



Licensing

Committee

Mon 9 Jan
2023
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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If you have any queries on this Agenda please contact

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GUIDANCE ON PUBLIC SPEAKING

Please note that this is a public meeting and is open to the public to attend

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

The total maximum time permitted for public speaking is 15 minutes and the time limit for individual speakers is 3 minutes.

Only those members of the public who have registered to speak in advance of the meeting will be permitted to do so.

To register to speak you must contact Democratic Services by phone on 01527 64252 ext 3304, or by email at democratic@bromsgroveandredditch.gov.uk before 12 noon on the day of the meeting.

When registering to speak you must give your name and contact telephone number and indicate which agenda item you wish to speak about, and whether you are in support of or opposed to the officer recommendation

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.

Licensing

COMMITTEE

Monday, 9th January, 2023

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:

Salman Akbar (Chair)
Tom Baker-Price (Vice-Chair)
Karen Ashley
Joanne Beecham
Michael Chalk
Brandon Clayton

Andrew Fry
Sharon Harvey
Sid Khan
Emma Marshall
Timothy Pearman

1. Apologies
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. Minutes (Pages 1 - 6)
4. Public Speaking
5. DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE APPLICATIONS - CONSIDERATION OF CONSULTATION RESULTS (Pages 7 - 106)
6. Work Programme (Pages 107 - 108)



Licensing Committee

Monday, 17 October 2022

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Tom Baker-Price (Vice-Chair) and Councillors Karen Ashley, Joanne Beecham, Michael Chalk, Andrew Fry, Sharon Harvey, Sid Khan, Emma Marshall and Timothy Pearman

Also Present:

Councillor Imran Altaf

Officers:

Dave Etheridge and Vanessa Brown

Committee Services Officer:

Gavin Day

27. APOLOGIES

Apologies for absence were received from Councillor Prosser.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. MINUTES

Resolved that

1. the minutes of the meeting of the Licensing Committee held on 21st March 2022 be approved as a true and correct record and signed by the Chair.
2. the minutes of the meeting of the Licensing Committee held on 28th April 2022 be approved as a true and correct record and signed by the Chair.

30. PUBLIC SPEAKING

There was no public speaking.

.....
Chair

Licensing Committee

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31. CONSIDERATION OF THE DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE APPLICATIONS

The Chair highlighted to Members that the purpose of the report was to consider whether the Committee wished to allow the matter to go to consultation, it was not to reach a decision. The Chair further detailed that there would be an opportunity to debate and reach a decision at a future meeting of the Licensing Committee should Members be minded to agree to the consultation taking place.

The Chair invited the Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), Dave Etheridge to present his report.

Mr. Etheridge presented his report and in doing so explained that currently any application to grant or renew a licence, where the vehicle had not met the Council's requirements in respect of its age, had to be determined by Members at a Licensing Sub-Committee meeting. The report provided an opportunity for Members to consider whether they wished to delegate such decision making powers to Licensing Officers, WRS.

Mr. Etheridge further explained that during the Covid-19 pandemic such decisions had been delegated to Officers in order to reduce contact and limit the spread of the virus. Officers further detailed the systems that were in place during the Covid-19 pandemic in that:

- Applicants were still required to present their vehicles for a physical inspection if they were outside policy.
- Decisions were delegated to Licensing Officers, who assessed the vehicle based on the criteria as detailed on page 36 of the Hackney Carriage and Private Hire Licensing Handbook (Page 56 of the Main Reports Pack).
- Licensing Officers produced a written report which included pictures of the vehicles condition, this would be especially important if the vehicle was deemed unsuitable.
- Applicants received a decision notice directly from the Licensing Officer.
- Applicants had to present their vehicle to Kidderminster. Licensing Officers confirmed that applicants would be required to present their vehicle to Redditch, should following consultation, Members be minded to approve such delegations to Licensing Officers.

Mr. Etheridge continued and stated that since the end of the Covid-19 pandemic and the removal of the emergency delegation to Licensing Officers, that there have been 36 Applications presented

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at Licensing Sub-Committee meetings. Mr. Etheridge further detailed that the number of applications had increased due to the cost of living crisis and that this had placed an even greater demand on Members and Licensing Officers as a result.

Mr. Etheridge explained that should Members be minded to put in place such delegated authority, it would be necessary to carry out an appropriate consultation exercise before any decision was made, therefore, Members were being asked to give consideration on whether they wished to carry out a consultation.

Members then asked questions of Mr. Etheridge.

Members asked Mr. Etheridge to describe the consultation process and asked if it would be available in multiple languages. Mr. Etheridge informed Members that the main medium of consultation would be an online survey and those most effected by the change would be the drivers and taxi operators who would be consulted with and invited to comment. The consultation would also be open to all Members not just those on the Licencing Committee, as well as the wider public if they desired to comment. Officers would also commit to looking at supplying the online survey in multiple languages.

Members questioned if there would be multiple Licensing Officers making the decision as the Sub-Committee maintained impartiality via utilising 3 Members. Mr. Etheridge stated that the decision would be made by a single Licensing Officer, however, they were free to seek a second opinion. Mr. Etheridge further highlighted that any decision would include photographic evidence and a full report would be written.

Mr. Etheridge commented that although appeals were very rare for age criteria vehicles, having the photographic evidence would allow for a more robust case in the event of an appeal being lodged.

The Chair detailed that Officers were looking into the viability to undertake the inspection alongside a vehicles 6 monthly safety check, this change would enable a second opinion via a mechanic present on site whilst also reducing any unnecessary inconvenience for the applicant.

Members then considered the proposal.

Members considered that there had not been enough consistency between the standard that Members deem exceptional and were of the opinion that Officers would offer better consistency in their decisions.

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Members wished to be mindful that the reputation of Redditch Borough Council (RBC) was that it was Council led rather than Member led.

Members raised the issue of mental health among applicants, with applicants having to wait weeks or months until they were given a Licensing Sub-Committee meeting date, then waiting up to two hours during the Sub-Committee for their application to be heard. Therefore, Members highlighted that the process would be more efficient with less waiting time for applicants causing less anxiety.

Members expressed concern over the impartiality of a Licensing Officer who had been dealing with an applicant for the whole process and the decision being made by that same individual.

Members expressed the opinion that as elected Members they should not be delegating matters to Officers and that they should be making such decisions.

On being put to a vote it was

Resolved that

- 1. consultation be carried out on delegating authority to Officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle had not met the Council's required criteria in respect of the age of the vehicle.**
- 2. The Chair requested that Officers present details on the viability of undertaking age criteria checks in conjunction with the 6 months safety check.**

32. REVIEW OF SEX ESTABLISHMENT LICENSING POLICY

Mr. Etheridge presented his report to Members and detailed that RBC had previously adopted a Sex Establishment Licensing Policy which took effect on 1st August 2015. Officers believe that the policy should be reviewed, and a revised version of the policy adopted. Members were therefore asked to direct Officers to carry out consultation on the draft revised Sex Establishment Licensing Policy, as detailed on pages 141-171 of the Main Reports Pack.

Officers detailed the changes between the currently adopted and proposed policies, these included:

- Wording in the foreword to reflect the Council's current vision statement.
- 2.4.1 – updating relevant bodies to reflect name changes.

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- Updating the fine amount from £5000 to Unlimited to reflect new national guidelines.

Mr. Etheridge also clarified that there were currently no sex establishments in the Redditch Borough area and no applications or enquiries had been received, this was a policy review as it had been 7 years since last review.

Members' attention was drawn to page 21 of the Sex Establishment policy (page 130 & 162 of the Main Reports Pack), which detailed that any new application for a sex establishment would be presented to a meeting of the Licensing Sub-Committee regardless of objections.

Members then asked questions of Mr. Etheridge.

Members wished it to be noted that the current population of Redditch was 87,000 according to the new office of national statistics information.

Members questioned who would be contacted during the consultation, Mr. Etheridge outlined the interested parties as follows

- Chief Officer of West Mercia Police
- Worcestershire Safeguarding Children Partnership
- Hereford and Worcester Fire and Rescue Service
- Worcestershire Trading Standards
- Local Planning Authority (Redditch Borough Council)
- Relevant Redditch Borough Council Ward Members
- Relevant trade bodies such as UK (UKH) and the Night Time Industries Association (NTIA)
- Redditch BID
- Redditch Borough Councillors
- Feckenham Parish Council
- The wider general public (via the Council's website, social media and communications team)

Members enquired as to how much RBC's policy aligned with other Districts within Worcestershire. Mr. Etheridge stated that the policies were broadly similar and that many other districts were either currently undergoing consultation or planning to review their policies early in 2023.

Members then considered the report.

Members made note that extra care should be taken during the consultation to ensure it was made clear that there were no current

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applications and that it was a policy review. Members were assured that care would be made to ensure that this was clear to all parties.

Members agreed that it was prudent to undertake a review of the policy as it had been last reviewed in 2015.

Members also wanted it to be made clear to consultees the definition of sex shops, to ensure it was highlighted that it did not include predominantly lingerie retailers.

All Members were in agreement with the Officer's recommendation.

Resolved that

Officers be directed to carry out consultation with relevant stakeholders and the general public on the draft revised Sex Establishment Licensing Policy.

33. WORK PROGRAMME

The Chair detailed to Members the points based system used to ensure drivers complied with vehicle safety and policy. The policy had been adopted in 2018 but had not seen a review since, therefore, the Chair requested that a report on the points based system be added to the work programme for January 2023.

Resolved that

Subject to the amendment in the preamble above, the Committee's work programme be noted.

The Meeting commenced at 7.00 pm
and closed at 7.56 pm

LICENSING COMMITTEE9th January 2023**DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE
APPLICATIONS – CONSIDERATION OF CONSULTATION RESULTS**

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Currently any application to grant or renew a licence a vehicle as a hackney carriage or private hire vehicle where the vehicle does not meet the Council's requirements in respect of its age, has to be determined at a Licensing Sub-Committee meeting. Members have previously approved consultation on delegating such decision-making powers to officers instead. The results of this consultation are now being provided to Members for consideration.

2. RECOMMENDATIONS

That Members RESOLVE whether they wish to proceed with the actions required to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Carrying out consultation on any proposals to amend the Council's policies has minimised the risk of a successful legal challenge if the proposals are subsequently implemented.

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- 3.3 Any proposed changes to the scheme of delegations will need to be approved by the Constitutional Review Working Party and recommended to Council.

Service / Operational Implications

- 3.4 On 21st March 2022 the Licensing Committee approved a new Hackney Carriage and Private Hire Vehicle Licensing Policy which took effect on 1st September 2022. A copy of the policy can be seen at **Appendix 1**.
- 3.5 The new policy sets out the criteria that must be met by vehicles that are licensed as hackney carriage and private hire vehicles including requirements in respect of the age of the vehicle.
- 3.6 These new vehicle age requirements for hackney carriage and private hire vehicles took effect immediately on 21st March 2022 in accordance with the decision taken by the Licensing Committee on that date.
- 3.7 Section 3.12 of the new policy sets out how the Council will deal with applications to licence vehicles that do not meet the required criteria. The policy says:
- This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.*
- The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.*
- 3.8 A considerable number of applications are made each year that require determination by a Licensing Sub-Committee because of the vehicle not complying with the Council's criteria in respect of its age.
- 3.9 It is recognised that arranging and attending Licensing Sub-Committees to determine applications for vehicles that do not meet the required criteria on account of their age, is time consuming and expensive for both Members and officers.
- 3.10 During the coronavirus pandemic, when restrictions were in place that prevented meetings from taking place in person, emergency delegations were put in place to authorise officers to determine applications for vehicles which did not meet the age criteria.

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- 3.11 Processes and procedures were put in place by officers that appear to have worked well and allowed good quality decisions to be made professionally and efficiently.
- 3.12 Once the coronavirus restrictions were lifted and face-to-face Council meetings resumed, these emergency delegations were removed and decision making on such applications returned to Licensing Sub-Committees with the first such Sub-Committee taking place in November 2021.
- 3.13 On 17th October 2022, the Licensing Committee considered a report inviting them to consider whether to direct officers to carry out consultation on delegating authority to determine this type of application to officers.
- 3.14 After some debate as to the advantages and disadvantages of such an approach, Members resolved that consultation should be carried out on delegating authority to Officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle had not met the Council's required criteria in respect of the age of the vehicle.
- 3.15 This consultation was conducted between 21st October 2022 and 16th December 2022. The consultation was undertaken using an online survey tool in part so that people completing the survey would be able to use freely available online translation tools to translate the questions being asked into any language of their choosing.
- 3.16 A link to the online survey was sent to all licence holders and also to the Redditch Taxi Association. It was also sent to all Redditch Borough Councillors and other relevant stakeholders including:
- Relevant national trade bodies
 - Worcestershire County Council
 - Feckenham Parish Council
 - West Mercia Police
 - West Mercia Police and Crime Commissioner
 - Community Safety Team
 - Relevant managers and staff at Crossgates Depot, Redditch
- 3.17 The consultation asked respondents to answer the following question:
- Who do you think should be responsible for deciding whether or not to renew a licence to use a vehicle taxi or private hire vehicle, where that vehicle exceeds the maximum age limit set out in the Council's policy?*

Councillors (on a Licensing Sub-Committee) or Licensing Officers

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- 3.18 In total, 121 people answered the main consultation question. The responses received were as follows:

	Total Votes	%
Councillors (on a Licensing Sub-Committee)	88	72.7
Licensing Officers	33	27.3

- 3.19 Respondents were also asked to explain their reasons for the answer they gave. A total of 51 respondents provided their reasons for giving the answer that they did. The reasons given by these respondents are shown at **Appendix 2**.
- 3.20 Respondents were also asked if they had any other comments to make in relation to this matter. A list of the comments received can be found at **Appendix 3**.
- 3.21 Finally the respondents were also asked to identify what capacity they were responding to the consultation in. The breakdown of the 119 responses received to this question was:

Licensed Taxi / Private Hire Driver	67	56.3%
Licensed Private Hire Operator	13	10.9%
Councillor	6	5.0%
Member of the Public	42	35.3%
Other	3	2.5%

- 3.22 If the Council ultimately decided to delegate decision making on these applications to officers, it has been previously proposed that the inspection by officers could take place at Crossgates Depot at the same time that the vehicle is subject to its mechanical safety check.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE****9th January 2023**

- 3.23 Since the Licensing Committee meeting on 17th October 2022, this proposal has been discussed further with relevant members of the team at Crossgates Depot who have confirmed that this is a viable option and one that could be facilitated by them if relevant decision making powers were delegated to officers.
- 3.24 Members are now asked to consider the responses received during this consultation exercise and decide whether they wish officers to proceed with the actions that would be required to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.
- 3.25 Initially this would involve making a recommendation to the Council's Constitutional Working Group for consideration.
- 3.24 If such a recommendation were to be made and ultimately followed, the Council would also need to amend the wording in part 3.12 of its Hackney Carriage and Private Hire Vehicle Licensing Policy to make clear that any applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle, will be determined by officers under delegated authority rather than by a Licensing Sub-Committee.

4. RISK MANAGEMENT

- 4.1 Proper consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.

5. APPENDICES

- Appendix 1 - Hackney Carriage and Private Hire Licensing Policy
- Appendix 2 - Reasons Given for Answer to Principle Question
- Appendix 3 - Other Comments Received

LICENSING COMMITTEE

9th January 2023

AUTHOR OF REPORT

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Hackney Carriage and Private Hire Licensing Policy



Adopted with effect from: 1st September 2022

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1.0**Introduction**

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

2.0 Licences to Drive Hackney Carriage and / or Private Hire Vehicles**2.1.0 Types of Licence Issued**

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

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

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

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

2.2.0 Application Requirements – New Applicants

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

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

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

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

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

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

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

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

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

2.3.0 Worcestershire Taxi and Private Hire Competency Certificate

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

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

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

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

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

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

Delegated Decisions

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

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

Referral to a Licensing Sub-Committee

- 2.5.12 An application cannot be determined by officers under delegated powers where:
- An applicant has more than 6 points on their DVLA driving licence
 - An applicant's DBS certificate reveals more than one previous conviction / caution
 - An applicant's DBS certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
 - Information has been provided about an applicant under Common Law Police Disclosure provisions
 - An applicant does not appear to meet the DVLA Group 2 Medical Standards
 - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
 - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 2.5.13 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 2.5.14 Notwithstanding the above, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

2.6.0 DBS Update Service Checks

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

2.7.0 Common Law Police Disclosure and Working with the Police

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

2.8.0 Referrals to the Disclosure and Barring Service and the Police

- 2.8.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS.
- 2.8.2 The Council will make a referral to the DBS when it is thought that:
- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
 - an individual has satisfied the 'harm test'; or
 - received a caution or conviction for a relevant offence and;
 - the person they are referring is, has or might in future be working in regulated activity;
- 2.8.3 If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

2.9.0 Application Requirements – Applicants Renewing a Licence

2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:

- Continue to benefit from the right to work in the United Kingdom (UK)
- Be deemed by the Council to remain a “fit and proper person” to hold a licence

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

- Completed application form
- A valid DVLA licence check code
- Application fee
- A recent passport sized photograph of themselves

2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by one of the medical practitioners that the Council has approved for this purpose.

2.9.5 Once a licence holder reaches 65 years of age they will be required to provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by one of the medical practitioners that the Council has approved for this purpose on an annual basis.

2.9.6 Those applying to renew a licence to drive hackney carriage and/or private hire vehicles must demonstrate that they have either obtained the Worcestershire Taxi and Private Hire Competency Certificate or undertaken approved refresher training in disability awareness in the preceding 3 years.

2.9.7 If an application to renew a licence to drive hackney carriage and/or private hire vehicles is received more than 14 days after the previous licence has expired, the applicant will be treated as if they were applying for a licence to drive hackney carriage and/or private hire vehicles for the first occasion.

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

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

- 2.10.1 Where a person who holds a licence to drive private hire vehicles licensed by the Council also wishes to be authorised to drive hackney carriage vehicles, they may apply to amend their licence in the following way.
- 2.10.2 Before being able to amend their licence the holder must pass the Council's topographical knowledge test.
- 2.10.3 The licence holder must then submit:
- The relevant application form
 - The relevant application fee
- 2.10.4 When amending a licence to authorise the holder to drive hackney carriage vehicles, the expiry date of the licence will not be changed and the licence will still expire on the date that it would have expired had the application not been made.

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

- 2.11.1 As the Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.
- 2.11.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 2.11.3 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
 - Information revealed under Common Law Police Disclosure
 - Information revealed by checks undertaken on the licence holder's DVLA driving licence records
 - Information revealed on the medical fitness certificate
 - Information regarding immigration penalties paid by the licence holder
 - Information regarding the licence holder's right to work in the United Kingdom
 - Information revealed during checks on NR3
 - Information regarding complaints received about a licence holder
 - Information received from the licence holder themselves
- 2.11.4 When conducting a review of a driver's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
 - To require the licence holder to undertake additional training / assessments
 - To suspend the driver's licence
 - To revoke the driver's licence

Suspending or revoking a licence with immediate effect

- 2.11.5 In normal circumstances, any decision to suspend or revoke a licence to drive hackney carriage and/or private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.
- 2.11.6 However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, then notice of the reasons for this will be given to the driver and the suspension or revocation will take effect when that notice is given to the driver.
- 2.11.7 Where a Licensing Sub-Committee has decided to suspend or revoke a driver's licence, they will also consider whether the interests of public safety require that suspension or revocation to have immediate effect.

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

- 2.11.8 If information is received that suggests that a driver is no longer medically fit to act as a driver or a hackney carriage or private hire vehicle the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately suspend a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.9 Any licence suspended under this section will remain suspended until the licence holder has provided satisfactory evidence that they meet the DVLA's "Group 2 Medical Standards" as set out in the DVLA publication "Assessing fitness to drive – a guide for medical professionals."
- 2.11.10 Once satisfactory evidence of this has been received, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to lift the suspension without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.11 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Revoking a licence with immediate effect under delegated powers

- 2.11.12 From time to time information may be received about a licence holder that is of such a serious nature that action needs to be taken very quickly to ensure public safety.
- 2.11.13 These circumstances may arise where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
 - A drug related offence
 - An offence of a sexual nature
 - An offence involving violence
 - An offence involving dishonesty
- 2.11.14 A licence may also need to be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.
- 2.11.15 In such circumstances the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately revoke a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.16 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Reinstatement of licences revoked with immediate effect under delegated powers

- 2.11.17 This section applies where a driver's licence has been revoked with immediate effect under powers delegated to the Head of Worcestershire Regulatory Services.
- 2.11.18 In exceptional circumstances, where further information comes to light that clearly indicates that that the individual whose licence was revoked in fact remains a fit and proper person, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately reissue a licence of the type that was revoked to the individual concerned without referring the matter to a Licensing Sub-Committee for consideration.

- 2.11.19 Such exceptional circumstances could for example arise where it comes to light that the initial serious information received did not in fact relate to the licence holder at all and there has been a case of “mistaken identity.”
- 2.11.20 The licence holder will not be required to submit an application or meet any of the requirements normally placed on other individuals applying for a licence for the first time.
- 2.11.21 Any licence reissued in accordance with this section will be issued with the same expiry date as was shown on the licence that was revoked.
- 2.11.22 Where these delegated powers are used the Chair of the Council’s Licensing Committee will be notified as soon as is reasonably practicable.

2.12.0 Licence Conditions

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

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

3.1.0 Vehicle categorisation

3.1.1 In this part of the policy vehicles will be categorised as in accordance with the following table:

Category A	Vehicles that are fully powered by electric or hydrogen, emit no exhaust gases at any time and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category AX	Vehicles that are fully powered by electric or hydrogen, emit no exhaust gases at any time and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category B	<p>Vehicles that are ultra-low emission vehicles or “ULEV” (a vehicle having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe) and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.</p> <p>This category includes all hybrid vehicles including plug-in hybrid vehicles</p>
Category BX	<p>Vehicles that are ultra-low emission vehicles or “ULEV” (a vehicle having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe) and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.</p> <p>This category includes all hybrid vehicles including plug-in hybrid vehicles</p>
Category C	Vehicles fuelled by petrol or diesel engines that MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category CX	Vehicles fuelled by petrol or diesel engines that MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category D	Vehicles fuelled by petrol or diesel engines that DO NOT MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category DX	Vehicles fuelled by petrol or diesel engines that DO NOT MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.

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

General vehicle requirements

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

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has no side facing seats;
- each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

Vehicle categories

3.2.2 Until **31st December 2029** any vehicle being licensed to be used as a hackney carriage for the first occasion must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category C or CX

3.2.3 From **1st January 2030** any vehicle being licensed to be used as a hackney carriage for the first occasion must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category CX

New hackney carriages (additional vehicles)

3.2.4 Where the vehicle that is identified in the application would be an additional hackney carriage entering the licensed fleet, the vehicle must meet one of the following requirements:

- Be a category CX that is under 6 years of age.
- Be a category A, AX or BX vehicle that is under 8 years of age.

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

New hackney carriages (replacement vehicles)

3.2.6 Where the application is being made by a person who already holds a licence from the Council to use a vehicle as a hackney carriage and that person is making the application in order to replace the vehicle that they are currently licensed to use, the vehicle that is identified in the application must meet one of the following requirements:

3.2.7 **Until 31st December 2029:**

- Be a category D or DX vehicle that is under 6 years of age
- Be a category C or CX vehicle that is under 7 years of age
- Be a category B, BX, A or AX vehicle that is under 8 years of age

3.2.8 **From 1st January 2030:**

- Be a category CX vehicle that is under 7 years of age
- Be a category B, BX, A or AX vehicle that is under 8 years of age

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

Replacement of wheelchair accessible and zero-emission vehicles.

3.2.10 A person who already holds a licence from the Council to use a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair as a hackney carriage can only replace such a vehicle with another vehicle that also has this capability.

3.2.11 A person who already holds a licence from the Council to use a vehicle that is a category A vehicle as a hackney carriage can only replace such a vehicle with another vehicle that is also a category A or category AX vehicle.

3.2.12 A person who already holds a licence from the Council to use a vehicle that is a category AX vehicle as a hackney carriage can only replace such a vehicle with another vehicle that is also a category AX vehicle.

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation required to be submitted

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

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

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

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

General requirements

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

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has no side facing seats;
- each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

Vehicle categories

3.3.2 Until **31st December 2029** the vehicle must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category C or CX

3.3.3 From **1st January 2030** the vehicle must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category CX

Requirements in respect of the age of the vehicle

3.3.4 A category D or DX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 6 years of age.

3.3.5 A category C or CX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 7 years of age.

3.3.6 A category A, AX, B or BX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 8 years of age.

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation required to be submitted

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

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

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

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

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

- A category D vehicle must be under 10 years of age.
- A category DX vehicle must be under 12 years of age.
- A category C vehicle must be under 11 years of age.
- A category CX or DX vehicle must be under 13 years of age
- A category B vehicle must be under must be under 13 years of age
- A category BX vehicle must be under must be under 15 years of age
- A category A vehicle must be under 15 years of age
- A category AX vehicle must be under 17 years of age

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

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

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

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

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

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

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

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

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

- A category D vehicle must be under 10 years of age.
- A category DX vehicle must be under 12 years of age.
- A category C vehicle must be under 11 years of age.
- A category CX or DX vehicle must be under 13 years of age
- A category B vehicle must be under must be under 13 years of age
- A category BX vehicle must be under must be under 15 years of age
- A category A vehicle must be under 15 years of age
- A category AX vehicle must be under 17 years of age

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

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

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

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

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

Vehicle criteria

- 3.6.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.2.1 to 3.2.3 of this policy.
- 3.6.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

- 3.6.7 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
 - The appropriate application fee

Duration of licence

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

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

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

Vehicle criteria

- 3.7.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.3.1 to 3.3.3 above.
- 3.7.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

- 3.7.7 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
 - The appropriate application fee

Duration of licence

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

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

Documentation to be submitted:

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

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

Documentation to be submitted:

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

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

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

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

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

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

- 3.12.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.12.2 The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.
- 3.12.3 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.12.4 In considering whether the vehicle is of an exceptional standard, regard will be had to:
- The age of the vehicle
 - The mileage of the vehicle
 - The make, model and specifications of the vehicle
 - The category the vehicle falls into on the table shown at 3.1.1 of this policy
 - The MOT and service history of the vehicle
 - The interior and exterior condition of the vehicle
 - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.12.5 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.12.6 The primary and overriding consideration will be whether the vehicle is safe and fit for use.

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

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

Delegated Decisions

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

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

Referral to Licensing Sub-Committee

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

3.14.0 Licence Conditions

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

3.15.0 Vehicle livery requirements

3.15.1 All proprietors of vehicles licensed by the Council to be used as a hackney carriage or private hire vehicle must display any approved vehicle livery signage provided by the Council on the front driver and passenger doors of the vehicle at all times when it is being used as a hackney carriage or private hire vehicle.

3.15.2 Any approved vehicle livery signage issued will:

- Display the Council's logo
- Indicate whether the vehicle is licensed to be used as a hackney carriage or private hire vehicle
- Contain the vehicle licence plate number issued in respect of the vehicle

3.16.0 CCTV cameras in hackney carriage and private hire vehicles

- 3.16.1 The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle as well as to drivers, who can also be victims of violence and abuse.
- 3.16.2 The Council therefore will allow the proprietor of any vehicle that it has authorised to be used as a hackney carriage or private hire vehicle to install CCTV cameras in their vehicle subject to the following requirements:
- No installation of a CCTV system shall take place within a licensed vehicle unless the proprietor of the vehicle has notified the Council in advance.
 - All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

3.17.0 Inspection of hackney carriage and private hire vehicles

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

Programmed Inspections of Licensed Vehicles

- 3.17.2 A licence to use a vehicle as a hackney carriage or private hire vehicle will not be granted or renewed unless the vehicle has been inspected and found to be safe and fit for use in accordance with the Council's criteria for licensing vehicles for such use.
- 3.17.3 Additionally all vehicles must be presented for further inspection within a four week period beginning on the date six months after the licence issue date.
- 3.17.4 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in this part of the policy, the vehicle must be presented for further inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Other inspections of Licensed Vehicles

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

3.18.0 Powers to suspend and revoke vehicle licencesSuspension of a licence on grounds of vehicle condition

- 3.18.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.18.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.18.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.
- 3.18.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

Revocation of a licence on grounds of vehicle condition

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

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

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

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

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

3.19.0 Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles

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

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

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

4.1.0 Application Requirements – New Applicants

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

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

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

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

4.2.0 Application Requirements – Renewal Applications

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

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

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

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

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

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

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

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

4.3.0 The Fit and Proper Person Test – Private Hire Operators

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

Delegated Decisions

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

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

Referral to Licensing Sub-Committee

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

4.4.0 Licence Conditions

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

4.5.0 Review of Licences Issued to Operators of Private Hire Vehicles

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

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

5.2.0 Duties on licence holders in relation to assistance dogs

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

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

5.2.2 The driver of the hackney carriage must:

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

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

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

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

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

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

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

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

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

5.3.0 Duration of Licences IssuedLicences to drive hackney carriage and / or private hire vehicles

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

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

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

Operator Licences

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

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

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

5.4.0 Surrender of Licences

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

5.5.0 Refund of Fees Paid When a Licence is Surrendered

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

Licences of 1 year duration

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

Licences of 3 year duration

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

Licences of 5 year duration

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

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

Annexes

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

**Annex
A****Guidelines on the Assessment of Previous Convictions**General approach

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

Cautions

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

Rehabilitation periods

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

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

Dishonesty

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

Drugs

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

Discrimination

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

Motoring convictions

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

Drink driving/driving under the influence of drugs

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

Using a hand-held device whilst driving

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

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

Conduct

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

Appearance

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

Assisting Passengers

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

Changes of Circumstances

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

- B.13 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

DBS Update Service

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

Wearing and Display of Badges

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

Lost property

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

Receipts

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

Production of Documents

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

Return of licence and ID badge

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

Production of medical certificate

- B.23 Any licence holder aged 65 or over must provide the Council with a copy of the Council's prescribed medical fitness certificate, completed by one of the medical practitioners that the Council has approved for this purpose on the anniversary of the issue of the licence each year.

Deposit of Copy of Licence

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

Charging of fares

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

Carriage of animals

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

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

Condition of Vehicle

- C.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

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

Licensing a Vehicle with Another Council

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

Insurance Cover

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

Allowing Other Persons to Drive the Vehicle

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

Display of External Licence Plate

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

Display of Internal Licence Plate

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

Roof Signs

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

Return of Licence Plate(s)

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

Changes of Circumstances

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

External signage on front doors of vehicle

- C.16 The licence holder must ensure that the approved signage issued by the Council is displayed on the outside of the front driver and passenger doors of the vehicle at all times when it is being used as a hackney carriage.

Advertising on Licensed Vehicles

- C.17 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.
- C.18 No advertising may be displayed on the front driver and passenger doors of the vehicle.

Production of Documents

- C.19 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
 - Vehicle registration certificate (V5C)
 - Vehicle MOT test certificate
 - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- C.20 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- C.21 Subject to the condition below, the licence holder must present the vehicle for inspection within a four week period beginning on the date six months after the licence issue date.
- C.22 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in its hackney carriage and private hire licensing policy, the licence holder must present the vehicle for inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Table of Fares (Tariff Card)

- C.23 The licence holder must ensure that a copy of the current table of fares (tariff card) set by the Council is carried in the vehicle at all times in a position where it can be accessed and read by any passenger as required.

CCTV

- C.24 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- C.25 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- C.26 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
 - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
 - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- C.27 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- C.28 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

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

Condition of Vehicle

- D.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

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

Licensing a Vehicle with Another Council

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

Insurance Cover

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

Allowing Other Persons to Drive the Vehicle

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

Display of External Licence Plate

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

Display of Internal Licence Plate

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

Roof Signs

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

External signage on front doors of vehicle

- D.11 The licence holder must ensure that the approved signage issued by the Council is displayed on the outside of the front driver and passenger doors of the vehicle at all times when it is being used as a private hire vehicle.

Advertising on Licensed Vehicles

- D.12 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.
- D.13 No advertising may be displayed on the front driver and passenger doors of the vehicle

Prohibition on Display of Certain Words

- D.14 The words "Taxi" or "Cab" either in singular or plural or words of a similar meaning or appearance either alone or as part of a name must not be displayed anywhere on the vehicle licensed to be used as a private hire vehicle.

Return of Licence Plate(s)

- D.15 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- D.16 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
 - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- D.17 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Production of Documents

- D.18 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
 - Vehicle registration certificate (V5C)
 - Vehicle MOT test certificate
 - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- D.19 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- D.20 Subject to the condition below, the licence holder must present the vehicle for inspection within a four week period beginning on the date six months after the licence issue date.
- D.21 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in its hackney carriage and private hire licensing policy, the licence holder must present the vehicle for inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Taximeters

- D.22 Where a taximeter is fitted in a vehicle licensed to be used as a private hire vehicle the must be fitted securely in a position where it can be easily read by passengers in the vehicle and must not be obscured from view in any way. A table of fares must be available in the vehicle for inspection by passengers to explain clearly the basis on which any hiring charges will be calculated by the taximeter.

CCTV

- D.23 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- D.24 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- D.25 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
 - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
 - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- D.26 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- D.27 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

**Annex
E**

Equality Act 2010 – Position Statement on Sections 165 – 167

Introduction

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

Maintaining a List of Designated Vehicles

- E.6 Section 167 of the Act permits, but does not require, licensing authority to maintain a designated list of wheelchair accessible hackney carriage and private hire vehicles.
- E.7 Whilst not being under a specific legal duty to maintain a list of designated vehicles, Redditch Borough Council has decided that it will do so.
- E.8 The list of designated vehicles will be published and maintained by Redditch Borough Council with effect from **1st December 2017**. This will provide a reasonable amount of time for drivers to make applications for exemption from the duties that will be placed upon them once a list of designated vehicles is published.
- E.9 Once published, the list of designated vehicles will be available to access via the Redditch Borough Council website. A hard copy of the list of designated vehicles will also be provided on request. To request a hard copy of the list of designated vehicles you will need to contact Worcestershire Regulatory Services by emailing enquiries@worcsregservices.gov.uk or telephoning 01905 822799.

Accessibility Requirements for Vehicles Included on the List of Designated Vehicles

- E.10 The Act states that a vehicle can be included on a licensing authority’s list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- E.11 Redditch Borough Council has decided that a vehicle will only be included in the authority’s list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. For this purpose, a “reference wheelchair” is as defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000.

The Duties Placed on Drivers of Designated Vehicles

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

Exemptions from the Duties Placed on Drivers of Designated Vehicles

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

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

Enforcement

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

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

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

**Annex
G****Standard conditions attached to a licence to operate private hire vehicles**Duty to Provide a Basic Disclosure Annually

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

Location of Operating Base and Records

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

Changes of Circumstances

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

Records of Bookings

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

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

Record Keeping – Vehicles and Driver's Operated

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

Record Keeping – Form of Records and Data Security

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

Provision of Information to Driver Dispatched

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

Provision of Information to Person Who Has Made a Booking

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

Use of Passenger Service Vehicles (PSVs) to Fulfil Bookings

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

Register of Staff

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

Recording and Dealing with Complaints

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

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

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

Waiting Rooms / Areas

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

Standard of Service

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

Conduct of licence holder and employees

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

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

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

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

Lost Property

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

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

**Annex
H**

REDDITCH BOROUGH COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. Redditch Borough Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
5. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
6. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
7. There is a right of appeal to the Licensing and Support Manager against any points that are issued.
8. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.
9. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
10. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:
 - Take no further action
 - Issue a written warning
 - Extend the two year period for which the points remain live
 - Suspend the licence
 - Revoke the licence
 - Any other action that the Sub-Committee feels appropriate in the circumstances of the case

11. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
12. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
13. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
14. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
15. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
16. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES

	Offence (s) / Breach of condition (s)	Points applicable	Vehicle Driver	Vehicle Proprietor	Operator (PH)
1	Failing to behave in a civil and orderly manner	4	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	3	X		
3	Failing to wear drivers badge so it is plainly visible	3	X		
4	Failing to display vehicle licence plate on the outside rear of the vehicle	3	X	X	
5	Vehicle interior in unacceptable condition	3	X	X	
6	Vehicle exterior in unacceptable condition	3	X	X	
7	Failure to provide fire extinguisher	3	X	X	
8	Failure to provide adequate first aid kit	3	X	X	
9	Taximeter defective or not clearly visible	4	X	X	
10	Failing to afford reasonable assistance with loading and unloading luggage	3	X		
11	Failure to display table of fares	3	X	X	
12	Conveying more passengers in the vehicle than permitted by the licence	4	X		
13	Leaving hackney carriage unattended on a stand	3	X		
14	Charging more than the prescribed fare for a journey	4	X		
15	When hired to do so, failing to attend at the appointed time and place without reasonable cause	3	X	X	X

16	Failing to hand in property left in a licensed vehicle by a passenger	3	X	X	X
17	Failing to notify the Council of motoring or other convictions within 7 days	4	X	X	X
18	Failing to keep appropriate records of bookings	4			X
19	Failing to notify the Council of a change of name or address	3	X	X	X
20	Refusing a fare without reasonable cause	3	X		
21	Failing to report an accident to the Council within 72 hours	3	X	X	
22	Failing to produce insurance certificate to officer on request	4	X	X	
23	Failing to produce vehicle for inspection on request	4	X	X	
24	Failure to produce booking records upon request	4			X
25	Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand	4	X		
26	Unnecessarily prolonging a journey without reasonable cause	4	X		
27	Obstructing an authorised officer or constable	3	X	X	X
28	Failing to comply with a requirement properly made by an authorised officer or constable	3	X	X	X
29	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code.	3	X		
30	Allowing smoking in a licensing vehicle	3	X		
31	Smoking in a licensed vehicle	3	X		
32	Parking a vehicle in an illegal or dangerous position	3	X		
33	Using a vehicle with defective lights	3 (per bulb)	X	X	
34	Using a vehicle with defective tyres	6 (per tyre)	X	X	

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

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

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Reasons given by those who answered “Councillors (on a Licensing Sub-Committee)”
Simon Deakin should decide as he the only Qualified individual and can give a FAIR and proper judgement regarding renewal exceeding 10 years.
I believe that the licensing committee will benefit from direct contact with drivers on this issue and will soon understand the problems and hardship that this policy brings.
Now a days the vehicle prices goes sky high and it's really hard to purchase a new vehicle. Specially when the business is not as it should before Covid . so if the vehicle is passed through MOT stations then councils should uplift the age policy. Because if the vehicle is in good condition and road worthy as well so why we the driver has to follow the age policy. I think so the council should have to think about drivers as well that in this competitive world it's really hard to change vehicle.
Licensing officers develop relationships with the Taxi Drivers and will not be as impartial. However, having 3 Councilors and the licensing officer with the legal officer is much more transparent
More fair with 3 people
As a councillor, I believe this is a fairer method and open to scrutiny. It is a fairer decision-making process with 3 sets of eyes and an agreement on the condition of vehicle between Councillors often from different Party's. Overall a fairer system.
COUNCILLORS ARE ELECTED MAKE THEM WORK THEY ARE FAIRER AS THEY HAVE TO AGREE ON A FAIR DECISION
They have agreed to pass my Taxi and I am grateful as the cost of newer car is too much at this time.
Good and different elected councillors.

Councillors give confidence to the system.
Same as everywhere else
The Councillors can be responsible for maintaining high standards and are elected to do so.
The directly elected and accountable people.
Councillors give confidence to the public as we voted for them.
Make the councillors work, they are chosen for these duties.
Three equals Three sets of eyes Three from opposing political parties
Works ok Stop wasting money
Licensing Officers are not independent enough of Redditch Council
Councillors should be responsible and should have the Taxi tester there as well to have his opinion. I have been through this process and found the councillors not very knowledgeable when it comes to vehicle standards. The tester employed by the council will know the car very well and really only needs him to write a report.
Fair
Don't trust council only
Fairer to have 3 independent people that normally don't work well together
As elected reps for public

It's what they get paid for and are elected to do in these committees

Councillors are our elected representatives.
Council staff are not elected and it seems they are seeking power.
If they want more peers, tell them to stand and be elected.

Taxi drivers can't influence 3 councillors where they could be more friendly with one or two Council Officers

My dad is a Taxi driver and he recently found the system to be fair.
He did not see the need for a change but we should not be kept waiting so long by the council. Have more regular committees but with Councillors.

I believe Councillors would have a more open and un-biased opinion as they do not deal with the operator or its drivers on a regular basis.
The system was only changed due to Covid and was only ever meant to be an emergency (temporary) arrangement.

Reasons given by those who answered “Licensing Officers”

Be more easier and would not have to wait for a date I think Crossgate should check the vehicle as they test it they know if the vehicle is roadworthy

I personally think that crossgate tester should make the decision on the matter as he or she checks the vehicles and knows how safe and roadworthy they are.

The reason is it would leave councillors more time to do other important work it's much easier for drivers to have done at Crossgates it's saves time for drivers for waiting up to 2 months to be seen by councillors

The primary source of information on whether a vehicle is warranted an extension or not should lay with the people inspecting them. If they deem the vehicle roadworthy then a licensing officer may wish to check the physical appearance of ether car, and whether it is suitable for members of the public to be transported in.

I've never understood why councillors on a sub committee would ever be the deciding factor in regards to liven extension when they have no knowledge of vehicle maintenance, inspection, and in fact only base their decision on their own opinion.

Extensions should not be based on opinion.

Is the vehicle roadworthy and kept to a good standard? YES OR NO

Is there anything about the appearance of the vehicle that affects its roadworthiness? YES OR NO?

If answer to both are NO, the vehicle should be granted an extension.

If the vehicle is deemed roadworthy (mechanically) but may have some cosmetic damage, then I feel a temporary extension is giving and the owner just have remedial work done within a set time period.

As a company owner, in an ideal world we want all driver to have nice expensive cars for our clients, but the reality is it's not affordable. We also don't have the level of clientele to warrant spending large amounts on executive saloons. Taxis are often abused by passengers and therefore most driver will buy cheaper. We should be encouraging drivers to spend a little bit more with the premise that extensions are likely if they maintain their vehicles to a reasonable standard.

Licensing officers because they have better idea of what's going on

Simply because, we are getting battered as it is, it's costing £500 a week before we are making money, councillors are parasites who only want brown envelopes , don't let these vile people anywhere near this

I had my Vehicle inspected for an Extension in Covid by the Licensing Officer, Tom Phelan. Under the circumstances, I thought he did an Excellent job and I would definitely recommend Licensing Officers to take on this role.

In my opinion the person at cross gate who inspect the vehicle is the best person rather than councillors or licensing officer.

It will be cost effective and less time consuming, if the MOT tester has passed the vehicle then a licencing officer can be present to reduce time to come with a out come, in appose to councillors who have no clue about the car.

Just makes sense
Why hold a meeting a the council when an officer can make the desision
Holding a meetings seems like a waste of money

To save time and cost.

Saves time, they are more qualified than a committee. Should also include mot examiner as he knows the vehicle better than everyone.

Only concern is that there might be some bias towards some drivers. As the general feeling in the trade is that those drivers and operators who get on with licencing officers, will probably get below standard vehicles passed.

I believe that the majority of Councillors do not have mechanical skills qualifications. this is a very specialized area of expertise which could lead to serious consequences if the wrong decision was taken.
There should be no compromise when it comes to the safety of the travelling public , clearly it is in the best interests of all that this should be delegated to responsible officers who can ensure that the vehicle is safe for the travelling public.

The officers are the professionals in this field, not untrained councillors. It would speed up the process allowing for a taxi to get on the road and earning again.
It would remove the anxiety of thing up in front of a courtroom style committee and also save the council time and money.

Because they are more operational

The licensing officer are better equipped to decide whether or not to renew the vehicle as opposed to councillors, who are not specialised in this field.

Councillors should stick to running the council and their constituency needs, not dabbling in taxi licensing which is above their intellect.

Moreover we believe if the vehicle is passed by the Crossgate Depot then that should be sufficient, if the vehicle is pristine mechanical condition.

It doesn't take 6 people to check a vehicle can be done at cross gates more convenient for me

licensing officer has the complete MOT and test record and report recieved every six months with Vehecle Exminer reviews and he/she knows better wether to allow or disallow .
Regards

It's more convenient and shud not take 2 month

They would know

Hi there ,I had an experienced both of them and I think licensing officers decision is more practical and more beneficial for drivers and for council as well and the reason are.

☆)It's a long wait for the committee to give u date and time.

☆)They changed the date without any notice in committee and you have no other option to come on that given time.

☆)It's a long wait for the appearance in front of councillors.

☆)Sometime there is a parking issue when u come to town hall for committee.

☆)So many people on the same day.

☆)Licencing officers wasting no time and vehicle inspected on given date in 10 mins.

Save the time and money also they know much better then local sitting councillors 6ppl occupied for nothing

I think Simon and enforcement can make better decisions

If a Licensing Officer actually examines the vehicle which the 3 Councillors would not then the Licensing Officers are better placed to make an informed decision.

Do you have any other comments to make in relation to this matter?

We should encourage private hire minibuses to convert to Hackney carriage as there is currently zero 8 seaters on the ranks

I believe that the vehicle should not be subject to an age policy but should be subject to an emission's and condition policy

Many of the accessible vehicles that carry school children will cost in excess of £50,000 are a commercial vehicles and are designed to work efficiently for in excess of 200,000, the majority of these vehicles will only do 6,000 to 8,000 miles a year,

The cost to the travelling public is raised due to the depreciation on a private hire vehicle being greater that that of a private or company car.

HGV and PSV vehicles do not have an age policy.

Yes, you should be lobbying insurance companies to lower the rate, this is putting drivers out of work along with the rip off diesel and petrol prices

I think this is an excellent idea and hopefully it is pushed through to become Permanent.

As I said before
The best person to decide is the one inspect the vehicle .

I would prefer a licening officer to a council members who havent a clue about cars, also the MOT tester to have a say aswell

some drivers using Wolverhampton plates driving in REDDITCH working for big operators company's in REDDITCH.
They driving 10 years older car's.

Pay a Redditch council office

This is a duty for elected members not for unelected Officers!

MORE REGULARLY PLEASE

Fairer decisions by Councillors
Public interest to have Councillors conduct this decision
Elected councillors are 3 and a fairer method.
Unfair for one person to make this decision.
Why should 1 council officer do it?
Too slow process - speed up please But inspection is only 5mins
Public Safety is important. If it's working, don't change it. Don't use this to change other things for taxi drivers in the future.
Is the consultation available in Urdu as many drivers don't read this amount of English to comprehend the first page.
For transparency the system needs to remain.
When deciding on these individual applications, the starting point for the Licensing Sub-Committee is that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from the Council's policy. Are you suggesting the above will change if council officers carry out the process? It would help if you were clear.
Any advantages or disadvantages?
Are you trying to increase fees again for cabbies?
the safety of the vehicle should be assessed by experts and a decision made certainly not by well-meaning amateurs.

I do not believe we should allow aged and tatty cars to be used as private hire vehicles, some of the cars in Redditch are embarrassing, i have been in enough.

We have policies to stop aged cars being used, yet i believe that licensing often just extends the periods. Either scrap or enforce the policies which have gone through Council

Reduce costs

Trust council officer less than dodgy politicians

Speed up the delays

Why change it if it's working

Better with Three Councillors

A duty of elected members not to be conducted by unelected administrative officials.

I vote for councillors

☆)Licensing officers time is available all the time as compare councillors time are more valuable to utilise it some other important matters.

☆)No problem of parking in Licensing officer's site.

☆)No waiting, you free in 15 mins as compare to committee it will spend 4-5 hours ,so much waste of time.

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**LICENSING
COMMITTEE****9th January 2023****LICENSING COMMITTEE WORK PROGRAMME 2022/23****9th January 2023**

Delegating out of age criteria to officers – Consideration of consultation responses.

20th March 2023

Review of Sex Establishment Licensing Policy – Consideration of consultation responses.

Hackney Carriage Table of Fares – Annual review

Review of Street trading policy

To be allocated to suitable available dates in 2023/24

Legislation for permanent pavement licences - through levelling up bill

Legislation Re: Beauty Treatment – Botox/fillers

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