must be fully completed before the dispatch of any vehicle or any part of the journey is undertaken.** The records must specify the following:

date and time of booking	destination of journey
client's first name and surname	identification of both the driver and the vehicle allocated to the booking
origin of journey	the agreed fare
time and date of journey	

7. Booking records must be kept at the base recorded on the Operator's licence.
8. The records may be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.

### **Operator Vehicle Schedule**

9. Operator Vehicle Schedule – The operator must keep a schedule of all vehicles they operate ("the Operator Vehicle Schedule"). The Operator Vehicle Schedule must record the make, model, registration number, private hire number and the date of expiry of the private hire plate, insurance, road tax and MOT (where applicable) on the Operator Vehicle Schedule. The Operator Vehicle Schedule must be kept up to date by the operator.
10. The operator must not operate any private hire vehicle other than those which have been listed on the Operator Vehicle Schedule. All vehicles on the Operator Vehicle Schedule must have a valid private hire licence with the Council.

### **Operator Driver Schedule**

11. Operator Driver Schedule – The operator must keep a schedule of all drivers he employs or uses ("the Operator Driver Schedule"). The

Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence, the date of his next medical and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.

12. The operator must not use or employ any private hire driver other than those, which have been listed by the Operator on the Operator Driver Schedule.

### **Operator to keep Drivers' Licences**

13. It is the operator's responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited his licence with the operator whilst he is available for work.

### **Maintenance**

14. Safety and good order – The operator must ensure that all vehicles on the Operators Vehicle Schedule are maintained in a safe, comfortable, clean and tidy condition at all times **whether or not the operator owns the vehicle**. The operator must ensure that at all times all vehicles on their Operators Vehicle Schedule meet all relevant legal obligations including the vehicle conditions imposed by the Council.
15. Maintenance programme – The operator must at all times ensure that all vehicles on their Operators Vehicle Schedule are properly and regularly maintained. The operator must have in place a programme to ensure that vehicles are inspected regularly. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

### **Standard of Service**

16. General standards – The operator must provide a prompt, efficient, safe and reliable service to members of the public.
17. Punctuality – The operator must ensure that when a private hire vehicle has been hired to be at an appointment at a certain time and place that the vehicle attends punctually unless delayed for reasons beyond the reasonable control of the operator.
18. Standard of Premises accessible to public – Where the operator has premises accessible by the public whether for booking or waiting they must be kept clean and adequately heated, ventilated and lit. They must also have adequate seating facilities. Premises accessible to the public must also have public liability insurance cover of at least £5,000,000.

### **Operator Base**

19. Limit on operation – The operator must only operate from the base or bases identified on the operator's licence.

**Planning Permissions/Other permissions**

- 20. Planning permission – The operator must hold the necessary planning permission under the Town and Country Planning Act 1990 for the premises from which they operate.
- 21. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operates radio equipment requiring such a permission.

**Insurance**

- 22. Insurance - The operator must ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. A copy of the original certificate of insurance or cover note relating to each vehicle which shows those persons entitled to drive must be retained by the operator on the premises specified on the licence.

**Fares**

- 23. Agreed fare- Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

**Other requirements**

- 24. The Operator must comply with all other relevant statutory requirements. The Operator must also take all reasonable steps to ensure that any drivers they employ or uses comply with relevant statutory requirements. The most common statutory requirements are set out in the Council’s guidance and policy statement accompanying these conditions

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the operator’s licence and consideration of revocation of the licence and/or, where appropriate, prosecution.**

**I acknowledge receipt of these conditions**

\_\_\_\_\_  
Signature of Licence holder

\_\_\_\_\_  
Date

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED**

**YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL**



## South Staffordshire Council

### CONDITIONS RELATING TO THE ISSUE OF A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

These conditions are attached to the licenses issued by South Staffordshire District Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"). South Staffordshire District Council considers that these conditions are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire driver in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become a private hire driver and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. This is set out separately.

**Breach of these conditions may lead to the immediate suspension of the licence and consideration of revocation of the licence or other enforcement action including prosecution.**

The Conditions attached to the licence are as follows:

#### **Notification requirements**

1. Change of Address - The licence holder ("the driver") must notify the Legal and Licensing Department at South Staffordshire District Council ("the Council") immediately the driver changes address.
2. Medical circumstances – The driver must notify the Council immediately of any serious illness, injury, medication or severe physical deterioration which could affect their ability to drive a licensed vehicle.
3. Damage to vehicle – The driver must inform the operator of any licensed vehicle in his custody of any damage occurring to that vehicle within 24 hours of the damage occurring. If the driver cannot contact the operator within 24 hours he/she must notify the Council within 72 hours of the damage occurring.
4. Convictions/Cautions or other enforcement action – The driver must notify the Council within 72 hours of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority. The driver must also notify the Council within 72 hours of any other enforcement action taken by another local authority

under the 1976 Act or the Town Police Clauses Act 1847. **For the avoidance of doubt this condition also applies to any driving convictions.**

5. Where the driver is required to notify the Council under condition 4 he/she shall provide the Council with details of
  - the offence/behaviour complained of
  - the date of conviction/enforcement action
  - the sanction imposed

### **Drivers' Badges/Licenses**

6. Wearing of badges – The driver must wear the badge issued by the Council so that it is clearly and distinctly visible whenever he/she is acting as a private hire driver.
7. Licences given to Operator – The driver must give their operator his/her private hire licence issued by the Council when they have made themselves available for private hire work for that operator and must also give them a copy of their DVLA driver's licence.
8. Return of badges/licences – In the event of expiry of the badge or where the driver ceases to operate as a licensed private hire driver he/she must immediately return his/her badge and licence to the Council.

### **Conduct**

9. Punctuality - The driver shall attend punctually when hired and shall provide reasonable assistance with the loading and unloading of luggage.
10. Appearance - The driver shall maintain a high standard of personal hygiene and he/she shall wear freshly laundered respectable clothing with the upper part of the arms being covered.
11. Route - The driver must, unless otherwise requested by the hirer proceed to the destination by the most direct route
12. Receipts – The driver must, if requested, provide the hirer with a full written receipt for the fare paid
13. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.
14. Other passengers – The driver must not without the express consent of the hirer allow another person to be carried in the vehicle
15. Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the age of twelve without a suitable constraint.

16. Music/Radio – The driver must comply with any request by the hirer to turn down or turn off any radio, music or other sounds in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
17. Behaviour – The driver must behave in a civil and orderly manner. The driver must not use any offensive, abusive, profane or insulting language or behaviour. The driver must take all reasonable precautions to ensure the health and safety of persons conveyed in or entering or alighting from the vehicle he is driving/in charge of.
18. Check for lost property – The driver must at the end of each hiring search the vehicle for any lost property, which may have been left. Any property found must be handed to the owner, the nearest Police Station or the base operator.
19. Offer to hire vehicle - The driver must not whilst driving or in charge of a private hire vehicle accept an offer for the hire of any private hire vehicle while the holder of that vehicle is on the road or other public place except where such an offer is first communicated to the driver by telephone or by radio telephone fitted to that vehicle by a licensed operator or his duly authorised representative.
20. Agreed fare - Where the fee is agreed in advance, the driver shall ensure that no more than the agreed fare is paid.

### **Medical**

20. Medical reports – All drivers must, at their own cost, undergo a medical assessment with their own General Practitioner or other medical practitioner nominated by the Council and provide this to the Council on first issue of the licence and each subsequent renewal. Such medical assessment must be completed using the standard form supplied by the Council and paid for by the applicant/driver to their General Practitioner or approved medical practitioner.
21. Medical reports after the age of 60 – Any driver aged 60 or over at the time of application or renewal must, at their own cost, undergo an annual medical assessment with their own General Practitioner or other medical practitioner nominated by the Council and provide this to the Council on the anniversary date of the issue of their licence. Such medical assessment must be completed using the standard form supplied by the Council and paid for by the applicant/driver to their General Practitioner or approved medical practitioner.
22. Medical reports where required by the Council - Any driver must, at their own cost, where required to by the Council, undergo a medical assessment with their own General Practitioner or other medical practitioner nominated by the Council. Such medical assessment must be completed using the standard form supplied by the Council. The Council will only exercise this power where such a medical is required to assist in the determination of whether a driver is fit and proper, for

example where the driver has been seriously ill or an assessment has been recommended by a medical practitioner.

**Driver’s assessment**

- 23. Driver’s assessment – Where the Council considers it appropriate, following receipt of evidence or information, which casts doubt on the driver’s capability to drive, the driver will, at his own cost, attend a driving assessment to assist in the determination as to whether they are fit and proper.

**Maintenance check**

- 24. Maintenance – The driver must before the start of any shift using the vehicle carry out a basic safety check, to make sure that the vehicle is in a roadworthy condition – eg looking for obvious defects on the vehicle and checking that the tyres are properly inflated. If he/she spots any issues they must be reported immediately to the operator.

**Other requirements**

- 25. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council’s guidance and policy statement accompanying these conditions

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or other enforcement action including prosecution.**

\_\_\_\_\_  
Signature of Licence holder

\_\_\_\_\_  
Date

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED**

**YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL**



## South Staffordshire Council

### **PRIVATE HIRE VEHICLE/HACKNEY CARRIAGE CONDITIONS OF LICENCE**

These conditions are attached to the licenses issued by South Staffordshire District Council under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

South Staffordshire District Council has carefully considered the following conditions and has decided that they are reasonably necessary.

**The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

#### **Notification**

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Legal and Licensing Department at South Staffordshire District Council ("the Council") within 72 hours of his/her change of address.
2. Identification - The owner must inform the Council of which form of identification on the vehicle he/she wishes to adopt (see condition 22).
3. Accident damage - The owner must report any accident damage to the Council within 72 hours and must be repaired as soon as possible.
4. Transfer of ownership - The owner must inform the Council within 14 days if he transfers part or all of his interest in the vehicle to any other person.

#### **Vehicle Condition and Maintenance**

5. Safety and good order - The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
6. Maintenance programme - The owner must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.
7. Appearance of vehicle - all paintwork shall be maintained in a high gloss finish of a uniform colour free from dents, scratches or rust

8. Seats – The seats of the vehicle must be properly cushioned and covered.
9. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering
10. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
11. Spare Tyre – There must be, in or on the vehicle, a spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle together with sufficient tools for fitting the same.
12. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit. These must be readily available to the driver. Details of what the Council considers suitable are available from the Council.

### **Age Limit**

13. Age limit – As from 1 July 2009 on issue of the licence the vehicle must be less than 10 years old. Age is taken from the date of first registration. Vehicles 10 years or older can continue to be licensed only if the Council grants an “exceptional condition” exemption.
14. “Exceptional condition” exemptions will only be granted where the interior and exterior condition of the vehicle is such that, in the opinion of the Council, the vehicle is equal to or better than a vehicle of less than 10 years old which would be in a sufficient condition to be licensed.

### **Alteration to vehicle**

15. Alterations – No material alteration or change in the specification, design, condition or appearance of the vehicle (**including its colour**) shall be made without the consent of the Council

### **Signs and notices**

16. Licence plate – The Council will issue to each licensed vehicle a “licence plate” particular to the vehicle, to be fitted to the rear of the vehicle. The licence plate for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
17. Where the Council has issued a plastic laminated licence it shall be affixed inside the rear window.
18. Where the Council issues a blue and white or green and white “flexiplate” it shall be fitted securely to the exterior of the vehicle either using a bracket purchased from the Council or directly into the body work of the vehicle.
19. All parts of the licence plate remain the property of the Council and **must** be returned to the Council on expiry.

20. Identification Disc – The Council will issue an “identification disc” particular to the vehicle. Such disc must be displayed at all times in a clearly visible place in the nearside corner of the front windscreen of the vehicle. The disc must not at any time be wholly or partially concealed from view.
21. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council reasonably requires, including for example signs warning passengers in the rear passenger windows of a private hire vehicle that the vehicle is not a hackney carriage.
22. Other Identification - Each private hire vehicle must, unless granted an exception by the Council, display either a roof sign (as detailed in condition 23) or door livery (as detailed in condition 24). The owner may choose which form of identification he/she wishes to adopt. The owner may only change the method of identification if the Council consents. An owner may, if he/she wishes, adopt both forms of identification.
23. Roof sign – Where the owner of a private hire vehicle chooses to adopt a roof sign the sign must bear the name and telephone number of the operator. It must also have the words “office bookings only” on the sign. All parts of the sign must be clearly legible from a reasonable distance. It must not have the words “for hire”, the word “taxi” or “cab” or any derivative thereof. The sign must, before, use be approved by the Council.
24. Door Livery – Where the owner chooses to adopt door livery the form, location and wording must be approved by the Council. It must have the name and telephone number of the operator and the words “office bookings only” on the livery. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words “for hire”, the word “taxi” or “cab” or any derivative thereof.
25. Advertisements – The owner may display such advertisements on the vehicle as the Council approves.
26. Other signs – No other sign, notice, advertisement, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings.
27. Taxi meter for hackney carriages – any hackney carriage must be fitted with a taximeter and this must be well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the hackney carriage. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

**Insurance**

- 28. Insurance - The owner must at all times ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988.

**Vehicle Tests**

- 29. Requirement to attend vehicle test – The owner must, if requested on notice, present the vehicle at such place and at such time as the Council may require in order to be tested as to whether it is suitable to be licensed as a private hire vehicle.
- 30. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

\_\_\_\_\_  
Signature of Licence holder

\_\_\_\_\_  
Date

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED**

**YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL**

## ANNEX 2 - EXEMPTIONS POLICY

The Council's starting position is that exemptions from the obligations set out below should be granted rarely.

The obligations concerned are:

- Display of an exterior plate on the rear of the vehicle
- Display of a driver's badge
- Display of livery or roof sign

Generally the public and enforcement officers should be able to easily identify that a vehicle is licensed, with which council and with which company. If this expectation is overly diluted then the risks of people using unlicensed vehicles are greatly increased.

However there are certain situations where the obligations may have an adverse effect in terms of customer safety as well as serious commercial implications for the company operating the business.

The primary situation that the Council is aware of is chauffeured, executive and limousine vehicles. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers, such as Government ministers, to be more readily targeted putting both them and the driver at risk. The display of local authority licence plates and signage may also deter some customers from using the service.

The Council is concerned to make sure that the exemption is only given where it is clearly required. The Council will generally require therefore that the following conditions are met before an exemption can be issued:

1. The vehicle to be exempted is of a high quality both in terms of brand and condition
2. The vehicle will be of very high specification and will generally be of a luxury make – such as Mercedes Benz, BMW, Jaguar, Bentley and Lexus. The Council will also consider the highest specification of vehicles from other makes.
3. The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or trim
4. Drivers will at all times wear a suit and act as a Chauffeur

The exemption will only apply where the vehicle is carrying out work to which the exemption applies, namely those circumstances involving Government Car work or Transport of business persons on Corporate bookings, military personnel, foreign dignitaries, foreign VIPs and people from the entertainment industry ("corporate bookings"). It will **not** apply to more normal work such as day to day private hire work or airport trips for general members of the public. Where other such work is carried out the above obligations **will still apply**.

The exemption will be issued on a yearly basis and will be reviewed each year.

The vehicle will still be expected to display the vehicle badge in the front windscreen.

Exemptions will be granted by the Director of Legal and Licensing and if the decision of the Director of Legal and Licensing is not accepted an appeal can be made to a Sub-Committee of the Licensing Committee.

If an exemption is granted the exemption letter together with the licence plates must be carried in the car at all times.



### **ADDITIONAL LIMOUSINE CONDITIONS OF LICENCE**

These additional conditions are attached to the licenses issued by South Staffordshire District Council under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") in relation to limousines and special event vehicles.

Limousines are defined as "any vehicle manufactured as a "stretch vehicle" such as Ford Lincoln, Hummer or equivalent".

South Staffordshire District Council has carefully considered the following conditions and has decided that they are reasonably necessary.

**The licence holder (the owner of the vehicle) must meet all the conditions of this licence, including those for private hire vehicles generally. Breach of the conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

The additional Conditions attached to the licence are as follows:

1. The vehicle will be presented for a garage test at a test centre nominated by the Authority every 4 months
2. The vehicle may be left or right hand
3. The vehicle will be licensed for a maximum number of 8 passengers
4. The vehicle will not be subject to an age restriction for the purposes of licensing
5. Adequate seat belt installations must be in place



# **South Staffordshire Council**

## **SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

### **TOWN POLICE CLAUSES ACT 1847 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ROAD SAFETY ACT 2006**

## **ANNEX 4 - TAXI AND PRIVATE HIRE LICENSING**

### **GUIDANCE REGARDING THE RELEVANCE OF CONVICTIONS AND LICENSING OF EX-OFFENDERS**

#### **SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

#### **GUIDANCE REGARDING THE RELEVANCE OF CONVICTIONS AND LICENSING OF EX-OFFENDERS**

##### **1.0 Categories of offence**

1.1 The following classes of conviction are deemed to be especially relevant to the role of a taxi driver, and the Council may give greater weight to a conviction in this category. The information set out below is not exhaustive, or listed in any order of priority. It is intended as a guide to applicants on how the licensing authority may determine the relevance of a conviction, prior to reaching a conclusion about the application or case before them. Whilst specific timescales have been indicated the Council has the discretion to depart from the timescales and deal with each case on its merits by having regard to exceptional or mitigating circumstances.

1.2 Where there is evidence causing significant doubt about the fitness of an applicant or licence holder, the licensing authority will adopt a precautionary approach and may refuse the application, or revoke the licence as the case may be.

##### **1.3 Minor Traffic Offences**

1.3.1 Convictions or fixed penalty notices for minor traffic offences such as obstruction, parking offences, construction and use offences (including mobile telephone use) or isolated speeding offences, should not generally prevent a person from obtaining a licence except where a pattern of offences emerges which could give rise to concerns for public safety.

1.3.2 Where a person has a significant number of points and the applicant/driver has refused to undergo a driving assessment in accordance with the Council's policy the Council is likely to refuse the application/revoke the licence. When considering renewal applications/revocations, greater weight will be given to those offences committed whilst driving a taxi/private hire vehicle.

#### 1.4 **Major Traffic Offences**

1.4.1 Major traffic offences are defined as those which give rise to disqualification, relate to driving without due care and attention, dangerous driving, and using a vehicle uninsured against third party risks and greater weight will be given to offences in this category.

1.4.2 Disqualifications under the "totting up" procedure usually arise because of repeat speeding offences but could also include convictions for failing to hold insurance or other driving offences.

1.4.3 If sufficient penalty points have accrued within a three year period under the "totting up" system to result in disqualification for a period not exceeding twelve months, an application for the initial grant of a private hire or hackney carriage driver's licence would be unlikely to be considered within a term of twelve months following the end of a disqualification period. An applicant would therefore be expected to have been driving as an ordinary motorist for at least a period of twelve months following restoration of the driving licence but this timescale may be re-evaluated should the applicant have committed further offences since the restoration of licence (either criminal and/or motoring offences). Longer disqualifications will follow the same principle.

1.4.4 If there are repeat disqualifications in this category of offence a period of 24 months following restoration of the licence would normally be expected before grant of a licence.

1.4.5 In the case of a short period disqualification e.g. between seven to fifty six days, provided this is an isolated instance, an application is unlikely to be granted unless a period of at least six months has elapsed from the end of the disqualification period. Applications for renewal of a licence following this type of disqualification will be dealt with on a case by case basis.

1.4.6 In "totting up" cases where the court does not disqualify a licensed driver from driving, the Council is likely to consider that different criteria apply to a person who has responsibility for driving members of the public, and this may result in the refusal to grant, or renew a licence or decision to revoke an existing licence unless there are exceptional circumstances.

#### 1.5 **Alcohol or drug related offences with motor vehicle resulting in disqualification**

- 1.5.1 Greater weight will be given to convictions relating to alcohol or driving related offences involving motor vehicles than those relating to the “totting up” disqualifications.
- 1.5.2 The Council will have regard to the length of the disqualification imposed and to whether an approved driving course was completed as part of the sentence. An application involving an isolated occurrence may therefore be considered in exceptional circumstances but a period of at least three years should elapse since the ending of the disqualification.
- 1.5.3 Applicants should note that they will be required to submit a certificate of medical examination on the grant of a licence which includes an assessment of alcohol/drug use and/or evidence of satisfactory treatment. If the applicant is found to be an alcoholic/drug addict a period of 5 years will normally elapse after treatment is complete before a further licence application is considered.
- 1.5.4 Unless there are exceptional circumstances, a conviction for the possession with intent to supply drugs involving a motor vehicle will normally merit the refusal of a licence.

#### 1.6 **Alcohol or drug related offences not in motor vehicle**

An isolated conviction or caution for drunkenness or possession of a drug will not necessarily debar an applicant from gaining/retaining a licence. Repeat convictions or cautions for these types of offence in the five years preceding an application will normally merit the refusal of a licence. Unless there are exceptional circumstances, a conviction for the possession with intent to supply drugs will normally merit refusal of a licence.

#### 1.7 **Indecency offences**

As taxi drivers are placed in a position of trust and may be responsible for the carrying of persons under the age of 18 and other vulnerable persons, a conviction for indecent assault, rape, gross indecency, indecent assault on a child under 16 years or other relevant sexual offence, is likely to merit the refusal or revocation of a licence.

#### 1.8 **Violence**

- 1.8.1 As hackney carriage and private hire vehicle drivers are in close contact with the public, persons under the age of 18 and other vulnerable persons, any conviction for murder, manslaughter, or grievous bodily harm with intent will normally merit refusal of an application.
- 1.8.2 Applicants will be expected to demonstrate a period of at least five years free from conviction for all other serious violent offences; this period may be longer if consistent with the statutory rehabilitation period for the offence. This policy also applies to convictions relating to possession of firearms or offensive weapons. All other offences will be assessed on a case by case basis.

- 1.8.3 The Council considers all forms of violence, including domestic violence, physical and verbal abuse, harassment and racially aggravated offences as being relevant to the fitness of an applicant. Greater weight will be placed on repeat or patterns of offending.
- 1.8.4 The Council is unlikely to grant an application from a person convicted of an offence involving the use of violence or threatening behaviour towards a police officer or police community support officer or similar.
- 1.8.5 The Council will normally revoke a private hire or hackney carriage driver's licence where the holder has been convicted of an offence involving obstruction to, or making a false statement to, or the use of violence or threatening behaviour towards, a police officer, police community support officer or similar, or an authorised officer of the Council carrying out his or her duty.

## 1.9 **Dishonesty**

As hackney carriage and private hire vehicle drivers are expected to be persons of trust, any conviction for serious fraud or theft within the past five years will normally merit refusal of a licence. A pattern of offending is also likely to result in the refusal of a licence. The Council considers all levels of theft, including fraud, benefit fraud, forgery, obtaining money or property by deception and other deception to be relevant to the role of a taxi driver.

## 2.0 **Offences under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976**

- 2.1 A serious view will be taken of convictions for offences under these Acts when deciding whether an applicant is to be considered a fit and proper person to hold a licence.
- 2.2 In relation to plying for hire a particularly serious view is taken of this offence as it is highly likely that the carrying of passengers will have breached the insurance policy in place.

## ANNEX 5

### Licensing Fees Charged By South Staffordshire District Council

Description of Fee	Fee Level
<u>Operators</u> Operator Licence <b>(12 months)</b>	£200 plus £10 per vehicle
<u>Vehicles</u>  <b>Under 5 years old</b> Annual licence fee (non LPG/Biofuel) £230 **Annual licence fee (LPG/Biofuel) £215  <b>5years old or more</b> Annual licence fee (non LPG/Biofuel) £260 **Annual licence fee (LPG/Biofuel) £245  Transfer of ownership of vehicle £15  Vehicle <b>re</b> -test fee £17.50 (if re-test within 7 days of failure) £35 if retest takes place 7 days or more after failure  <b>**LPG/Bio fuel reductions            will only be applied on            production of conversion            certificate or in the case of            Bio fuel a letter from HM            Customs &amp; Excise to confirm            that usage has been declared            &amp; duty paid where            appropriate.</b>	
<u>Drivers</u> Private Hire Driver/Hackney <b>2</b> <b>year</b> dual licence £110 plus CRB fee of £45 Driving assessment (where required) £72	