



# Licensing Committee

Mon 27 Nov  
2023  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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a  
difference*

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If you have any queries on this Agenda please contact

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## **GUIDANCE ON FACE-TO-FACE MEETINGS**

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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.

### **GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON**

Meeting attendees are encouraged not to attend a Committee if they have any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

### **PUBLIC SPEAKING**

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 email [gavin.day@bromsgroveandredditch.gov.uk](mailto:gavin.day@bromsgroveandredditch.gov.uk) before 12 noon on **Thursday 23<sup>rd</sup> November 2023**.

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 and press are excluded.

# Licensing

Monday, 27th November, 2023

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Karen Ashley (Chair)	Chris Holz
	Timothy Pearman (Vice-Chair)	Anthony Lovell
	Salman Akbar	Emma Marshall
	Joe Baker	Kerrie Miles
	Juma Begum	Monica Stringfellow
	Sharon Harvey	

### 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 5 - 10)

The minutes of the Licensing (Parent) Committee of 5<sup>th</sup> October 2023

### 4. Public Speaking

### 5. Consideration of responses to publication of public notice of proposal to designate streets for the purpose of controlling street trading in Redditch (Pages 11 - 42)

### 6. Renewal of licences for hackney carriage and private hire vehicles that have previously been written off (Pages 43 - 168)

### 7. Hackney Carriage and Private Hire Vehicle Compliance Testing - Current Arrangements and Alternative Options (Pages 169 - 176)

### 8. Impact of public space improvement works in Unicorn Hill and Church Green West on the taxi rank at Unicorn Hill (Pages 177 - 184)

### 9. Work Programme (Pages 185 - 186)

### 10. Exclusion of the Public and Press

**In the opinion of the Chief Executive, the meeting will not be, or is unlikely to be open to the Public at the time the following items of business are considered for the reasons stated. The Committee will be asked to pass the following resolution:**

# Licensing

Monday, 27th November, 2023

**“that under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the following paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended:**

- **Paragraph 1 – Any Individuals**
- **Paragraph 2 – Identity of Individuals**
- **Paragraph 3 – Financial or Business Affairs**
- **Paragraph 5 – Legal Professional Privilege.”**

## **11.** Officer Update(s) - Enforcement and Appeal Matters

(In view of the fact that information may be revealed in relation to individuals, the identities and financial or business affairs of those individuals and the prosecution of crimes, any reports will be confidential and circulated to Members and relevant Officers only.)



# Licensing Committee

Thursday, 5th October,  
2023

## MINUTES

### Present:

Councillor Karen Ashley (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Salman Akbar (for Minute numbers 12/13/14), Juma Begum, Sharon Harvey, Chris Holz, Anthony Lovell (for Minute numbers 12/13/14), Emma Marshall, Kerrie Miles and Monica Stringfellow

### Officers:

Dave Etheridge and Vanessa Brown

### Democratic Services Officers:

Gavin Day

### 8. APOLOGIES

There were no apologies for absence.

### 9. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 10. MINUTES

The minutes of the Licensing Committee of 17<sup>th</sup> July 2023 were presented to Members.

### RESOLVED that

**The minutes of the Licensing Committee held on the 17<sup>th</sup> July 2023 were approved as a true and accurate record and signed by the Chair.**

### 11. PUBLIC SPEAKING

There were no registered public speakers.

Chair

**12. LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY**

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to seek Members approval for the draft licensing Policy to go out for consultation with relevant parties.

The 2003 Licencing act imposed a duty upon Local Authorities to review the licence policy every 5 years, it was last updated on 1<sup>st</sup> June 2019, therefore, was due for review on 1<sup>st</sup> June 2024. Once the consultation had been concluded, the results would be brought back to the Licensing Parent Committee in March 2024, the policy would then go to a full Council meeting to be approved.

Officers drew Members attention to the draft revised licencing policy statement at appendix 1 on pages 15 to 63 of the Public Reports pack, Officers further highlighted the table summarising the changes at appendix 2 on pages 65 to 67.

The Principal Licencing Officer informed Members that the statutory consultees were detailed on page 12 of the Public reports pack.

The following was clarified after questions from Members.

- There was no available information as to the prevalence of drink spiking in Redditch, however, there had been indication that there was a particular problem within the Borough.
- That WRS worked in conjunction with Community partnerships such as Pubwatch and the Business Improvement District to guide individuals during their application process.
- The new policy sought to guide new applicants on what they could do to enhance the access and inclusiveness of their establishment such as included ramps, lifts and accessible toilets. Officers further detailed that there were exceptions within the equalities act for those premises which were not practically able to undertake the necessary modifications.
- Information was contained within the policy on who to contact if an individual believed that a premises was not being inclusive, as this was not inherently a matter directly addressed by WRS.

Officers further detailed that the licencing policy sought to inform new applicants what they needed to do to be granted a licence and guide them on the additional factors such as disabled access and public safety which they would need to also have regard to and would assist in their application.

An amendment was proposed by Councillor Emma Marshall and seconded by Councillor Sharon Harvey to address an error in paragraph 6.36 on page 30 of the Public Reports pack, it was highlighted that due to the UK leaving the EU the bullet point “**a photocard driving licence issued in a European Union country**” should be amended to also include UK driving licences. Officers agreed with the amendment which was an oversight on the part of WRS.

On being put to a vote it was:

**RESOLVED that**

**Subject to the amendment detailed in the preamble above, the Licensing Committee approved the revised draft Statement of Licensing Policy and instructed Officers to commence the consultation process with relevant parties.**

**13. RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF.**

The Principal Licencing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to seek members approval for a short, targeted consultation to amend wording of the licencing policy which had an unintended effect on some drivers during their licence renewal.

The updated licencing policy which came into effect on 1<sup>st</sup> September 2022 changed the policy regarding insurance write off vehicles falling under categories ‘C’ and ‘S’, in that they would no longer be licenced under the policy.

The intention of the change was to prevent future new vehicles being licenced if they had been written off under categories ‘C’ and ‘S’. However, an unintended side effect of this change was that whenever a vehicle which had previously been licenced and was a category ‘C’ or ‘S’ write off came up for its annual renewal, it was no longer within policy and therefore needed to come before Members to approve.

Officers accepted that this was not the intended purpose of the policy change and sought Members approval to undertake a short, targeted consultation with the intent of changing the wording to allow those vehicles which had previously been licenced to continue to be licenced. Officers further clarified that the current position of preventing new vehicles being licenced would be retained within the policy.

# Licensing Committee

Thursday, 5th October, 2023

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Officers drew Members attention to the proposed wording on page 103 of the Public Reports Pack.

Officers confirmed that should Members agree to undertake consultation, the results would be presented to the next Committee on 27<sup>th</sup> November 2023 and should Members agree to the amendment, the change could be made immediately.

The following was clarified after questions from Members.

- That the consultation would consist of a brief background explanation and the proposed changes with the question whether they (the consultee) agree to amend the policy in that way.
- That there had been a significant number of vehicles that had come to a Sub-Committee and all had been approved, however, in the Officers opinion it was an unnecessary disruption and worry for the drivers and was a poor use of Officer and Members time.
- Officers explained that although the change would, in theory, allow a driver to continue to use their vehicle if it was written off whilst licenced, in practice this was highly unlikely as the majority of drivers would take the insurance money and purchase a new vehicle so as to not have a disruption in their work whilst the vehicle was being repaired.

Officers further detailed that WRS would review the situation and would attempt to delay as many determinations as possible until after the next Parent Committee, however, there was a risk for drivers, especially those who work for some companies such as UBER, as some companies may not accept the driver having an expired plate whilst the matter was resolving. Members commented that it was also a poor perception for RBC when Members of the public see an expired plate.

Members agreed that it was an unintended consequence of the change in the policy which intended to phase out write off vehicles and was unfair to drivers who had already had their application approved under the previous policy.

On being put to a vote it was.

## **RESOLVED that**

**the Licensing Committee directed Officers to carry out a short, targeted consultation exercise on amending the wording of paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy.**

**14. WORK PROGRAMME**

Officers sought clarity from Members regarding the future Work Programme item “**Hackney Carriage and Private Hire Vehicle MOTs**” in which the proposer requested that Officers present a report on the possibility of outsourcing the MOT of private hire and hackney carriage vehicles. However, Officers clarified to Members that drivers may already have their MOT completed at any garage under the current policy. Officers further clarified that the vehicle safety check needed to be undertaken at the Crossgates depot and sought Members opinion whether they wished the report to focus on that.

After some discussion with Members, it was agreed that the report would focus on the viability of outsourcing the Vehicle Safety Checks and the advantages and disadvantages of the process and change.

Councillor Marshall enquired as to the viability of moving the standing agenda item “**Enforcement Matters**” from the Licensing Sub-Committees to the Parent Committee. Councillor Marshall further detailed that as the enforcement matters were only detailed to those in attendance there were some Members who might be unaware of enforcement activities and it would, therefore, be better if all Members of the Licencing Committee were informed together.

Officers detailed that the change may require that the Licencing Committee go into exempt session if there were sensitive or restricted reports, however, Officers confirmed that there was no problem with moving the item. It was agreed by Members to add the additional standing item “**Officer Update(s) - Enforcement and Appeal Matters**” to all future Licencing Parent Committee agendas.

Members requested an update from Officers regarding transferring new licencing applications to an electronic online portal. The Principal Licencing Officer detailed that work was in progress which had identified a supplier for the service and testing was currently underway. It was also detailed that WRS planned to have licencing applications across a number of areas submitted via the online portal. Further details could be found in the agenda and minutes of the WRS Board Meeting.

After a short discussion on the transfer of Taxi Vehicle licence plates to magnetic versions, Councillor Salmon Akbar requested that a report be added to the work programme which would give an outline the progress of the transition towards magnetic licencing number plates.

# Licensing Committee

Thursday, 5th October, 2023

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Councillor Salmon Akbar requested an update report on delegating age criteria renewals to Officers. Officers explained that it was heard at the Constitution Review Working Party (CRWP) in June 2023, however, Members of the CRWP requested additional information to make a recommendation so it was scheduled to return to the CRWP before going to full council. Officers further detailed that the next meeting was in March, to which Members requested that the possibility be explored with Democratic services and the CRWP of adding a meeting before this date.

The Meeting commenced at 7.00 pm  
and closed at 8.31 pm

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**27<sup>th</sup> November 2023**STREET TRADING – DESIGNATION OF STREETS**

Relevant Portfolio Holder	Councillor L Harrison
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**

- 1.1 The Licensing Committee has previously authorised officers to carry out the necessary process to advertise the Council's intention to pass resolutions to amend the current designation of streets for the purposes of controlling street trading in the Borough.
- 1.2 Members are now asked to recommend to Council that the resolutions required to make these amendments are passed.

**2. RECOMMENDATIONS**

- 2.1 That Members **RECOMMEND TO COUNCIL** that the draft resolution shown at Appendix 2 be passed.
- 2.2 That Members **RECOMMEND TO COUNCIL** that, should the draft resolution shown at Appendix 2 be passed, officers be authorised to publish notice that the resolution has been passed in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs associated with publishing the required notices will be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale of any article (including a living thing) in a street.

- 3.3 Schedule 4 also defines street as including:

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980,

- 3.4 Paragraph 2 of Schedule 4 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street;
- (b) a licence street; or
- (c) a consent street.

- 3.5 “Prohibited street” means a street in which street trading is prohibited.

- 3.6 “Licence street” means a street in which street trading is prohibited without a licence granted by the district council.

- 3.7 “Consent street” means a street in which street trading is prohibited without the consent of the district council.

**Service / Operational Implications**

- 3.8 Council's usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.9 The control of street trading can also be of benefit to traders who can obtain greater security over their "pitch" if they are the only person who has the Council's consent to trade there.
- 3.10 The Council has adopted a Street Trading Policy which took effect on 1<sup>st</sup> September 2018. Chapter 2 of the Policy sets out which streets have been designated as consent streets and which have been designated as prohibited streets. A copy of the Council's current Street Trading Policy can be seen at **Appendix 1**.
- 3.11 Under the current designations there are a number of named "prohibited streets" with all other streets in the Borough being designated by the Council as "consent streets."
- 3.12 On 17<sup>th</sup> July 2023, the Licensing Committee considered a report in which officers recommended that the Council should take the required steps to change its current designation of streets so that all streets in the Borough were designated as "consent streets" and that "prohibited streets" are removed.
- 3.13 The rationale behind this suggestion was that such a change would allow every application to be considered on its merits and would enable street trading to be permitted in what are currently the prohibited streets, where it was felt appropriate to allow it. This could be for example to facilitate a short-term community event or other similar event where the ability to allow street trading would enhance the event and provide a benefit to the wider community.
- 3.14 However after consideration of the report and debate, Members ultimately felt that some prohibited streets needed to be retained.

REDDITCH BOROUGH COUNCIL

## LICENSING COMMITTEE

27<sup>th</sup> November 2023

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3.15 Therefore Members resolved to authorise officers to publish notice of the Council's intention to pass resolutions which would take effect on 1st September 2024 and would rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets, with the exception of the following streets which are to be designated as prohibited streets:

- Alvechurch Highway
- Alcester Highway
- Bromsgrove Highway
- Coventry Highway
- Redditch Ringway
- Warwick Highway

3.16 Officers were also authorised to serve a copy of the notice on the Chief Officer of Police and the highway authority for the area.

3.17 A public notice advertising the Council's intentions was published in the Redditch Advertiser on 27<sup>th</sup> September 2023.

3.18 A copy of the public notice has also been served on the Chief Officer of Police and the highway authority for the area, Worcestershire County Council.

3.19 No representations or objections in relation to the Council's intentions have been received since the public notice was published and sent to the Chief Officer of Police and the highway authority.

3.20 The remaining steps that need to be taken in order to change the street trading designations would be for Council to pass a resolution to designate the streets. This resolution must state when it will take effect.

3.21 After any resolution is passed it is then necessary to publish two further public notices to advertise the making of the resolution. The first such public notice must be published at least 28 days before the resolution takes effect.

3.22 As no representations or objections in relation to the Council's intentions have been received, Members are now asked to recommend to Council that the draft resolution shown at **Appendix 2** be passed.

**LICENSING COMMITTEE****27<sup>th</sup> November 2023**

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**4. RISK MANAGEMENT**

4.1 None

**5. APPENDICES**

Appendix 1 – Current Street Trading Policy

Appendix 2 – Draft Resolution

**AUTHOR OF REPORT**

Name: Dave Etheridge – Principal Officer (Licensing)  
Worcestershire Regulatory Services

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# Street Trading Policy



Approved to take effect on 1<sup>st</sup> September 2018

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## 1.0 INTRODUCTION

### 1.1 Redditch Borough

- 1.1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains six District Councils in total. The Borough of Redditch is approximately 15 miles south of Birmingham. The Borough has a population of 84,500 with a higher percentage of young people (age 0-15 years) compared with the rest of the County.
- 1.1.2 There is a very diverse population within the Borough and there are four areas that are within in the top 10% most deprived in England.
- 1.1.3 Redditch Borough has many open spaces; there are six Sites of Special Scientific Interest, 24 Special Wildlife Sites and numerous local nature reserves.
- 1.1.4 There are a number of international companies established in the Borough and the Kingfisher Shopping Centre boasts many big name department stores.
- 1.1.5 Through North Worcestershire Economic Development and Regeneration and the Local Enterprise Partnership, the Council continues to support new and established businesses within the Borough to grow.
- 1.1.6 Through considering what really matters to residents, the Council has produced a set of six strategic purposes to guide us; they are based on customer demands and data and evidence about the needs of and issues affecting the people of Redditch Borough. The strategic purposes are:
- Keep my place safe & looking good.
  - Help me run a successful business
  - Help me to be financially independent
  - Help me to live my life independently
  - Help me find somewhere to live in my locality
  - Provide good things for me to see, do & visit
- 1.1.7 This policy statement aims to help further these strategic purposes.



## 1.2 The Policy

- 1.2.1 This document states Redditch Borough Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.2.1 In exercising its discretion in carrying out its regulatory functions, Redditch Borough Council will have regard to this Policy document and the principles set out therein.
- 1.2.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

## 1.3 The Objectives of this Policy

- 1.3.1 This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.3.2 The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.3.3 The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.3.4 This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.3.5 The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Regulator's Code.

## 1.4 The Law

- 1.4.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.4.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without Local Authority consent
- Licence Streets: where trading is prohibited without a Local Authority licence

1.4.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.4.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

## **1.5 Licensing Act 2003**

1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

## 2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

### 2.1 Consent Streets

- 2.1.1 The Council has designated all streets within the Borough as consent streets except those that it has designated as prohibited streets and the Town Centre used for Market purposes.

### 2.2 Prohibited Streets

- 2.2.1 The following streets have been designated by the Council as prohibited streets:

Alders Drive	Lower Common Lane
Alvechurch Highway	Middle Piece Drive
Alcester Highway	Moons Moat Drive
Battens Drive	Old Forge Drive
Birmingham Road	Papermill Drive
Birchfield Road	Redditch Ringway
Bromsgrove Highway	Rough Hill Drive
Callow Hill Lane	Salters Lane/Hewell Road
Coldfield Drive	Warwick Highway
Coventry Highway	Washford Drive
Claybrook Drive	Windsor Road/Middle House Lane
Dagnell End Road	Woodrow Drive
Evesham Road	Windmill Drive
Far Moor Lane	
Greenlands Drive	Droitwich Road, Feckenham
Headless Cross Drive	Alcester Road, Feckenham
Holloway Drive	Saltway, Feckenham
Icknield Street	High Street , Feckenham
Icknield Street Drive	Church Road, Astwood Bank.

### **3.0 APPLICATIONS FOR A STREET TRADING CONSENT**

#### **3.1 Advice for New Applicants**

- 3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 3.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.
- 3.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

#### **3.2 Applications**

- 3.2.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council’s prescribed application form.
- 3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 3.2.3 The following will also be required to be submitted with the application form:-
- Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
  - Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
  - Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.
  - Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.
  - Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
  - A colour photograph of any trailer, stall or other vehicle from which the street trading activities are proposed to take place.

- Food hygiene certificates (where relevant)
- Proof of registration as a food business (where applicable)
- Satisfactory certificates confirming the safety of any gas or electrical installations within the trailer, stall or vehicle from which the street trading activities are proposed to take place.
- Certificates to confirm that any fire fighting equipment within the trailer, stall or vehicle from which the street trading activities are proposed to take place have been appropriately serviced and maintained.
- If a vehicle is to be used as part of the street trading activities, registration details of the vehicle including confirmation of the registered keeper of the vehicle and their address.
- Proof of the applicant's address and of their right to live and work in the United Kingdom.

3.2.4 Applications cannot be considered from anyone under the age of 17.

### **3.3 Processing an Application**

3.3.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- West Mercia Police
- Worcestershire County Council (Highways)
- Highways England
- Any relevant Parish Council
- The Borough Councillor(s) for the Ward(s) concerned
- Environmental Health Officers at Worcestershire Regulatory Services
- The Planning Authority
- Safer Redditch
- Redditch Borough Council Environmental Services
- North Worcestershire Economic Development and Regeneration (NWEDR) team
- Trading Standards
- The owners / occupiers of any residential and/or business properties in the vicinity of the proposed location of any static trading site.
- Any other relevant organisation

3.3.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 21 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required is shown at **Annex A** to this Policy.

3.3.3 The Council will allow 28 days from the date that the application is received and confirmed as valid, for people to make representations or objections in relation to the application.

3.3.4 Representations or objections will be accepted from any of the bodies listed at 3.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

### **3.4 Determining Applications with no Representations or Objections**

3.4.1 Where no representations or objections are received within 28 days of the application being received, Officers will grant Consent to the applicant in the terms that it was applied for.

### **3.5 Determining Applications through Mediation**

3.5.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.

3.5.2 For example, it may be possible to find a compromise position in one of the following ways:-

- amending the times during which trading will take place;
- amending the days on which trading will take place;
- adding conditions to the Consent to address specific concerns;
- granting Consent for a trial period to assess the impact; or
- amending the list of articles to be sold.

3.5.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

### **3.6 Determining Applications Where Mediation Is Not Possible**

3.6.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to the next available Licensing Sub-Committee for determination.

3.6.2 The Licensing Sub-Committee will be conducted in accordance with the Council's standard procedure.

### 3.7 Key Considerations

3.7.1 Each application will be considered on its own merits.

3.7.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.
- the proposed consent holder is not considered to be a suitable person to be granted a street trading consent for any reason.

### **3.8 Options Available to Licensing Sub-Committee**

3.8.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
  - (i) the days on which trading can take place;
  - (ii) the times during which trading can take place;
  - (iii) the location(s) where trading can take place;
  - (iv) the articles that can be traded;
  - (v) the conditions attached to the Consent;
  - (vi) the duration of the Consent.
- (c) refuse to grant Consent.

3.8.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

### **3.9 Grant of Consent**

3.9.1 The grant of a street trading consent does not guarantee the holder of the Street Trading Consent unimpeded access to the location(s) where they are permitted to trade.

3.9.2 There may be occasions where the trading location(s) specified on the Street Trading Consent may be unavailable to the holder of the Street Trading Consent for reasons beyond the control of the Council.

#### **4.0 DURATION OF STREET TRADING CONSENTS**

##### **4.1 Duration**

- 4.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 4.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid
- 4.1.3 A Street Trading Consent will normally be granted for 12 months and will then expire.
- 4.1.4 The Council will consider granting a Street Trading Consent for a shorter duration than 12 months on application.
- 4.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee. Consents lasting less than 12 months may be granted to provide a “trial period” during which any adverse impact of the trading can be assessed.

##### **4.2 Renewal**

- 4.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.
- 4.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

## 5.0 CONDITIONS ATTACHED TO CONSENTS

### 5.1 Standard Conditions

- 5.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.
- 5.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex B** to this Policy.

### 5.2 Additional Conditions

- 5.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee when granting Consent.

**6.0 APPEALS****6.1 Refusals / Attached Conditions**

- 6.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

## **7.0 COMPLAINTS AND ENFORCEMENT**

### **7.1 General Principles**

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 7.1.2 All decisions and enforcement actions taken by the Licensing Authority will be taken in accordance with the Regulator's Code.

### **7.2 Offences**

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-
- engaging in street trading in a prohibited street;
  - engaging in street trading in a consent street without Consent;
  - contravention of a condition in relation to trading location; and
  - contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

### **7.3 Complaints**

- 7.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.
- 7.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-
- verbal warning;
  - written warning;
  - simple caution;
  - prosecution; or
  - referral of the Consent Holder to a Licensing Sub-Committee.
- 7.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-
- take no further action;
  - give a warning to the Consent Holder;
  - amend the days on which trading can take place;
  - amend the times during which trading can take place;
  - amend the location(s) where trading can take place;
  - amend the articles that can be traded;
  - amend the conditions attached to the Consent;
  - amend the duration of the Consent; or
  - revoke the Consent.

**8.0 AMENDMENTS TO THIS POLICY**

- 8.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on licence holders;
- b) is likely to have a significant procedural effect on licence holders; or
- c) is likely to have a significant effect on the community.

**9.0 FEES AND CHARGES**

- 9.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.
- 9.2 The fees will be reviewed at least on an annual basis and published on the Council's website.
- 9.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.
- 9.4 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

**10.0 DEFINITIONS**

<b>TERM</b>	<b>DEFINITION</b>
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Redditch Borough Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	<p>The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-</p> <ul style="list-style-type: none"> <li>• a pedlar with a Pedlar's Certificate;</li> <li>• anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order;</li> <li>• trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;</li> <li>• trading as a newsvendor selling only newspapers/magazines;</li> <li>• trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop;</li> <li>• selling things, or offering or exposing them for sale, as a roundsman;</li> </ul>

- the use for trading, under Part VIIA of the Highways Act 1980, of an object or structure placed on, in or over a highway;
- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading  
Assistant

A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

## ANNEX A

## NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p><b>NOTICE IS HEREBY GIVEN</b> that an application has been made to Redditch Borough Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at the Town Hall, Walter Stranz Square, Redditch, B98 8AH between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p>	

**ANNEX B****STREET TRADING CONSENT  
STANDARD CONDITIONS****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time, including as a result of a breach of these conditions.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide details and proof of the name, address, date of birth and a photograph of any person assisting them with their trading on a regular basis.
- The Consent Holder must notify the Council of any change to their address or the address of any person assisting them with their trading on a regular basis.
- Any person assisting a Consent Holder on a regular basis must be at least 17 years of age.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or his assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.

- The Consent Holder, and/or his assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder or their assistants must allow Council officers to inspect their trading facilities and should offer all reasonable assistance to them.
- The Consent Holder, and/or his assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or his assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that his customers or patrons conduct themselves in an orderly manner.
- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner and produce evidence of any relevant trade waste agreement when required by an Authorised Officer or the Council.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 75 metres from the trading unit.

**NOTE:** The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all

reasonable requirements of the Council, the Police, Fire Officer and Highway Authorities as to its construction, safety and appearance and any changes to vehicles used in the course of trading must be notified to the Council.

- The Consent holder or his employee must move his trailer, vehicle, stall or any signage associate with their trading or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder must ensure any gas and electrical installations are properly maintained and the relevant safety certificates must be produced on request from an Authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to his trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by him to assist in his trading; "Council" means the Redditch Borough Council.

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**REDDITCH BOROUGH COUNCIL****SCHEDULE 4 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****RESOLUTION TO DESIGNATE STREETS***Draft Resolution*

*Redditch Borough Council resolves, with effect from 1<sup>st</sup> September 2024:*

- *To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982*
- *To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway*
- *To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.*

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REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE****27<sup>th</sup> November 2023****RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF**

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	Yes
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**

- 1.1 Members of the Licensing Committee are asked to consider the responses received during a short, targeted consultation exercise on making some minor alterations to the wording contained in part of the Council's Hackney Carriage and Private Hire Licensing Policy. These minor alterations are intended to resolve an issue that has arisen for the hackney carriage and private hire trade in Redditch since the Policy was adopted. Members are asked to approve a revised version of the Policy to take effect immediately.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee consider the responses received during the consultation exercise and RESOLVES to approve the draft revised Hackney Carriage and Private Hire Licensing Policy at Appendix 4 to take effect immediately.**

**3. KEY ISSUES****Financial Implications**

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

**Legal Implications**

- 3.2 In accordance with section 37 of the Town Police Clauses Act 1847, a district council may licence to ply for hire within the area of the district council, such number of hackney carriages or carriages of any kind or description adapted to the carriage of persons as they think fit.
- 3.3 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

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

**Service / Operational Implications**

- 3.4 The Council is responsible for the issuing of licences to authorise people to use vehicles as hackney carriages or private hire vehicles.
- 3.5 The Council implemented a new Hackney Carriage and Private Hire Vehicle Policy with effect from 1<sup>st</sup> September 2022. The new policy contained updated requirements in respect of the licensing of vehicles to be used as a hackney carriage or private hire vehicle. The relevant part of the Policy can be seen at **Appendix 1**.

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- 3.6 One of the changes that the new policy introduced was a stipulation that the Council would no longer licence any vehicle to be used as either a hackney carriage or 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. Paragraphs 3.2.13 and 3.3.8 of the policy set this out in respect of those vehicles being licensed by the Council to be used as a hackney carriage or private hire vehicle for the first occasion.
- 3.7 The new policy goes on to state that 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. Paragraphs 3.4.4 and 3.5.4 of the policy are the relevant paragraphs in this respect.
- 3.8 The wording currently used in paragraphs 3.4.4 and 3.5.4 means that vehicles that were licensed before the new policy took effect and that had been previously graded as a Category A, Category B or Category C or Category S write-off no longer comply with the Council's policy, even though vehicle had been licensed for a number of years without any issues arising.
- 3.9 As the vehicles no longer comply with the Council's policy, officers have been unable to determine these renewal applications under delegated powers and have had to refer the applications to Licensing Sub-Committees to be determined. This has led to a large increase in the number of applications for renewal of vehicle licences that have had to be referred to Licensing Sub-Committees to be determined.
- 3.10 Officers believe that when approving the new Hackney Carriage and Private Hire Vehicle Policy, Members had in fact intended for there to be a gradual phasing out of the licensing of vehicles that have been graded as a Category A, Category B or Category C or Category S write-off rather than intending to stop licensing all such vehicles when the relevant licences were next due to be renewed.
- 3.11 Officers believe that this intention could be achieved by making minor amendments to the wording contained in paragraphs 3.4.4 and 3.5.4 of the policy. Some proposed alternative wording was drafted and can be seen at **Appendix 2**.

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- 3.12 Officers believe this amended wording would mean that anyone that had licensed a vehicle prior to the implementation of the new policy would be able to continue using the vehicle as a hackney carriage or private hire vehicle for as long as it complied with the Council's other requirements, even if the vehicle was graded as a Category A, Category B or Category C or Category S write-off when it first became licensed.
- 3.13 On 5<sup>th</sup> October 2023, the Licensing Committee considered a report on this matter and resolved to direct officers to carry out a short, targeted consultation exercise on amending the wording of paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy to the wording shown at **Appendix 2**.
- 3.14 This consultation exercise was undertaken over a period of four weeks between 6<sup>th</sup> October 2023 and 3<sup>rd</sup> November 2023. The consultation was undertaken using an online survey tool. A link to the online survey was sent to the following:
- Holders of hackney carriage and private hire licences
  - Relevant local and national trade bodies
  - Relevant local stakeholders
  - Elected Members of Redditch Borough Council.
- 3.15 A summary of the responses received during the consultation exercise can be seen at **Appendix 3**.
- 3.16 Whilst opinion was split, a small majority of respondents agreed with the Council amending the wording in the policy as proposed. Many of those who stated they did not agree with the proposal made comments that suggest they feel the Council should be going further and allowing additional vehicles to be licensed that have been categorised as category C or category S write offs rather than just allowing existing licensed vehicles to have their licences renewed.
- 3.17 The vast majority of those responding to the survey were licensed by the Council to drive hackney carriage or private hire vehicles, but responses were also received from other relevant stakeholders, including Councillors, members of the public and a national trade representative body.
- 3.18 Officers have considered the responses received and still believe that the wording currently used in paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy should be amended to the wording shown at **Appendix 2**.

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- 3.19 Officers remain of the opinion that the Council ought to be gradually phasing out the licensing of vehicles that have been written off and salvaged having suffered structural damage. Amending the wording as proposed would achieve this, whilst allowing those who already have a licence to use such a vehicle to continue to use it until it is time for it to be replaced.
- 3.20 Therefore, Members are asked to consider the responses received and to approve the draft revised Hackney Carriage and Private Hire Licensing Policy shown at **Appendix 4** to take immediate effect.

**4. RISK MANAGEMENT**

- 4.1 Carrying out consultation with relevant stakeholders when reviewing a policy minimises the risk of legal challenge.

**5. APPENDICES**

- Appendix 1 – Hackney Carriage and Private Hire Licensing Policy (extract)
- Appendix 2 – Proposed alternative wording for paragraphs 3.4.4 and 3.5.4 of the policy
- Appendix 3 – Summary of responses received during the consultation exercise
- Appendix 4 – Draft Revised Hackney Carriage and Private Hire Licensing Policy

**AUTHOR OF REPORT**

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### 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	Vehicles that are ultra-low emission vehicles or "ULEV" (a vehicle having less than 75 grams of CO <sub>2</sub> 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.  This category includes all hybrid vehicles including plug-in hybrid vehicles
Category BX	Vehicles that are ultra-low emission vehicles or "ULEV" (a vehicle having less than 75 grams of CO <sub>2</sub> 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.  This category includes all hybrid vehicles including plug-in hybrid vehicles
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 **31<sup>st</sup> 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 **1<sup>st</sup> 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 31<sup>st</sup> 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 1<sup>st</sup> 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 **31<sup>st</sup> 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 **1<sup>st</sup> 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 licences**Suspension 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.

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## PROPOSED ALTERNATIVE WORDING

### 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 **relevant** vehicle has ~~been~~ **become** graded as a Category A, Category B or Category C or Category S write-off for insurance purposes **after the date on which the vehicle was first licensed by the Council to be used as a hackney carriage.**

### 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 **relevant** vehicle has ~~been~~ **become** graded as a Category A, Category B or Category C or Category S write-off for insurance purposes **after the date on which the vehicle was first licensed by the Council to be used as a private hire vehicle.**

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**Summary of responses received during consultation exercise**

**Do you agree with the Council amending paragraphs 3.4.4 and 3.5.4 of its Hackney Carriage and Private Hire Licensing Policy to the proposed wording set out above?**

YES	<b>29</b>	50.9 %
NO	<b>24</b>	42.1 %
DON'T KNOW	<b>4</b>	7.0 %

**Comments received from those answering YES**

If there are already vehicles which are a cat c or s and have been passed by the council to be fit to be on the road then all vehicles should be allowed even new licences.

Is fairer and common sense.

It is fair that if a vehicle has already been registered to be used as Private Hire or Hackney Carriage that it does not need to come to Committee.

The unintended consequence of the existing wording is resulting in avoidable workload for officers and councillors and unnecessary stress for taxi drivers.

We welcome the new wording as it does remove the confusion, creating a grandfather rights type policy, whilst at the same time making it clear that this only applies to vehicles that remain as they were at the point of the license being granted, spelling out clearly

As long as it is made clear elsewhere in the policy that no new licences will be granted for cat a b c and s cars.

Because it is unfair to refuse to renew the licence when it has previously been granted at the time of the first application. Drivers will have bought these vehicles at that time knowing they could be licensed and then the law changed quite suddenly, leaving them with a car which cannot be licensed again, even though there has been no further changes from the original licence being granted.

To be fair, write off or not, it's just a piece of paper or opinion at a certain time, if the car is safe, road worthy and passes taxi test, which is designed to make sure cars are( safe and road worthy) , why shouldn't it be allowed as a taxi or private hire? In a world where we're trying to go green and reduce waste, seems like policy is in place to increase waste, not very green. Same with age limit, once in taxi , what difference does it make, when it was made? Point should be is it fit for purpose?

Amending the wording entitles vehicles currently licensed to be continued to be licensed in the borough.

**Comments received from those answering NO**

Buying a new car in this current climate is very expensive being self-employed and looking after a family and keeping a roof over our heads and the hit our work has took. The work is not the same anymore.

Category cars is a way of buying a car cheaper than the market value and if the car is professionally repaired used approved parts i don't see what the issue is.

Some vehicles are not write offs just saves insurance companies money some have minor damage but still written off if a vehicle can pass a safety test then it should be able to use as previous not a problem before why know?

Basically, a high-end vehicle can get written off if for example both headlights and bumper damage.

So, if a vehicle is repaired to a standard where it has passed all the test before being put on the road than there should be no issues.

As long as the vehicles been repaired and meets the requirements to be on a public road i don't see what the issue is for the council to grant a licence

If VOSA has passed the vehicle and has approved the work carried out to satisfactory standards, and issued an MOT certificate, I can't see a reason for the council to disallow such a vehicle license. The cars are repaired to high standards and don't have safety issues.

If the vehicle is a category this should not be an issue as vehicles are deemed road worthy after being repaired. Not everyone can afford replacement vehicles especially considering the current lack of work.

Some of them that just bought car for taxi if is MOT pass road worthy than do be issue

I understand that the Council wishes to be sympathetic towards drivers who have previously had their Category C or Category S vehicles licensed; however, whilst I am unaware of the extent to which the safety & compliance checks inspect the structural condition of the subject vehicle, my concern is that a Category S write off requires a professional repair to be carried out and therefore, documentary evidence should be required by the Council to provide proof of the professional repair. The safety of the fare paying public must remain paramount, even to the financial detriment of the Hackney Carriage or Private Hire owner/driver.

In my opinion the council should allow the use of category s vehicle if it has passed the mot and taxi safety check. In some instances the insurance companies write off vehicles in category s due to the fact that cost wise it's not worth repairing them even though they can be repaired and put back on road without compromising the safety aspect of it. As long as the safety requirements are met (which is the sole purpose of an mot & taxi test is) the vehicle should be allowed a licence.

If the car is road worthy and meets safety requirements it should be able to be used

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

Licensed taxi / private hire driver	<b>47</b>
Licensed private hire operator	<b>3</b>
Councillor	<b>5</b>
Member of the public	<b>5</b>
Other (please specify):	<b>3</b>
<p><u>Other capacities specified:</u></p> <p>National trade representative body known as the national private hire and taxi association (<a href="http://www.nphta.co.uk">www.nphta.co.uk</a>)</p> <p>Someone whom trying to reduce carbon footprint</p> <p>Police Traffic Management Advisor</p>	

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# DRAFT Hackney Carriage and Private Hire Licensing Policy



**Version 1.1 – Revised with effect from 27<sup>th</sup> November 2023**

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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.

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## 2.2.0 Application Requirements – New Applicants

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

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

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

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

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

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

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

Delegated Decisions

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

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

Referral to a Licensing Sub-Committee

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

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

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

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

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

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

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

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

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

- 2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:
- Continue to benefit from the right to work in the United Kingdom (UK)
  - Be deemed by the Council to remain a “fit and proper person” to hold a licence
- 2.9.2 Before a licence to drive hackney carriage and/or private hire vehicles can be renewed, the applicant must have submitted all of the following:
- Completed application form
  - A valid DVLA licence check code
  - Application fee
  - A recent passport sized photograph of themselves
- 2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.
- 2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by 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.

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

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

**Suspending or revoking a licence with immediate effect**

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

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

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

Revoking a licence with immediate effect under delegated powers

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

Reinstatement of licences revoked with immediate effect under delegated powers

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

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

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**2.12.0 Licence Conditions**

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

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

#### 3.1.0 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	Vehicles that are ultra-low emission vehicles or “ULEV” (a vehicle having less than 75 grams of CO <sub>2</sub> 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.  This category includes all hybrid vehicles including plug-in hybrid vehicles
Category BX	Vehicles that are ultra-low emission vehicles or “ULEV” (a vehicle having less than 75 grams of CO <sub>2</sub> 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.  This category includes all hybrid vehicles including plug-in hybrid vehicles
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 **31<sup>st</sup> 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 **1<sup>st</sup> 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 31<sup>st</sup> 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 1<sup>st</sup> 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 **31<sup>st</sup> 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 **1<sup>st</sup> 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 relevant vehicle has become graded as a Category A, Category B or Category C or Category S write-off for insurance purposes after the date on which the vehicle was first licensed by the Council to be used as a hackney carriage.

#### 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.

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### 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 relevant vehicle has become graded as a Category A, Category B or Category C or Category S write-off for insurance purposes after the date on which the vehicle was first licensed by the Council to be used as a private hire vehicle.

#### 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.

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### **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.

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**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.

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**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.

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**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

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**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.

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**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 licences**Suspension 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.

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#### 4.0 Licences to Operate Private Hire Vehicles

##### 4.1.0 Application Requirements – New Applicants

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

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

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

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

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

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

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

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

#### 4.2.0 Application Requirements – Renewal Applications

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

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

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

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

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

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

4.2.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by 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.

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

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

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

4.5.3 Such information could include:

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

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

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

4.5.5 Any decision to suspend or revoke a licence to operate private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.

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

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

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

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

5.2.2 The driver of the hackney carriage must:

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

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

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

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

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

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

5.2.6 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 Issued

#### Licences to drive hackney carriage and / or private hire vehicles

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

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

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

#### Operator Licences

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

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

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

**5.4.0 Surrender of Licences**

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

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

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

Licences of 1 year duration

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

Licences of 3 year duration

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

Licences of 5 year duration

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

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

**Annexes**

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

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

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

Cautions

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

Rehabilitation periods

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

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

Dishonesty

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

Drugs

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

Discrimination

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

Motoring convictions

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

Drink driving/driving under the influence of drugs

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

Using a hand-held device whilst driving

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

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

Conduct

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

Appearance

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

Assisting Passengers

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

### Changes of Circumstances

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

### DBS Update Service

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

### Wearing and Display of Badges

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

### Lost property

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

### Receipts

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

Production of Documents

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

Return of licence and ID badge

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

Production of medical certificate

- B.23 Any licence holder aged 65 or over must provide the Council with a copy of the Council's prescribed medical fitness certificate, completed by 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.

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**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.



### **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.

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**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**

	<b>Offence (s) / Breach of condition (s)</b>	<b>Points applicable</b>	<b>Vehicle Driver</b>	<b>Vehicle Proprietor</b>	<b>Operator (PH)</b>
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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REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE****27<sup>th</sup> November 2023**

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE COMPLIANCE AND SAFETY INSPECTIONS**  
**EXISTING ARRANGEMENTS AND ALTERNATIVE OPTIONS**

Relevant Portfolio Holder	Councillor L Harrison
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**

- 1.1 Members of the Licensing Committee have previously requested that a report is prepared setting out possible alternatives to the current arrangements that are in place for the carrying out of compliance and safety inspections on vehicles licensed by the Council to be used as a Hackney Carriage or Private Hire Vehicle.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee note the contents of the report.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs incurred in conducting inspections on licensed vehicles are met by the charging of fees to those whose vehicles are subject to inspections. Under the current vehicle testing arrangements the fees that are payable are determined by Redditch Borough Council as the existing testing station is a Council owned and operated facility.
- 3.2 If the compliance and safety inspections were to be conducted by other testing stations, it is not known whether the fees that licence holders and applicants would have to pay for a compliance and safety inspection would increase or decrease as this would be out of the Council's control.

REDDITCH BOROUGH COUNCIL

## LICENSING COMMITTEE

27<sup>th</sup> November 2023

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- 3.3 If Worcestershire Regulatory Services (WRS) are tasked with exploring alternative arrangements for the conducting of compliance and safety inspections on vehicles, this would require additional work by WRS, Procurement, Finance and Legal Services.

**Legal Implications**

- 3.4 Section 50 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require:*

*Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.*

- 3.5 Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 states that:

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

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

**Service / Operational Implications**

- 3.6 The Council is responsible for the issuing of licences to authorise people to use vehicles as hackney carriages or private hire vehicles. Vehicles that are licensed need to be inspected to ensure that they are:
- suitable in type, size and design
  - in a suitable mechanical condition
  - safe
  - comfortable
- 3.7 The Council currently licences around 420 vehicles to be used as either a hackney carriage or private hire vehicle.
- 3.8 Since September 2011, compliance and safety inspections of vehicles licensed by the Council have taken place at the Council's Crossgates Depot, which is a DVSA approved MOT testing station.
- 3.9 Prior to this the inspections had been undertaken by two external approved garages. However, following serious concerns raised after spot checks on licensed vehicles undertaken in 2009, a decision was taken in January 2010 to return the inspections "in-house." This decision was ultimately implemented in September 2011.
- 3.10 Under the Council's Hackney Carriage and Private Hire Licensing Policy, vehicle inspections are required before a licence to use a vehicle as a hackney carriage or private hire vehicle is granted.
- 3.11 Standard conditions attached to all hackney carriage and private hire vehicle licences go on to say:

*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.*

*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.*

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE****27<sup>th</sup> November 2023**

3.12 A further standard condition states:

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

3.13 Vehicle examiners and staff at Crossgates Depot assist Licensing Officers to undertake ad-hoc enforcement exercises to enable spot-checks to be undertaken on vehicles to ensure they are mechanically safe and fit for use.

3.14 There are currently 35 appointment slots made available each week with seven inspection appointments available each day (Monday to Friday) at the following times:

08:30, 09:45, 11:00, 12:15, 14:00, 15:15 and 15:45

3.15 On an ad-hoc basis, the vehicle examiners at Crossgates Depot also inspect licensed vehicles that have been involved in accidents to determine whether the licence needs to be suspended whilst repairs are carried out. The vehicle examiners will then inspect the vehicle after the repairs have been carried out to ensure the vehicle is fit for use again and the licence suspension can be lifted.

3.16 Current fees charged to vehicle proprietors for inspection of their vehicle at Crossgates Depot are as follows:

Safety Check	£54.85
Safety Check with MOT	£54.85
Re-test (within 24 hours)	FREE
Re-test (after 24 hours)	£27.42
Hackney Carriage Meter Test	£12.00

3.17 These fees are determined by Redditch Borough Council each year as part of the Council's budget setting process. The income received from the fees paid by vehicle proprietors is received by the Council.

3.18 The compliance and safety inspections currently undertaken on licensed vehicles at Crossgates Depot are more in depth and detailed than a standard MOT examination. Matters such as the interior and exterior condition of the vehicle are considered, along with whether the vehicle meets the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE****27<sup>th</sup> November 2023**

3.19 Members have asked for a report setting out alternative options to the existing arrangements for consideration. These would be:

- The Council appoints one or more “approved” testing stations to carry out compliance and safety inspections on licensed vehicles
- The Council does not require vehicles to undergo formal compliance and safety inspections and instead relies on the relevant vehicle having a valid MOT to determine that it is roadworthy.

3.20 Elsewhere across Worcestershire, the following arrangements are in place for compliance and safety inspections on licensed vehicles:

Bromsgrove District Council	Inspections conducted at Council owned / operated MOT testing station
Malvern Hills District Council	Inspections conducted at one of two approved testing stations
Worcester City Council	Inspections conducted at one approved testing station
Wychavon District Council	Applicants / licence holders have to provide a recent MOT issued by any DVSA approved MOT testing station
Wyre Forest District Council	Inspections conducted at Council owned / operated MOT testing station

3.21 Malvern Hills District Council, Worcester City Council and Wychavon District Council do not have their own vehicle testing stations available for use to inspect hackney carriage and private hire vehicles.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE****27<sup>th</sup> November 2023**

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- 3.22 Wychavon District Council is currently preparing a procurement exercise with a view to appointing one or more “approved testing stations” to carry out compliance and safety inspections on vehicles that are licensed to be used as a hackney carriage or private hire vehicle.
- 3.23 Lessons learnt and feedback provided to officers evidently shows that, where one is available, the use of a Council owned and operated MOT testing station to carry out compliance and safety inspections on licensed vehicles is the best possible option.
- 3.24 In respect of Redditch Borough Council specifically, risks must be recognised and officers have some serious concerns about the potential implications of putting in place alternative arrangements for the carrying out of compliance and safety inspections on licensed vehicles.
- 3.25 Excellent working relationships currently exist between Licensing Officers and the vehicle examiners at the Crossgates Depot. This helps enormously in the exchange of information and intelligence about licensed vehicles and how well they are being maintained.
- 3.26 These working relationships also enable Licensing Officers to arrange regular spot-check exercises to ensure that licensed vehicles are being kept in a safe and roadworthy condition between their compliance and safety inspections, which helps to keep the travelling public safe and provides reassurance to those that use taxi and private hire vehicles.
- 3.27 The vehicle examiners at Crossgates Depot have a very good understanding of the Council’s Hackney Carriage and Private Hire Licensing Policy. This has been developed over time and enables the vehicle examiners to spot and highlight to Licensing Officers, any vehicles that are presented for inspection but do not comply with the Council’s policy requirements. These expertise can not be taken for granted.
- 3.28 In any decision, Members must be reminded of the fact that the standard of work and attention to detail demonstrated by the vehicle examiners at Crossgates Depot may not be replicated if the compliance and safety inspections were being conducted by external approved testing stations.
- 3.29 Concerns of this nature were the ultimate reason that the compliance and safety inspections of licensed vehicles was brought “in house” to be delivered by Council employed vehicle examiners at Crossgates Depot back in 2010/2011.

**REDDITCH BOROUGH COUNCIL****LICENSING COMMITTEE****27<sup>th</sup> November 2023**

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- 3.30 The quality and standard of the work undertaken by any approved testing stations would need to be regularly monitored and audited, creating additional burdens for Licensing Officers that would require additional resources to fulfil.
- 3.31 Officers would like high standards to remain within the Redditch Borough hackney carriage and private hire fleet. Officers therefore believe that the Council should not just rely on a vehicle having a valid MOT to decide it is fit for use as a hackney carriage or private hire vehicle. As set out above, the current compliance and safety inspections are more in depth and detailed than a standard MOT and are designed to ensure that a vehicle is not only roadworthy, but that the vehicle meets the requirements set by the Council for being used as a hackney carriage or private hire vehicles in terms of it being:
- suitable in type, size and design
  - in a suitable mechanical condition
  - safe
  - comfortable
- 3.32 Notwithstanding the views held by officers and lessons learnt in previous years, it is of course open to the Licensing Committee to direct officers to take steps to explore the implementation of alternative arrangements.

**4. RISK MANAGEMENT**

- 4.1 Implementing alternative arrangements could lead to the standard of compliance and safety inspections on licensed vehicles deteriorating, which in turn could put public safety at risk. If alternative arrangements for compliance and safety inspections are implemented, these risks will have to be appropriately considered and managed via monitoring and auditing the quality of work undertaken.

**5. APPENDICES**

- 5.1 None

**LICENSING COMMITTEE**

**27<sup>th</sup> November 2023**

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**AUTHOR OF REPORT**

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**LICENSING COMMITTEE**27<sup>th</sup> November 2023**IMPACT OF PUBLIC REALM IMPROVEMENT WORKS IN UNICORN HILL AND CHURCH GREEN WEST ON THE TAXI RANK AT UNICORN HILL**

Relevant Portfolio Holder	Councillor L Harrison
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**

- 1.1 Public realm improvements works are due to begin in Summer 2024 in Unicorn Hill and Church Green West in Redditch.
- 1.2 These planned works will have an impact on the existing hackney carriage stand (taxi rank) located in Unicorn Hill.
- 1.3 The Licensing Committee are asked to note the impact on the hackney carriage stand and to direct officers to carry out the advertising process required to enable the revocation and making of Hackney Carriage Stand Orders so that these are consistent with the way Unicorn Hill will be laid out after the public realm improvement works have been completed.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee RESOLVE to direct officers to carry out the advertising process required in order for the Council to be able to revoke the existing Hackney Carriage Stand Orders and make new Hackney Carriage Stand Orders in respect of Unicorn Hill so that these are consistent with the layout of the highway once the public realm improvement works in Church Green West and Unicorn Hill have been completed.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Worcestershire Regulatory Services.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**27<sup>th</sup> November 2023

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- 3.2 The costs of providing the required signage and road markings will be met from the budgets agreed in respect of the public realm improvements works in Church Green West and Unicorn Hill.

**Legal Implications**

- 3.3 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to “appoint stands for Hackney Carriages” either on public highways or private land and the stands can be for either continual or part-time use.
- 3.4 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.5 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.6 Additionally a district council cannot create a hackney carriage stand:
- (a) so as unreasonably to prevent access to any premises;
  - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator’s licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
  - (c) on any highway except with the consent of the highway authority; the maximum number of permissible points has been reached, is taken at the appropriate level, based on the merits of each individual case.

**Service / Operational Implications**

- 3.7 In 2021 the Redditch Town Deal Board secured £15.6million pounds worth of funding from the Government's Towns Fund to deliver a range of town centre regeneration proposals.
- 3.8 One of the proposals that this funding will deliver is improvements to the public realm in Church Green West, Unicorn Hill and St Stephen's Churchyard.
- 3.9 Redditch Borough Council is working in partnership with Worcestershire County Council on improving the public space. It will be the third phase of public space improvements for the town centre following-on from works on Alcester Street and Market Place and will be designed to tie in with plans to develop Redditch Railway Station. Works are currently scheduled to begin in Summer 2024, with preparatory works already underway.
- 3.10 Licensing Officers have been notified that the public realm in Unicorn Hill has been redesigned and an amended layout is being implemented that involves changes being made to the existing Hackney Carriage Stand (taxi rank) that is located on Unicorn Hill.
- 3.11 The design for the new layout of Unicorn Hill is attached at **Appendix 1**.
- 3.12 Currently there is a Hackney Carriage Stand on the south side Unicorn Hill that operates 24 hours a day and runs for around 85 metres along Unicorn Hill, providing space for around 17 hackney carriages to stand and ply for hire.
- 3.13 It has been suggested on a number of occasions in recent years that the current parking arrangements in Unicorn Hill are not satisfactory. It has been suggested that there is no need (during daytime hours) for the taxi rank to be so large.
- 3.14 Retailers in Unicorn Hill have often called for changes to be made to provide space for their customers to park close to their premises for a short period of time to help boost footfall and increase the viability of their businesses.
- 3.15 It must also be recognised that licensed hackney carriage drivers regularly report issues with members of the public and delivery drivers parking their vehicles on the taxi rank during the day and into the evenings. This issue is likely to be down, in part, to the lack of available space for people to park nearby when they want or need to visit the business premises on Unicorn Hill.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**27<sup>th</sup> November 2023

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- 3.16 In the layout being implemented, a smaller full-time rank is retained towards the bottom of Unicorn Hill. This taxi rank would provide 36 metres of space that would allow for approximately seven hackney carriages to stand and ply for hire 24 hours a day.
- 3.17 Behind this taxi rank there will be a further bay that will operate as a part-time taxi rank. The bay will provide 36 metres of space that would accommodate approximately seven vehicles.
- 3.18 Between 8am and 6pm (Monday to Saturday) this bay would be available for short term parking by members of the public (up to 45 minutes, no return within two hours). Between 6pm and 8am (Monday to Saturday) the bay will revert to use as a taxi rank only. This bay will not be subject to any restrictions between 8am on a Sunday and 8am the following day (Monday).
- 3.19 Behind this part-time rank, there will be a parking bay for use by disabled badge holders that will be 13 metres in length and accommodate two vehicles with rear wheelchair access.
- 3.20 Finally at the top of Unicorn Hill there will be a bay for Goods Vehicle loading which will be 30 metres in length.
- 3.21 In order to implement the new layout that has been designed there are two separate but connected legal processes that need to be carried out. Worcestershire County Council will need to carry out the legal processes involved in amending / creating the relevant Traffic Regulation Orders (TROs) in respect of Unicorn Hill.
- 3.22 Alongside that process, it is also necessary for Redditch Borough Council to undertake the required legal processes to appoint new hackney carriage stands and revoke the appointment of the existing hackney carriage stand at this location.
- 3.23 The first stage of this process is for the district Council to consult on the proposals with the chief officer of police and to publish a public notice in a local newspaper. Then a period of at least 28 days must be provided to allow for any written representations or objections to be made to the proposals.
- 3.24 Members are asked to instruct officers to carry out the required consultation with any written representations or objections received being brought back for consideration at a future meeting of the Licensing Committee.

**4. RISK MANAGEMENT**

- 4.1 Failure to carry out the legal process to appoint new hackney carriage stands in Unicorn Hill would mean that when the public realm improvement works are complete, the Council's Hackney Carriage Stand Orders would be inconsistent with both the Traffic Regulation Orders and the layout of the highway in Unicorn Hill.

**5. APPENDICES**

Appendix 1 - Drawing of Proposed Layout

**AUTHOR OF REPORT**

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**Worcestershire County Council**  
County Hall  
Spetchley Road  
Worcester  
Worcestershire WR5 2NP

**Note:**

- Do not scale from this drawing.
- All measurements are in metres unless stated differently.
- Limited Waiting on Bates Hill to be changed from 30min  
Waiting No Return 4hrs, to 45min Waiting No Return 2hrs.

--- Existing Channel Alignment shown for reference.

PURPOSE OF ISSUE: FOR INFORMATION

Rev	By	Chkd	Apprvd	Date	Description
A					Limited Waiting' Text lines amended. Notes added.

Project:

Redditch Public Realm  
Town Centre Improvements Scheme  
Phase 3

Title:

TRO Amendments  
Unicorn Hill (East)

Drawn by: GMB	Date: Sept 2023
Checked by: JNB	Date: Sept 2023
Approved by: -	Date: -
Drawing No. JNR-SL-154	Revision A
Drawing Scale: 1:250 @ A1	

DRAFT 21/10/23

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**LICENSING  
COMMITTEE****27<sup>th</sup> November 2023****LICENSING COMMITTEE WORK PROGRAMME 2023/24****27<sup>th</sup> November 2023**

- Consideration of responses to publication of public notice of proposal to designate streets for the purpose of controlling street trading in Redditch
- Renewal of licences for hackney carriage and private hire vehicles that have previously been written off
- Hackney Carriage and Private Hire Vehicle Compliance Testing – Current Arrangements and Alternative Options
- Impact of public space improvement works in Unicorn Hill and Church Green West on the taxi rank at Unicorn Hill

**18<sup>th</sup> March 2024**

- Review of Statement of Licensing Policy under Licensing Act 2003 – Consideration of responses to consultation on revised Statement of Licensing Policy
- Review of Statement of Principles under the Gambling Act 2005– Approval to consult on a revised Statement of Principles
- Annual review of Hackney Carriage table of fares
- CCTV in Hackney Carriage and Private Hire Vehicles – Call for evidence

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