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|--------------------------|-------------------------------------|
| <b>Report of:</b>        | <b>Head of Environmental Health</b> |
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| <b>Portfolio Leader:</b> | <b>Environment</b>                  |
| <b>Key Decision:</b>     | <b>No</b>                           |
| <b>Report Track:</b>     | <b>Council: 06/07/16</b>            |

**COUNCIL**  
**06 JULY 2016**  
**REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY**

**1 Purpose of Report**

- 1.1 To seek approval and adoption of Cannock Chase District Council's revised Hackney Carriage and Private Hire Driver, Vehicles and Operators Licensing Policy ('the Policy').

**2 Recommendation**

- 2.1 That the Council approves and adopts the Policy at Appendix 1 to this report.
- 2.2 That the Head of Environmental Health be authorised to determine the mechanism(s) for implementation of all driver training requirements within the Policy.
- 2.3 That the Head of Environmental Health be authorised to make any amendments to the Policy required due to changes in legislation or government guidance and minor variations to the Policy in the interests of service improvement.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Council's primary aim in carrying out its Taxi and Private Hire licensing function is to protect and promote public safety. The Council must ensure that licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 In order to effectively discharge these legal obligations the Council requires a Policy framework. Following consultation a revised and updated 2016 Policy has been produced which builds on the major policy review carried out in 2013-14. A number of improvements and changes have been made which, together with national developments, form the basis of this latest revision.

- 3.3 The Policy provides clear guidance on the taxi and private hire licensing process and explains how the Council will make decisions in relation to the licensing of vehicles, drivers and operators.
- 3.4 A list of consultees is given at Appendix 2 and a summary of the main changes consulted on is given at Appendix 3. A summary of consultation responses from the Trade and from Staffordshire County Council, together with officer appraisals and suggested Council response, are at Appendices 4 and 5 respectively. A complete set of consultation responses is available in the Environmental Health Licensing Unit should members wish to view these.

#### **4 Relationship to Corporate Priorities**

- 4.1 The Policy contributes to the Council's "Cleaner and Safer Environments" and "Customers" Priorities in that it has the following objectives:
- Promoting and protecting public safety;
  - Ensuring driver health and safety;
  - High standards of vehicle safety, comfort, access and condition;
  - Prevention of crime and disorder;
  - Environmental sustainability through improved air quality;
  - Equality and accessibility in service provision;
  - Promotion of good behaviour and professional conduct;
- 4.2 The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives. This Policy will be implemented using an appropriate mix of education, promotion, compliance and enforcement activity.
- 4.3 In implementing this Policy, the overriding concern at all times will be public safety, including the safety of children and other vulnerable groups.

#### **5 Report Detail**

- 5.1 The hackney carriage ("taxi") and private hire vehicle (minicab and chauffeur driven vehicle) trades provide a vital service to residents and visitors to Cannock Chase District in both the day and night time economy, in particular in the areas of the District with limited public transport.
- 5.2 Currently the Council, through the Environmental Health Licensing Unit, licenses:
- 311 Hackney Carriage / Private Hire Drivers (dual licences)
  - 246 Hackney Carriages
  - 14 Private Hire Vehicles
  - 6 Private Hire Operators (providers of a base and radio network)
- 5.3 In order to effectively administer the licensing regime, the Council requires a policy framework. The purpose of the Policy is to:
- Ensure the safety of the public;

- Ensure that drivers and vehicles are safe and suitable;
- Provide a robust, and legally compliant, decision making framework which protects the Council should decisions be challenged in the Courts;
- Provide information to the trade, elected members, officers and the wider public on how the Council administers taxi / private hire licensing;

5.4 The policy covers several key areas including:

- Driver “fitness and propriety”, or “safety and suitability” (driving and medical records, criminal history, knowledge test, personal conduct and behaviour);
- The relevance and significance of any previous criminal convictions;
- Driver testing and training requirements (both pre- and post- licence);
- Vehicle testing, safety, access and condition;
- Duration of Licences;
- Driver and vehicle licence conditions (for example: on-going training, notifying changes in circumstances, dress code etc.);
- Criteria for deciding whether to grant, renew, suspend or revoke licences;
- Enforcement of licence conditions;

5.5 Concern has been expressed in recent years over the role played by taxi and private hire drivers in large scale organised Child Sexual Exploitation (CSE). The Casey Report<sup>1</sup> points to the need for licensing authorities to have robust procedures in place for both the licensing of drivers and the investigation of complaints. The Council has worked with the Stoke and Staffordshire Responsible Bodies Group (SSRBG) to strengthen licence conditions in relation to awareness and prevention of CSE.

5.6 At the time the 2014 Policy was implemented, the outcome of a Law Commission review of taxi and private hire services was awaited. Although this was widely expected to result in major changes to legislation, Government has not taken this forward.

5.7 Government has, however, recently introduced the following changes to taxi and private hire vehicle legislation through the Deregulation Act 2015:

- Standard duration of 3 years<sup>2</sup> for Driver Licences;
- Standard duration of 5 years<sup>2</sup> for Operator Licences;
- Permitting cross-border subcontracting of private hire bookings (so an operator Licensed in Cannock Chase District may subcontract a booking to an operator licensed in Walsall Borough, provided the booking is accepted and carried out by that operator in Walsall);

<sup>1</sup> Casey, L. (2015) Report of Inspection of Rotherham Metropolitan Borough Council. DCLG

<sup>2</sup> A licence may be issued for such lesser period as the Council think appropriate in the circumstances of the case.

5.8 Since the last major Policy revision in 2014, the Council has, with the trade, formed the Hackney Carriage and Private Hire Liaison Group (HCPHLG), consisting of 9 trade representatives, together with Licensing Officers and the then Cabinet Member for Environment (now Cabinet Member for Crime & Partnerships). The HCPHLG has been made aware of the major changes proposed in this latest Policy revision.

- 5.9 The draft policy was consulted on during a 6 week period between 11 January 2016 and 19 February 2016. Interested groups were consulted and the draft policy was posted on the Council's website. Members of the Council's "Your Community Your Voice" group, consisting of 40 residents/businesses/other contacts, were also consulted.
- 5.10 The Council's Licensing and Public Protection Committee were briefed on the Policy changes and outcome of consultation on 25 February 2016.
- 5.11 Details of the changes consulted on, together with the responses received, Officer Appraisal, and proposed response from the Council, are given at Appendices 3, 4 and 5.
- 5.12 The most contentious issue arising from the consultation process, and the only issue likely to be subject to immediate challenge by the Trade in the Courts, is the Policy requirement on driver training / refresher training. Since this matter is likely to require further consultation and negotiation, and both the funding and provider landscape is changing in this area, it is proposed that the Head of Environmental Health be authorised to determine the mechanism(s) for the implementation of all driver training requirements (see Recommendation 2 above).

## **6 Implications**

### **6.1 Financial**

Taxi and private hire licensing fees are regularly reviewed. The outcomes of such reviews are reported to members in due course as part of the budget / fees and charges process.

### **6.2 Legal**

The revised policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurance that decisions in relation to the grant, renewal, suspension or revocation of licences are able to withstand challenge and scrutiny by outside bodies including the Courts.

### **6.3 Human Resources**

None.

### **6.4 Section 17 (Crime Prevention)**

The Policy ensures the Council exercises its taxi and private hire licensing functions responsibly and gives due consideration to crime prevention issues, with particular emphasis on protecting vulnerable members of society, including children.

### **6.5 Human Rights Act**

None.

**6.6 Data Protection**

None.

**6.7 Risk Management**

The Policy ensures the Council is able to effectively discharge its statutory licensing functions.

**6.8 Equality & Diversity**

The Policy Document will be made available in large print, Braille and as an audio version, on request.

An Equality Impact Assessment has been carried out for the Policy.

**6.9 Best Value**

None.

**7 Appendices to the Report**

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| Appendix 2 | List of consultees                                          |
| Appendix 3 | Summary of Changes consulted on                             |
| Appendix 4 | Trade Response Summary and Officer Appraisal                |
| Appendix 5 | Staffordshire County Council Response and Officer Appraisal |

**Previous Consideration**

None

**Background Papers**

Full consultation document and responses are available in the Licensing Unit.





**HACKNEY CARRIAGE/  
PRIVATE HIRE DRIVER,  
VEHICLE & OPERATOR  
LICENSING POLICY**

**INCLUDING LICENCE CONDITIONS**

Effective 7 July 2016

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**AMENDMENT RECORD**

| Amendment No. | Date of Amendment | Revision                                                                                   |
|---------------|-------------------|--------------------------------------------------------------------------------------------|
| 1             | 8 July 2014       | Amendment to the wording in paragraph 1 on page 15 which relates to the Equality Act 2010. |
| 2             | July 2016         | Revision of policy including the addition, amendment and removal of conditions.            |

## **INTRODUCTION**

In carrying out its taxi and private hire licensing function, Cannock Chase District Council (The Council) seeks to promote the following objectives:

- Safety and health of drivers and the public
- High standards of vehicle safety comfort and access
- Prevention of crime and disorder and the protection of consumers
- Environmental sustainability through improved air quality
- Equality and accessibility in service provision
- Promotion of good behaviour and professional conduct

The Council expects all new applicants and existing drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

The Council expects the highest standards of conduct from all its licensed Hackney Carriage/Private Hire Drivers. In particular, new applicants and existing drivers should be aware that their behaviour at any time may form part of a decision as to their fitness and propriety to become or remain a licensed driver.

All drivers of Cannock Chase Council licensed hackney carriages and private hire vehicles ('Drivers') must hold a Hackney Carriage/Private Hire Drivers' Licence (HCPHDL) issued by Cannock Chase Council.

Private hire operators must be licensed by the Council as must the driver and the private hire vehicle. The Operator must have a Base within the district and must be responsible for taking the bookings. All three licences must be issued by the same Council.

Hackney carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

The Council has a duty to protect the public funds it administers and, to this end, may use information provided for the prevention and detection of crime and fraud. We may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.

Should you wish to contact the Council's Licensing Unit, the address for correspondence is:

Head of Environmental Health,  
Cannock Chase District Council,  
Licensing Unit,  
PO Box 28,  
Beecroft Road,  
Cannock,  
Staffs, WS11 1BG

Phone: 01543 462621

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Email: [licensingunit@cannockchasedc.gov.uk](mailto:licensingunit@cannockchasedc.gov.uk)

## **HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

### **1. Requirements for all new applicants prior to first licensing**

- 1.1 The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe used will be provided by the Council's Licensing Unit on request.
- 1.2 The Council requires that all prospective hackney carriage/ private hire drivers pass the Driving Standards Agency (DSA) Hackney Carriage/Private Hire Standard Test Assessment. They must then provide the original Pass Certificate to the Council's Licensing Unit for inspection prior to licensing. The test should be booked with the DSA as early as possible and must be paid for by the applicant themselves. An alternative test or assessment such as that provided by the Institute of Advanced Motorists (IAM) or Staffordshire County Council's Road Safety Partnership will also be acceptable. Any Pass test or assessment certificate provided to the Council must be less than 5 years old.
- 1.3 The applicant shall submit to a two-part medical examination upon making first application for a Hackney Carriage/Private Hire Drivers' Licence (HCPHDL). The initial medical assessment must be by the applicant's own GP. The subsequent independent medical assessment will be carried out by the Council's Medical Advisor(s) who may thereafter determine the period for re-assessment. Applicants who wish to claim a medical dispensation to the Dress Code or exemption from carrying Assistance Dogs should make it known to their own GP, the Medical Advisor and the Licensing Unit at their earliest opportunity.
- 1.4 Where an applicant already has a valid DVLA Group 2 medical certificate from another occupational health medical provider which has been obtained in the course of their work and not as part of an application process, the Council will consider accepting the said certificate as evidence of their physical fitness to drive if the certificate complies with the Council's policy requirements on the age of the driver.
- 1.5 The Council requires that all new applicants for a HCPHDL undertake a drug test through the Council's service provider. The testing will be booked through the Council's Licensing Unit and the cost will be included in the application fee.
- 1.6 Where an applicant tests positive for drugs, the results will be considered by a qualified medical examiner nominated by the Council. The medical examiner will provide their opinion on the applicant's fitness to be granted a hackney carriage/private hire drivers licence assessed against the DVLA Group 2 medical standard. Further testing or examination may be required if recommended by the medical examiner. The application may be refused or may be referred to the Council's Licensing and Public Protection Committee (L&PPC) for determination. Each case will be judged on its own merits.
- 1.7 Upon the adoption of this policy, all new applicants will be required, wherever possible, to successfully complete appropriate training, prior to being licensed. In any case the training should be completed within 6 months of being licensed for the first time. Training may include such matters as Equality & Disability Awareness, Safeguarding, Child Sexual Exploitation (CSE) and the prevention of terrorism (Prevent). Training may also include other matters, for example health and safety, customer care, legal requirements, and handling conflict and aggression.

- 1.8 The Council requires that all new applicants for a HCPHDL pass the Council's Knowledge Test. This will determine the applicant's ability to read, write and speak English. The test will include applicants being required to read out loud a passage of the Council's Hackney Carriage/Private Hire Policy and subsequently be asked to answer questions upon it. Failure of this element of the test will result in an overall failure of the Knowledge Test. Where an applicant fails 3 tests then a period of at least 1 month must elapse before another test is taken. Continued failure to pass the Knowledge Test may result in the applicant being referred to the Council's L&PPC. The Council reserves the right to introduce specific requirements in relation to the assessment of applicants' ability in English and Mathematics and in relation to awareness of Equality & Disability, Safeguarding, CSE and Prevent.
- 1.9 Applicants are expected to complete the application process expediently and normally within 3 months of the initial application being submitted. Where applications are withdrawn and a refund is required it is important for applicants to be able to provide a receipt for the monies paid to the Council. Any monies which are subsequently refunded will be paid into a nominated bank account where appropriate.
- 1.10 Photographs provided by new applications must meet the criteria required by the Passport Office in respect of the background, colour, quality and size. It is recommended that photographs should be obtained from photograph machines or photographic retailers.
- 1.11 Applicants will be required to provide their DVLA Driving Licence to the Licensing Unit in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. This referral is a compulsory part of the application process and will be facilitated by the Council's Licensing Unit. Applicants are required to sign an agreement mandate which will be valid for the duration of the licence.
- 1.12 Where an applicant has previously been licensed with another authority, they will be asked to permit Cannock Chase Council's Licensing Unit access to their licence records. Where such agreement cannot be reached, then the application may not proceed.
- 1.13 An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application and then at a frequency determined by the Council; generally every three years. New applicants are required to sign up to the DBS Update Service at the same time as they make their application for a DBS Disclosure.
- 1.14 All new applicants must inform the Council if they have ever been questioned, interviewed or arrested for any offence connected to child sexual exploitation or human trafficking.
- 1.15 Generally the determination of applications will be made by licensing officers unless they cannot be satisfied as to the applicant's fitness and propriety. Where an applicant's fitness and propriety is in question, the application will be referred to the Council's Licensing & Public Protection Committee for their determination.

## **2. Hackney carriage/private hire drivers' licences**

- 2.1 **Notwithstanding the Section 1 policy requirements relating to all new applicants prior to first licensing, the following policy requirements will apply to all licensed drivers once they are licensed by the Council.**

- 2.2 The Council will normally provide drivers with three year licences. A licence may be issued for a shorter period upon driver request or at the discretion of the licensing authority dependent upon the circumstances of the case. Reimbursement will not normally be offered following the revocation of a HCPHDL prior to the licence expiring.
- 2.3 Drivers will be required to provide their DVLA Driving Licence for scrutiny by both the Licensing Unit and by an outside agency employed for that purpose. Drivers are required to sign an agreement mandate which will allow the Council to check their DVLA Licence status.

### **3. Assessment of fitness and propriety**

- 3.1 There is no legal definition of “fit and proper”. The central consideration for the fit and proper test is the protection of the public and it is a requirement that no licence should be granted or renewed unless the Council is satisfied that the applicant is a fit and proper person.
- 3.2 In order to assess the suitability of an applicant, or existing licence holder, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the fitness and propriety of an applicant or licence holder, the Council will take into account several factors, including:
- Right to work in the UK (for the full duration of the licence).
  - Criminal record (both current and spent convictions).
  - Mental and physical fitness.
  - Conduct, attitude and behavior.
  - Driving record and experience.
  - Sobriety.
  - Local knowledge test and ability to communicate in English.

### **4. Disclosure and Barring Service (DBS) Enhanced Disclosure**

- 4.1 DBS enhanced disclosures are required upon initial application and then at a frequency determined by the Council; generally every three years. Existing drivers are required to sign up to the DBS Update Service at the same time as they make their application for a DBS Enhanced Disclosure and agree that the Council can access their records when required. The Council has a policy which provides guidance on the relevance of convictions which are not spent under the Rehabilitation of Offenders Act 1974. This information is reproduced within Annex 1 of this document.
- 4.2 Case law has determined that spent convictions can be considered as relevant to the determination of whether the applicant is fit and proper. In general, the Council will have regard to the type, age, frequency and/or seriousness of the offence and whether there is any pattern of behaviour shown. This information is also reproduced as Annex 1 to this document.

### **5. DVLA driving licences**

- 5.1 Drivers will be required to provide their DVLA Driving Licence to the Licensing Unit in order that details of it can be referred to an outside agency for further scrutiny and verification with the DVLA. This referral is a compulsory part of the licence renewal process and will be provided by the Council. Drivers will be required to sign an agreement mandate for this purpose.
- 5.2 A Driver and Vehicle Licensing Agency (DVLA) Driving Licence must be valid and in good condition. It must be legible and bear the driver's current home address. The Council's Licensing Unit will endeavor to remind drivers that their DVLA licence is about to expire.
- 5.3 Any driver who permits their DVLA licence to expire may have their HCPHDL suspended until the Council is satisfied that the driver is in possession of a valid DVLA driving licence.
- 5.4 Drivers must notify the Council of any change of address within 7 days and then present their DVLA Driving Licence to the Council showing the new address details within 28 days of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.
- 5.5 Any driver who, at any time, has 9 or more "live" points upon their DVLA Driving licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention may be required to undertake a driving assessment with the Staffordshire County Council's Safer Roads Partnership. This assessment must be undertaken at the driver's own expense but the initial process and contact with service provider will be facilitated by the Council's Licensing Unit. If concerns are raised by the Driving Assessor about the proficiency of the driver during the driving assessment, the Council may require additional training or further assessments to be carried out. The driver may have their HCPHDL revoked if their driving is deemed dangerous.
- 5.6 If a driver continues to have DVLA penalty points imposed upon their licence after their driving has been assessed by the County Council, that driver may be referred to the Council's Licensing & Public Protection Committee so that their fitness and propriety can be assessed.
- 5.7 Any driver who has 12 penalty points or more upon their DVLA driving Licence may be referred to the Council's Licensing & Public Protection Committee. This will be in order that the Committee can make a determination as to whether the driver remains a fit and proper person to hold a HCPHDL. This determination is separate from any determination of financial hardship made by the courts.
- 5.8 A full European Community and European Economic Area Driving Licence will be accepted on the same basis as a UK DVLA driving licence and counted as evidence of the requirement for applicants to have held a driving licence for more than 12 months.

## **6. Assessment by the council's medical advisor**

- 6.1 Drivers shall submit to a medical examination upon making first application for a HCPHDL and at such intervals thereafter as determined by any of the Council's medical advisor(s).
- 6.2 Notwithstanding that determination, Council Policy requires that in no case shall the interval between medical assessments be longer than 5 years up to the age of 45, every 3 years between ages of 45 and 60 and then annually thereafter. The Council may require a medical

assessment to be undertaken at their own expense where it has reasonable cause to do so. Drivers who are required to undergo further or interim medical assessment in order to meet the DVLA group 2 criteria will be required to do so at their own expense.

- 6.3 Drivers must notify the Council's Licensing Unit of any illness, injury, medication or physical deterioration which could affect their ability to drive a Hackney Carriage and/or Private Hire Vehicle or carry out their general driver duties. If in any doubt, drivers should make enquiries with their own General Practitioner to determine whether such notification is appropriate. Failure to notify the Council as appropriate may result in the suspension or revocation of the HCPHDL.
- 6.4 Where the Council has concerns regarding the use of drugs by a licensed hackney carriage and private hire driver, the driver may be required to undertake a drugs test. This will be arranged by and paid for by the Council. Where an applicant tests positive for drugs, the results will be considered by a qualified medical examiner nominated by the Council. The medical examiner will provide their opinion on the driver's fitness to remain a hackney carriage and private hire drivers licence assessed against the DVLA Group 2 medical standard.
- 6.5 Further testing or examination may be required if recommended by the medical examiner. The driver may then be referred to the Licensing and Public Protection Committee for determination. Each case will be judged on its own individual merits.
- 6.6 Drivers who wish to claim a medical dispensation to the Dress Code or medical exemption from carrying Assistance Dogs are required to claim such an exemption through the DVLA Group 2 medical assessment procedure or through their own GP.

## **7. Disclosure of convictions, cautions and fixed penalties etc.**

- 7.1 All licence holders are required to notify the Licensing Unit as soon as possible of:
- any offence with which s/he is charged;
  - any pending court appearances;
  - all convictions;
  - the acceptance of a fixed penalty notice;
  - all endorsements for any motoring offences;
  - their acceptance of a speed or other awareness course; and,
  - all cautions, including those commonly referred to as "simple" "formal" or "police" cautions issued by the police or any other prosecuting authority.
- 7.2 **The notification shall specify the nature of the offence, the date of the offence, the date of conviction or caution and the penalty imposed.**
- 7.3 Where the above information is provided to the Licensing Unit by email or letter, then no further action will be required. Where notification is made by telephone or insufficient information is provided by email or letter, then the driver shall provide the information in writing within 7 days of accepting one of the above or receiving one of the above at court. **For the avoidance of doubt the date of caution is the date on which the commission of the offence is accepted and admitted.**

- 7.4 It shall be the responsibility of the driver to ensure that the insurer(s) of their vehicle(s) are notified of any convictions or fixed penalty notices.
- 7.5 The requirement to notify the Council of the acceptance of a speed or other awareness course is necessary because the driver may have already notified the Council of the acceptance of the Notice of Intended Prosecution (NIP). Where the police offer a speed or other awareness course instead, it is important for the Licensing Unit to be aware that no points will in fact be imposed on the DVLA Driving Licence.
- 7.6 Notwithstanding the above requirements to notify all offences etc. within 7 days, all licence holders must inform the Council as soon as possible and in any event within 72 hours, if they have been questioned, interviewed, arrested or charged in connection with:**
- touching a child or young person unnecessarily or inappropriately
  - making offensive or inappropriate comments
  - misusing or attempting to misuse personal details obtained as part of a fare or booking
  - sexual activity with a child or vulnerable person
  - inappropriate relationship with a child or vulnerable person
  - violence, coercion or intimidation of a child or vulnerable person
  - trafficking a child or vulnerable person.

**The notification shall specify the nature of the incident, the date of the incident, the date of arrest and / or questioning.**

- 7.7 NOTE: failure to notify the Council of any conviction, caution or fixed penalty in accordance with 7.1 or 7.6 above may result in referral to the Licensing & Public Protection Committee for a determination of fitness and propriety.**
- 7.8 A guidance matrix of suspension and other penalties for offences committed by drivers over a two year rolling period is attached as Annex 2 to this document.
- 7.9 The Council's Dress Code for drivers of both hackney carriages and private hire vehicles is attached as Annex 3 to this document.

## **8. Driver training**

- 8.1 All drivers holding a licence on the day that this Policy is introduced, or who are issued with a licence after this date, will be required to undertake appropriate training.
- 8.2 Training will be that which the Council considers reasonably necessary to promote the objectives of the Policy and may include: Equality & Disability Awareness; Safeguarding; Child Sexual Exploitation (CSE) and the prevention of terrorism (Prevent) as well as how to report any concerns. All drivers will be required to undertake this training in accordance with

an implementation scheme to be determined.

- 8.3 Some drivers may be required to undertake training on matters specific to their individual needs, for example: safe driving; understanding the requirements of Council Policy; anger management; handling conflict & aggression; health & safety and customer service.
- 8.4 Drivers who fail to successfully complete any required training may be required to undertake further training and / or be referred to the Council's Licensing & Public Protection Committee for a determination of fitness and propriety.

## **HACKNEY CARRIAGE PROPRIETORS' LICENCES**

### **9. Hackney carriage vehicle licensing**

- 9.1 Proprietors should note that planning permission may be required in order to operate a business within the Cannock Chase District. Where the general public have access to any Taxi Base then the Council requires sight of adequate public liability insurance.
- 9.2 Vehicles (which includes trailers), must be licensed by the Council and must be mechanically fit and suitable for purpose. Prior to licensing, vehicles must pass a comprehensive inspection and test, approved by the Council's Licensing Unit. A fee will be payable in relation to each vehicle test or re-test.
- 9.3 Trailers inspected separately from a vehicle will be subject to a re-test fee.
- 9.4 The Council is obliged to have regard to where any vehicle licensed by them will primarily be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within the Cannock Chase administrative area or is used predominantly in another area.
- 9.5 The Proprietor should be the Registered Keeper of the licensed vehicle and the DVLA V5 registration document should reflect this. The whole V5 document, or Part 10 of it (which is to be kept by the new keeper upon purchase), must be provided to the Licensing Unit prior to the vehicle being first licensed.
- 9.6 Hackney Carriage Proprietors' licences will normally run for a twelve month period from date of issue.

### **10. Fitness & propriety of hackney carriage proprietors**

- 10.1 Where an existing or prospective Proprietor is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure through the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Scotland prior to any licence being issued and every 3 years thereafter. Online applications can be made at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or Phone 0870 609 6006.
- 10.2 Bankrupt persons are prohibited from becoming or remaining proprietors of licensed vehicles.

### **11. Standard of hackney carriage vehicles**

- 11.1 All vehicles (other than purpose built vehicles) which are new to licensing with the Council will be no more than 42 months old.
- 11.2 Purpose built vehicles which are new to licensing with the Council will be no more than 5 years old
- 11.3 The Council will use the national inspection standards contained within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles." .
- 11.4 Applicants who wish their vehicles to be licensed beyond their 6<sup>th</sup> birthday will be required to have their vehicle inspected twice yearly at the Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant.
- 11.5 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.

## **12. Advertising, logos and livery on vehicles**

- 12.1 An advertising policy will be applied as follows:-
  - (i) Both the promotion of the hackney carriage company and the sponsorship advertising of products and services will be allowed, provided that advertisements conform to current UK Code of Non broadcast Advertising, Sales Promotion and Direct Marketing.
  - (ii) For the avoidance of doubt, advertisements shall not offend public decency or cause offence on the grounds of race, sex, sexual orientation or disability.
  - (iii) There shall be no advertisement of tobacco and alcohol products.
  - (iv) Advertisements shall not be permitted on any glass.
  - (v) No advertising, logo emblem or similar shall be capable of illumination and holograms will not be permitted.
  - (vi) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended where necessary to reflect any changes made.

## **13. Privacy glass in hackney carriage vehicles**

- 13.1 Where possible, officers will agree to license the vehicle where all parties agree that the darkened windows do not compromise public safety.
- 13.2 If the windows are considered to be too dark for officers to agree the grant, then the vehicle may be referred to the Council's L&PPC for their consideration.
- 13.3 Vehicles are more likely to be licensed as private hire vehicles than hackney carriages where privacy glass is fitted

## **14. Transfer of hackney carriage vehicles**

- 14.1 There are 2 types of transfer which might take place in accordance with Council policy.
- 14.2 A proprietor's licence can be transferred by the same proprietor from one Hackney Carriage Vehicle to a new to licensing Hackney Carriage Vehicle but only where the new vehicle fulfils the council's criteria for licensing. This transfer process involves a whole month pro rata reimbursement of the licence fee for the remaining period of the licence.
- 14.3 Where a vehicle already licensed to one proprietor is sold and/or transferred to another proprietor no fee is payable.

## **15. CCTV in hackney carriage vehicles**

- 15.1 Cannock Chase Council encourages the use of CCTV systems within licensed vehicles. However, no installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Unit.
- 15.2 Notwithstanding the above, CCTV systems should only be installed with the agreement of the proprietor's insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted.
- 15.3 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998. 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.

## **16. Wheelchair accessible and rear loading vehicles**

- 16.1 The Council will license wheelchair accessible vehicles as hackney carriages where they are capable of rear, as well as side loading. The safety and comfort of the passenger must be of paramount importance and therefore this type of vehicle must be agreed with the Licensing Unit prior to licensing. Vehicles of this type will not be considered for licensing unless purpose built and /or specifically and professionally modified to accommodate wheelchair passengers. All vehicles must be fit for their intended purpose.

## **17. Safety issues**

- 17.1 Loose articles such as DVD players, laptops, clipboards and newspapers etc. shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.
- 17.2 Children should not be transported in pushchairs or prams placed within Wheelchair Accessible Vehicles (WAV's). To do so may be considered negligent and a breach of the duty of care that drivers must afford passengers. Drivers must take all reasonable steps to ensure passenger safety at all times.

## **18. Pre-payment of fares in hackney carriage vehicles**

- 18.1 The Council will support licensed drivers who reasonably request payment of the appropriate fare prior to the journey taking place.

## **PRIVATE HIRE VEHICLE LICENCES**

### **19. Private hire vehicle licensing**

- 19.1 Vehicles must be licensed by the Council and must be mechanically fit and suitable for purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle test or re-test.
- 19.2 Licences for private hire vehicles will normally run for a period of twelve months from date of issue unless otherwise stated.
- 19.3 The licence holder should be the Registered Keeper of the licensed vehicle and the DVLA V5 registration document should reflect this. The whole V5 document, or Part 10 of it (which is to be kept by the new keeper upon purchase), must be provided to the Licensing Unit prior to the vehicle being first licensed.
- 19.4 The advertising logos and livery permitted on private hire vehicles is specified on page 23 of this policy under "Private Hire Vehicle Conditions".

### **20. Standard of private hire vehicles**

- 20.1 All saloon vehicles which are new to licensing with the Council will be no more than 42 months old. Vintage, classic or novelty vehicles will be considered on their own merit.
- 20.2 The Council will use the national inspection standards contained within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles".
- 20.3 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.
- 20.4 Applicants who wish vehicles to be licensed beyond their 6<sup>th</sup> birthday will be required to have their vehicle inspected twice yearly at the Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant.

### **21. Privacy glass in private hire vehicles**

- 21.1 Where possible, officers will agree to license the vehicle where all parties can agree that the darkened windows do not compromise public safety. Stretched Limousines licensed as private hire vehicles shall be exempt from the privacy glass requirements.
- 21.2 Vehicles are more likely to be licensed as private hire vehicles than hackney carriages where privacy glass is fitted

### **22. Transfer of private hire vehicle licences**

- 22.1 There are 2 types of transfer which might take place in accordance with council policy.

- 22.2 A licence can be transferred by the same person from one Private Hire Vehicle to a replacement vehicle but only where the new vehicle fulfils the Council's criteria for licensing. This transfer process involves a whole month pro rata reimbursement of the licence fee for the remaining period of the licence.
- 22.3 Where an already licensed vehicle is sold and/or transferred from one person to another, no fee is payable for this type of transfer.

## **23. CCTV in private hire vehicles**

- 23.1 Cannock Chase Council encourages the use of CCTV systems within licensed vehicles. However, no installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Unit.
- 23.2 Notwithstanding the above, CCTV systems should only be installed with the agreement of the vehicles insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted.
- 23.3 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998. 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.

## **24. Novelty vehicles**

- 24.1 Any type of vehicle may be considered for licensing by the Council however applicant must demonstrate to the Council that the overarching principle of public safety will not be compromised if the vehicle is licensed. Any additional testing and inspection costs must be funded by the applicant.

## **25. Safety issues**

- 25.1 Articles such as DVD players, laptops, clipboards and newspapers etc. shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.

## **PRIVATE HIRE OPERATORS' LICENCES**

### **26. Fitness & propriety of private hire operators**

- 26.1 Where an existing or prospective Operator is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure with the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Scotland prior to any licence being issued. Proprietors will be required to sign up to the DBS update service at the same time as obtaining their DBS disclosure. Online applications can be made at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or Phone 0870 609 6006.

- 26.2 Fitness and Propriety will be assessed in accordance with Section 3 of this Policy. Any Operator who is not also a licensed driver shall comply with the Disclosure requirements given in Section 7 of this Policy.
- 26.3 The Operator must ensure that all staff, whether directly employed by the company or not, are suitable persons to undertake work which requires an element of propriety and confidentiality and should consider obtaining a Standard Disclosure for all of their staff from Disclosure Scotland.

## 27. Period of licence

- 27.1 Private hire operators' licences will normally be valid for five years from the date of issue though the Council reserves the right to issue such licences for shorter periods where it is deemed appropriate to do so.
- 27.2 Private hire operators will be issued with licences to operate vehicles within the following bandings:
- one to five vehicles;
  - six to fifteen vehicles; or,
  - over fifteen vehicles.

This will allow for greater flexibility in adding vehicles to the Operators' Licence at any time.

- 27.3 It should be noted that planning permission may be required in order to operate a business within the Cannock Chase District. Where the general public have access to any Taxi Base then the Council requires sight of adequate public liability insurance.

## HACKNEY CARRIAGE / PRIVATE HIRE DRIVER CONDITIONS

1. The driver shall at all times, when the vehicle is available or being driven for hire and reward, be clean and respectable in his/her appearance and dress in accordance with the Council's approved Dress Code. He/she shall behave in an orderly manner and conduct him/herself with civility and propriety towards every person seeking to hire or being conveyed in his/her vehicle. **Licensed drivers shall not conduct themselves in any way, or act in a manner, which might be perceived as discriminatory or infringes equality legislation. For the avoidance of doubt, no driver shall discriminate against fellow drivers, passengers, members of the public or Council employees with regard to any of the Protected Characteristics of the Equality Act 2010.**
2. The driver shall behave in a civil and orderly manner at all times and take all reasonable precautions to ensure the safety of passengers and other road users. For the avoidance of doubt this includes ensuring the proper restraint of wheelchair passengers; good standards of driving; being polite, courteous, as well as being helpful in assisting passengers to enter and alight from the vehicle and stowing/carrying luggage.
3. The driver shall not use or hold a hand held mobile phone, or eat or drink in the vehicle whilst it is moving.

4. The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
5. The driver shall not allow or permit his/her vehicle to carry a greater number of passengers than the number prescribed on the licence.
6. The driver shall not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.
7. The driver shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside of the vehicle.
8. The driver of the vehicle who has agreed or been hired to attend with a vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend with a vehicle at such appointed time and place.
9. The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid specifying the driver's name and driver's HCPHDL number.
10. The driver shall ensure that the vehicle used whilst on duty is kept clean and tidy at all times.
11. The driver shall ensure that the vehicle is roadworthy and that, as far as reasonably practicable, all lights and indicators are working correctly, tyres are in good order and licence plates are properly positioned.
12. The driver shall afford all reasonable assistance with passenger's luggage.
13. The driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
14. Drivers shall not smoke in any vehicle and shall not permit passengers to smoke within any vehicle under their control.
15. Drivers shall not sound the vehicle's horn simply in order to attract the attention of customers. E.g. where they are waiting for the hirer outside a public house etc.
16. Assistance Dogs (Guide Dogs and Hearing Dogs) must be carried free of charge.
17. The Council shall issue a badge to all drivers detailing their name and driver number. This badge shall remain the property of the Council and shall be immediately returned to the Council should the driver cease to hold a HCPHDL.
18. **The driver shall at all times when acting in accordance with their HCPHDL, wear the badge in such a position and manner so that it is plainly and distinctly visible.** If any driver contravenes this provision they shall be guilty of an offence.
19. The licence badge remains the property of the Council at all times and upon revocation, suspension, expiry or surrender of the licence, the driver shall forthwith return the badge to the Council.

20. The Driver shall deposit his/her HCPHDL with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicles is being used during the time it is being used for that person's business.
21. The driver shall not leave a vehicle under his/her control or responsibility unattended in any street or public place; this includes taxi ranks.
22. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter, search the vehicle for any property which may have been left therein.
23. The driver shall, if any property is accidentally left therein by any person who may have been conveyed in that vehicle and be found by or handed to him/her carry it as soon as possible and in any event within 24 hours if not sooner claimed by or on behalf of its owner, to a police station in the district in order to receive instructions from the Police regarding its custody.
24. Drivers shall successfully complete any training which may be required under Sections 1 or 8 of this Policy, and / or which is specified in their Conditions of Licence. Drivers shall also comply with the requirements in Section 7 of this Policy "Disclosure of convictions, cautions and fixed penalties etc."

#### **Whilst driving a private hire vehicle**

25. It is an offence to ply for hire with a Private Hire Vehicle. To do so may negate insurance cover. Every passenger journey must be pre-booked through, and recorded by a person separately licensed by the District Council as a Private Hire Operator.
26. For the avoidance of doubt; if there is no prior booking, there can be no 'ride' for the passenger. **A booking cannot be taken by the driver at the point of hiring.**
27. Only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle Licence and Plate.
28. Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:-
  - Permit the PHV to stand or park in a manner which might suggest that the driver is plying for hire;
  - Solicit on a road or other public place any person to hire or to be carried for hire and reward in his/her PHV (or any PHV under his/her control or responsibility); or
  - Cause or procure any other person to solicit or procure on a road or other public place any person to hire or to be carried for hire and reward in any PHV under his/her control or responsibility.

#### **Whilst driving a licensed hackney carriage vehicle**

29. The taximeter shall be activated in accordance with current legal requirements.
30. Ensure that the Table of Fares can be clearly seen by passengers.
31. Obey the Rules of the Rank given as Annex 4 of this document.

32. Fulfill bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
33. Only carry up to the maximum permitted number of passengers as specified by the Hackney Carriage Vehicle Licence and Plate.
34. Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:-
  - Tout for business or use others to do so.
  - Tamper, or allow anyone else to tamper with the taximeter or its fittings or any seal and only demand the authorised fare, giving a receipt if requested.

**NOTE:** These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.

A guidance matrix of suspension and other penalties for contraventions of licence conditions over a two year rolling period is attached as Annex 2 to this document.

Any person aggrieved by any conditions attached to the grant of a drivers licence may appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

## **HACKNEY CARRIAGE PROPRIETORS' LICENCE CONDITIONS**

1. The Hackney Carriage shall be fitted with a custom lined roof sign bearing only the word 'Taxi'. A purpose built taxi with a built in illuminated taxi roof sign satisfies the Council's requirements so long as it is satisfactorily maintained.
2. During the hours of darkness the taxi sign shall be illuminated only when the carriage is standing or plying for hire within the District and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition 'the hours of darkness' shall be the hours of lighting up time.
3. Before the vehicle is used as a Hackney Carriage such insurance or securities as required by Part VI of the Road Traffic Act 1988 shall be obtained in respect of the vehicle and the Certificate in respect of the policy of insurance or security shall be produced to the Council. A valid certificate of insurance, or a true copy of it, shall be kept in the vehicle at all times and once expired it must be held in the possession of the Proprietor for 12 months after its expiry date.

**NOTE:** Although only the Certificate of Insurance will normally need to be provided prior to the licensing of a vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.

4. Every Proprietor of a Hackney Carriage shall provide the carriage with a calendar controlled taxi meter so constructed, attached and maintained as to comply with the following requirements, that is to say:
  - (a) The taxi meter shall be of an approved calendar controlled type and design, capable of being operated so as to cause the word 'hired' to appear on the face of the taxi meter.
  - (b) Such taxi meter shall be capable of being rendered inoperable so that no fare is recorded on the face of the taxi meter.
  - (c) When the taxi meter is being operated, there shall be recorded on its face in clearly legible figures a fare not exceeding the rate or fare which the Proprietor or Driver is entitled to demand and take for hire of the carriage in pursuance of the Bye-Laws in that behalf.
  - (d) The word 'fare' shall be printed on the face of the taxi meter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) The taxi meter shall be positioned in such a manner that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
  - (f) The taxi meter and all fittings thereof should be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals and other appliances.
5. There shall be fixed externally to the rear of the Hackney Carriage, and any trailer, a plate issued by the Council, prominently displayed on the off-side or centre of the vehicle at bumper height. The licence plate(s) shall remain the property of the Council and shall be returned to the Council in the event of the revocation, expiry or suspension of the Licence.
6. Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
7. A copy of the current table of fares shall be exhibited inside the vehicle in clear distinguishable letters and figures in such a position that it can be conveniently seen by hirers.
8. The Proprietor shall present the vehicle(s), and any trailer(s) and taximeter affixed thereto 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 on up to three separate occasions during any period of twelve months, without prejudice to the Council's right to carry out spot checks from time to time.
9. Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the Proprietor shall report to the Head of Environmental Health as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the proprietor's hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Upon such

notification to the Council, the Proprietor may be required to provide specific information about the incident and the circumstances surrounding it.

10. If the Proprietor transfers his interest in the licensed vehicle to a person other than the proprietor whose name is specified in the licence, then within fourteen days after such transfer notice in writing shall be given to the Head of Environmental Health specifying the name and address of the person to whom the vehicle has been transferred.
11. The Proprietor of a hackney carriage shall ensure that the vehicle meets the standard of fitness specified within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" and shall:
  - (a) provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use. ( Note: there is a British Standard for both pieces of equipment.);
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver;
  - (j) provide rear seat belts, for vehicles registered from April, 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
12. The licensee shall produce the licence upon request to any officer authorised by the Council or any police constable for inspection.
13. A spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same shall be provided.
14. The Proprietor shall keep comprehensive written records of day to day fares and bookings, e.g. time, day, date, etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake.

15. Proprietors must ensure that nothing within the licensed vehicle exhibits any of the following:
- Offensive language.
  - References to drunkenness or the use of recreational drugs.
  - Anything racist, sexist, discriminatory or otherwise offensive.
  - Any advertising that does not conform to the relevant codes of advertising practice.
16. A licence may be revoked, suspended or not renewed in accordance with statutory provisions.
17. The proprietor shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is controlled by them. The complaints procedure must also record the outcome of any investigation. The said complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.

**NOTE:** These conditions are to be read in conjunction with the appropriate provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II and the Cannock Chase District Council Bye-Laws relating to Hackney Carriages.

A guidance matrix of suspension and other penalties for contraventions of licence conditions over a two year rolling period is attached as Annex 2 to this document.

Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

## **PRIVATE HIRE VEHICLE CONDITIONS**

1. (a) All Private Hire Vehicles shall display a sign on each side of the vehicles, on the doors, giving the following information:-
- (i) The name of the firm.
  - (ii) The words "PRIVATE HIRE"
  - (iii) The telephone number of the firm.

These should be in plain block letters not exceeding 50mm in height and of proportionate width.

Where the words "PRIVATE HIRE" form part of the name of the firm, "PRIVATE HIRE" need not be repeated.

- (b) Private Hire Vehicles shall display at all times in the front windscreen a plate, where supplied by the Council, showing the licence number, vehicle registration and date of expiry of the licence.

- (c) Private Hire vehicles may also display a card of a maximum size of 6" x 4", giving the name and telephone number of the Operator and the Council's licence number in respect of the vehicle, in the rear window.
  - (d) No other advertisement, notice or sign shall be displayed on any private hire vehicle, with the exception of the licence plate referred to in condition 2 below. All signs must be of a design approved by the Council. No signs, advertisements or distinguishing marks may appear on the vehicle without the written consent of the Council.
  - (e) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended to reflect any changes made.
2. When the Private Hire vehicle is used in the Cannock Chase District the plate issued by the Council bearing the licence number and identifying the vehicle as a private hire vehicle and showing the number of passengers which the vehicle is licensed to carry shall be affixed prominently on the rear bumper or rear boot panel of the vehicle except during such period that the vehicle is used for carrying passengers for hire or reward:-
    - (i) Whilst being used solely in connection with a wedding; or,
    - (ii) Whilst being used solely in connection with a funeral.
  3. The licence plate shall remain the property of the Council and shall be returned to the Council on the sale or transfer of the licensed vehicle (or in the event of the revocation, expiry of suspension of the licence).
  4. If the licence holder transfers his interest in the licensed vehicle to a person other than the licence holder whose name is specified in the licence, then within 14 days after such transfer notice in writing shall be given to the Council's Licensing Unit specifying the name and address of the person to whom the vehicle has been transferred.
  5. Before using the vehicle for private hire such insurances or securities as are required under Part VI of the Road Traffic Act 1988, shall be obtained in respect of such vehicle and the certificate in respect of the policy of insurance or security shall be produced to the Council's Licensing Unit for inspection.
  6. Although only the Certificate of Insurance will normally need to be provided prior to the licensing of vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.
  7. The licence holder shall present the vehicle and any taxi meter affixed thereto 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 on up to 3 separate occasions during any period of 12 months, without prejudice to the Council's right to carry out spot checks from time to time.

8. Where a taxi meter is fitted to a Private Hire Vehicle, it shall be of an approved Calendar controlled type and design.
9. Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the operator shall report to the Head of Environmental Health as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the operator's private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Upon such notification to the Council, the Proprietor may be required to provide specific information about the incident and the circumstances surrounding it.
10. Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
11. The Operator of a Private Hire Vehicle shall ensure that the vehicle meets the Council's standard of fitness as specified within this policy and in particular shall:-
  - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage.
  - (h) Provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use.( Note: there is a British Standard for both pieces of equipment.);
  - (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver;
  - (j) Provide rear seat belts, for vehicles registered from April 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.

12. The licensee shall produce this licence upon request to any officer authorised by the Council or any Police Constable for inspection.
13. A spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same shall be provided.
14. Private hire vehicle licence holders must ensure that nothing within the licensed vehicle exhibits any of the following:
  - Offensive language.
  - References to drunkenness or the use of recreational drugs.
  - Anything racist, sexist, discriminatory or otherwise offensive.
  - Any advertising that does not conform to the relevant codes of advertising practice.
15. A licence may be revoked, suspended or not renewed in accordance with statutory provisions.

**NOTE:** These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.

Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

### **PRIVATE HIRE OPERATORS' LICENCE CONDITIONS**

1. The Operator shall keep a record book and shall enter therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and shall produce such record on request to any Officer authorised by the Council or to any Police Constable for inspection:-
  - (a) the name of the driver who undertakes the booking
  - (b) date and time booking made;
  - (c) date and time booking made for;
  - (d) method by which booking communicated to driver;
  - (e) private hire car licence number;
  - (f) place passenger's journey commenced;
  - (g) place passenger's journey terminated;
  - (h) name and address of person hiring car.
2. The Licensee shall keep a record of any private hire vehicle operated by him showing the following details:-
  - (a) owner of the vehicle;
  - (b) make of the vehicle;
  - (c) model of the vehicle;
  - (d) manufacturer of the vehicle;
  - (e) registration number of the vehicle;
  - (f) private hire vehicle licence number;

- (g) the issuing authority of the licence;
- (h) the date of expiry of the private hire vehicle licence;

and the Licensee shall produce this record of private hire vehicles operated upon request to any Officer authorised by the Council or to any police constable for inspection.

3. The Operator shall record particulars of any property accidentally left in a vehicle and reported to him by the driver of such vehicle before the driver delivers the property to a police station in the District.
4. The Licensee shall not assign or in any way part with the benefit of this licence.
5. The Licensee shall notify the Council of any change of circumstances relating to the business including changes of vehicles and the engaging or discharge of drivers.
6. The Licensee shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that:-
  - (a) every private hire vehicle, whether or not the Licensee provides the vehicle, is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976;
  - (b) every private hire driver is in possession of a current Licence granted under the provisions of the said Act of 1976.
7. The Licensee shall produce the licence upon request to any Officer authorised by the Council or any police constable for inspection. It is desirable that the licence is displayed in a prominent public position within the place of business.
8. Records of bookings taken, and of vehicles and drivers carrying out the bookings are to be kept available for inspection for not less than a period of six months.
9. Private hire vehicles may be sub contracted by the operator in accordance with the requirements of section 11 of the Deregulation Act 2015 which inserted section 55(A) & (B) into The Local Government (Miscellaneous Provisions) Act 1976.
10. The Operator shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is operated by them. The complaints procedure must also record the outcome of any investigation. This complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
11. The Operator shall comply with the requirements in Section 7 of this Policy, "Disclosure of convictions, cautions and fixed penalties etc."
12. A licence may be revoked, suspended or not renewed in accordance with the provisions of the said Act of 1976.

NOTE: These conditions to be read in conjunction with the Local Government

Miscellaneous Provisions) Act 1976, Part II.

Any applicant who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

ANNEX 1

**POLICY STATEMENT RELATING TO RELEVANCE OF CONVICTIONS FOR  
HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS**

**Applicants**

All applicants for hackney carriage or private hire driver licences ("Licences") are required to declare any convictions or cautions, warnings, fixed penalty notices and DVLA licence endorsements - including any pending convictions and investigations. All applicants must also submit to Disclosure and Barring Service checks. The Council will deal with all information provided in strict confidence. Any information will be retained for no longer than is necessary for the purposes of processing the application for the Licence.

**Driver's Duty to Inform the Council**

Once a Licence has been granted, drivers are required to inform the Council in writing and within 7 days of any offence with which s/he is charged; any pending court appearances; any convictions; the acceptance of a fixed penalty notice; any endorsements for motoring offences; the acceptance of a speed or other awareness course and all cautions imposed on them since the grant of the Licence. In addition Drivers are required to inform the Council in writing and within 7 days of becoming aware of any pending criminal investigation that concerns them.

**Consideration of Applications**

Each and every case will be decided on its own merits and in accordance with this policy.

**Public Safety is the Primary Concern**

Public safety is the primary concern for the licensing of Hackney Carriage and Private Hire Drivers (“Drivers”). The Council has a duty to ensure, so far as possible, that Drivers are “fit and proper” persons to hold Licences. The Council has to consider whether Drivers are fit and proper when they apply for Licences, and it also has to consider whether they remain fit and proper throughout the time that the Licence remains in force.

If a Driver has convictions, cautions, warnings or Fixed Penalty Notices (“Convictions”) for various offences this may mean that such a Driver is not a fit and proper person, and that the Driver should not be licensed. The Council can consider current convictions and spent convictions.

A person with a conviction for a serious crime need not be automatically barred from obtaining a Licence but would normally be expected to:-

- remain free from convictions for three to five years
- show sufficient evidence that they are a “fit and proper person” to hold a Licence.
- Simply remaining free from convictions will not generally be regarded as sufficient
- evidence that a person is a “fit and proper person” to hold a Licence.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

#### **Offences of dishonesty**

Drivers are expected to be persons of trust. It is comparatively easy for a dishonest Driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of Drivers for their own safety and are expected to be dealt with fairly. The Council will take a serious view of any convictions involving dishonesty. In general a period of three to five years free of convictions should be required before considering an application. In particular an application will normally be refused where an applicant has a conviction for:-

- theft
- burglary
- fraud including benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- similar offences of dishonesty where the conviction is less than three years prior to the date of application

After three years have elapsed consideration can be given to the circumstances of the offence and any evidence that the applicant has mended his/her ways and can be considered a “fit and proper person”.

#### **Violence**

Drivers have close contact with the public - a firm line should be taken with applicants who have convictions for this type of offence. When the commission of an offence involves loss of life, a Licence will normally be refused. In other cases, a period of three to ten years free from offences involving violence (dependent on the seriousness of the offence) will be required before an application is likely to be considered.

An application will normally be refused where the applicant has a conviction for:-

- murder
- manslaughter
- manslaughter or culpable homicide whilst driving
- similar offences which may have replaced the ones listed.

An application will normally be refused for a period of five years from the date of conviction where the applicant has convictions for:-

- arson
- malicious wounding or grievous bodily harm
- any of the above which are racially aggravated
- grievous bodily harm (GBH) with intent
- wounding with intent
- robbery
- racially aggravated offences of criminal damage
- racially aggravated public order offences (e.g. aggravated fear or provocation of violence, aggravated intentional harassment alarm or distress, aggravated fear of violence)
- riot
- violent disorder
- assaulting a police officer in execution of duty
- possession of offensive weapon or firearm
- similar offences where the conviction is less than five years prior to date of application.

An application will normally be refused for a period of three years from the date of conviction where an applicant has convictions for:-

- common assault including racially aggravated assault
- assault occasioning actual bodily harm
- affray
- racially aggravated public order offence (harassment, alarm or distress)
- obstruction
- criminal damage
- resisting arrest
- similar offences when the conviction is less than three years prior to the date of application.

### **Supply of drugs**

An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than five to ten years prior to the date of application. After five years

have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a “fit and proper person”.

### **Possession of drugs**

An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the conviction is less than five years prior to the date of application. An application from an applicant who has an isolated conviction for possession of drugs within the last three to five years will require serious consideration before a decision is made regarding their suitability.

### **Sexual and indecency offences**

As Drivers often carry unaccompanied passengers, applicants with convictions for rape, indecent assault or similar offences under the Sexual Offences Act will normally be refused a Licence. Applicants with convictions for soliciting or prostitution importuning indecent exposure or like offences under the Sexual Offences Act will normally be refused a Licence until they can show a period of five to ten years free from such a conviction. After five years have elapsed consideration will be given if an applicant can provide evidence that they can be considered a “fit and proper person”.

### **Minor traffic convictions - see Table 1**

Convictions for minor traffic offences will not prevent a person from being considered for a Licence. If an applicant has six live penalty points on their DVLA licence for such offences then the applications may be granted subject to a strong written warning. If an applicant has between six and nine penalty points on their DVLA licence then the applications will be referred to the Licensing and Public Protection Committee who may decide to refuse the application or

at the very least issue a severe warning that further convictions could lead to revocation. Where an applicant has more than nine penalty points on their DVLA licence they must normally show a period of 12 months free from convictions before their application is considered. A Driver with 12 penalty points is likely to have their Licence revoked. An isolated conviction for a minor traffic offence should normally merit a warning as to future driving standards expected of Drivers. More than one conviction for this type of offence within the last two years is likely to merit refusal and the decision that no other application should be considered until a period of one to three years free from convictions have elapsed.

In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the council may still refuse applications because different criteria apply.

### **Major traffic offences - see Table 2**

If an applicant has live endorsements or has been disqualified from driving in respect of major traffic offences then the application will be referred to the Licensing and Public Protection Committee and will normally be refused until at least five years after the most recent such convictions. In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the council may still refuse on applications because different criteria apply.

### **Drink Driving / Driving Under the Influence of Drugs**

A serious view should be taken of a person who has been convicted of driving or being in charge of a vehicle while under the influence of alcohol and / or drugs. Applicants must show at least three years free from convictions after the restoration of their DVLA driving licence before their application

will be considered. More than one "live" conviction for this type of offence would require a period of at least five years free from convictions before the application would be considered. Such an applicant would also be required to pass a further medical examination, and if found to be alcoholic or addicted to drugs a further period of five years should elapse after treatment is complete before an application is considered.

### **Alcohol Related Offences Other Than Drink Driving**

An isolated conviction for drunkenness need not debar an applicant from gaining a Licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating medical examination.

### **Offences by licensed Drivers**

Any conviction which results from an offence committed by any person whilst working as a Driver (especially the offence of illegally plying for hire) is regarded as extremely serious and may lead to a Licence being suspended or revoked or an application to renew the Licence being refused. More than one conviction for the above would certainly lead to the Licence being revoked. This includes any offences against the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation.

Convictions of any description listed below committed by drivers during the duration of their Licence must be declared to the Licensing Unit in writing within seven days of the conviction date.

### **Spent convictions**

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

|                                                   |
|---------------------------------------------------|
| <b>Those 18 or over on the date of conviction</b> |
|---------------------------------------------------|

| <b>Sentence</b>                          | <b>Rehabilitation Period</b>                                                                       |
|------------------------------------------|----------------------------------------------------------------------------------------------------|
| Prison sentence over 48 months           | Never spent                                                                                        |
| Prison sentence between 30 and 48 months | 7 years from the end of the sentence (inc. time on licence)                                        |
| Prison sentence between 6 and 30 months  | 4 years from the end of the sentence (inc. time on licence)                                        |
| Prison sentence less than 6 months       | 2 years from the end of the sentence (inc. time on licence)                                        |
| Probation order                          | 12 months from the end of the order                                                                |
| Community order                          | 12 months from the end of the order, or where the last such day is not specified, 2 years from the |

|                                                                                                                                      |                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
|                                                                                                                                      | date of conviction                         |
| Fine                                                                                                                                 | 1 year from the date of conviction         |
| Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order | The last day on which the order has effect |
| Compensation                                                                                                                         | Once the compensation is paid in full      |
| Absolute Discharge                                                                                                                   | No rehabilitation period                   |

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1, Paragraph 12(e). **are exempt from (Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1, .**

**This means that:**

**New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.**

### **Spent convictions**

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

|                                                    |
|----------------------------------------------------|
| <b>Those 17 or under on the date of conviction</b> |
|----------------------------------------------------|

| <b>Sentence</b>                                                       | <b>Rehabilitation Period</b>                                                                   |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Custodial sentence: over 48 months                                    | Never spent                                                                                    |
| Custodial sentence: more than 30 months up to and including 48 months | 3 and a half years from the end of the complete sentence (inc. time spent on licence)          |
| Custodial sentence: more than 6 months up to and including 30 months  | 2 years from the end of the complete sentence (inc. time spent on licence)                     |
| Custodial sentence: 6 months or less                                  | 1 and a half years from the end of the complete sentence (inc. time spent on licence)          |
| Community order / Youth Rehabilitation Order                          | 6 months from the end of the order, and where the order does not specify the last day, 2 years |

|                                                                                                                                      |                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
|                                                                                                                                      | from the date of conviction                |
| Referral order                                                                                                                       | The last day on which the order has effect |
| Fine                                                                                                                                 | One year from the date of conviction       |
| Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order | The last day on which the order has effect |
| Compensation                                                                                                                         | Once the compensation is paid in full      |
| Absolute Discharge                                                                                                                   | No rehabilitation period                   |

This table was amended in April 2014 to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

**This means that:**

**New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.**

**Table 1: Minor traffic offences**

|      |                                                                                                                                                                                      |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CU10 | Using vehicle with defective brakes                                                                                                                                                  |
| CU20 | Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition |
| CU30 | Using a vehicle with defective tyres                                                                                                                                                 |
| CU40 | Using a vehicle with defective steering                                                                                                                                              |
| CU50 | Causing or likely to cause danger by reason of load or passengers                                                                                                                    |
| CU80 | Breach of requirements as to control of the vehicle, mobile telephone etc.                                                                                                           |
| SP10 | Exceeding goods vehicle speed limit                                                                                                                                                  |
| SP20 | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)                                                                                                    |
| SP30 | Exceeding statutory speed limit on a public road                                                                                                                                     |
| SP40 | Exceeding passenger vehicle speed limit                                                                                                                                              |
| SP50 | Exceeding speed limit on a motorway                                                                                                                                                  |
| SP60 | Exceeding speed limit offence                                                                                                                                                        |
| MS10 | Leaving a vehicle in a dangerous position                                                                                                                                            |
| MS40 | Driving with uncorrected defective eyesight or refusing to submit to a test                                                                                                          |
| MS70 | Driving with uncorrected defective eyesight                                                                                                                                          |
| MS80 | Refusing to submit to an eyesight test                                                                                                                                               |
| MS90 | Failure to give information as to identity of driver, etc.                                                                                                                           |
| MW10 | Contravention of special road regulations (excluding speed limit)                                                                                                                    |
| PC10 | Undefined contravention of pedestrian crossing regulations                                                                                                                           |
| PC20 | Contravention of pedestrian crossing regulations with moving vehicle                                                                                                                 |
| PC30 | Contravention of pedestrian crossing regulations with stationary vehicle                                                                                                             |

|      |                                                                                                   |
|------|---------------------------------------------------------------------------------------------------|
| TS10 | Failing to comply with traffic light signals                                                      |
| TS20 | Failing to comply with double white lines                                                         |
| TS30 | Failing to comply with a „stop“ sign                                                              |
| TS40 | Failing to comply with direction of a constable or traffic warden                                 |
| TS50 | Failing to comply with traffic sign (excluding “stop” sign, traffic lights or double white lines) |
| TS60 | Failing to comply with school crossing patrol sign                                                |
| TS70 | Undefined failure to comply with a traffic direction sign                                         |

- Aiding, abetting, counselling or procuring- offences as coded above.
- Causing or permitting- offences as coded above.
- Inciting- offences as coded above.

## Table 2: Major traffic offences

|      |                                                                                                       |
|------|-------------------------------------------------------------------------------------------------------|
| AC10 | Failing to stop after an accident                                                                     |
| AC20 | Failing to give particulars or to report an accident within 24 hours                                  |
| AC30 | Undefined accident offences                                                                           |
| BA10 | Driving while disqualified by order of the court                                                      |
| BA30 | Attempting to drive while disqualified by order of the court                                          |
| CD10 | Driving without due care and attention                                                                |
| CD20 | Driving without reasonable consideration for other road users                                         |
| CD30 | Driving without due care and attention or without reasonable consideration for other road users       |
| CD40 | Causing death through careless driving when unfit through drink                                       |
| CD50 | Causing death through careless driving when unfit through drugs                                       |
| CD60 | Causing death through careless driving with alcohol above limit                                       |
| CD70 | Causing death by careless driving then failing to supply a specimen for analysis                      |
| CD71 | Causing death by careless driving then failing to supply a specimen for drug analysis                 |
| DD40 | Dangerous driving                                                                                     |
| DD60 | Manslaughter or culpable homicide while driving a vehicle                                             |
| DD80 | Causing death by dangerous driving                                                                    |
| DR10 | Driving or attempting to drive with alcohol level above limit                                         |
| DR20 | Driving or attempting to drive while unfit through drink                                              |
| DR30 | Driving or attempting to drive then failing to supply a specimen for analysis                         |
| DR31 | Driving or attempting to drive then failing to supply a specimen for drug analysis                    |
| DR40 | In charge of a vehicle while alcohol level above limit                                                |
| DR50 | In charge of a vehicle while unfit through drink                                                      |
| DR60 | Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive |

DR61 Failure to supply drug specimen for analysis in circumstances driving or to drive  
 DR70 Failing to provide specimen for breath test  
 DR80 Driving or attempting to drive when unfit through drugs  
 DR90 In charge of a vehicle when unfit through drugs

IN10 Using a vehicle uninsured against third-party risks

LC20 Driving otherwise than in accordance with a licence  
 LC30 Driving after making a false declaration about fitness when applying for a licence  
 LC40 Driving a vehicle having failed to notify a disability  
 LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway  
 MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

- Aiding, abetting, counselling or procuring offences as coded above.
- Causing or permitting offences as coded above.
- Inciting offences as coded above.

## ANNEX 2

### GUIDANCE MATRIX OF PENALTIES FOR OFFENCES COMMITTED WITHIN TWO ROLLING LICENCE YEARS

|                                                                                     | <u>1<sup>st</sup> Offence following warnings (where appropriate).</u> | <u>2<sup>nd</sup> Offence</u> | <u>3<sup>rd</sup> &amp; Subsequent Offences</u> | <u>Comments</u>                                                                                                                         |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1. Failure to wear badge so as to be plainly and distinctly visible                 | 1-3 day suspension                                                    | 7-10 day suspension           | Referral to the L&PPC*                          | Additional days may be added if the badge is not being worn at night and/or is not in the vehicle and immediately available for wearing |
| 2. Breach of dress code                                                             | 3 day suspension                                                      | 7 day suspension              | Referral to the L&PPC*                          | The penalty may be increased if the breach of dress code compromises public safety. (e.g.) wearing unsuitable footwear                  |
| 3. Improper use of rank/ leaving vehicles unattended                                | 3 day suspension                                                      | 7 day suspension              | Referral to the L&PPC*                          |                                                                                                                                         |
| 4. Uncivil behaviour                                                                | 3 day suspension                                                      | 7 day suspension              | Referral to the L&PPC*                          |                                                                                                                                         |
| 5. Eating, drinking or using an electronic smoking device whilst driving a licensed | 3 day suspension                                                      | 7 day suspension              | Referral to the L&PPC*                          | This includes any devices which are similar to electronic smoking devices                                                               |

vehicle

|                                                                                                                  |                                                                   |                                                                 |                                             |                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Failure to notify of change of address                                                                        | 3day suspension                                                   | 7day suspension                                                 | Referral to the L&PPC*                      |                                                                                                                                                                                 |
| 7. Use of mobile phone whilst driving a licensed vehicle                                                         | 7 day suspension                                                  | 14 day suspension                                               | Referral to the L&PPC*                      |                                                                                                                                                                                 |
| 8. Breach of road safety legislation                                                                             | 7 day suspension                                                  | 14 day suspension                                               | Referral to the L&PPC*                      |                                                                                                                                                                                 |
| 9. Overcharging                                                                                                  | 7 day suspension                                                  | 14 day suspension                                               | Referral to the L&PPC*                      |                                                                                                                                                                                 |
|                                                                                                                  | <b><u>1st Offence following warnings (where appropriate).</u></b> | <b><u>2nd Offence</u></b>                                       | <b><u>3rd &amp; Subsequent Offences</u></b> | <b><u>Comments</u></b>                                                                                                                                                          |
| 10. Failure to notify of a Conviction, Caution or Fixed Penalty Notice or other policy notification requirements | 14 day suspension/ referral to L&PPC                              | Referral to the L&PPC*                                          |                                             | This includes all convictions, cautions and fixed penalty notices etc and other policy notification requirements with the exception of the requirement in 8 above .             |
| 11. Failure to pick up passengers on time                                                                        | 3-21 days suspension depending upon circumstances                 | 3-21 days suspension depending upon circumstances or revocation | Referral to the L&PPC*                      | Each event will be considered on its own merit. A missed pick up which results in disruption, distress and/or financial loss will be dealt with more significantly.             |
| 12 Refusal to take a fare without reasonable cause                                                               | 3 - 21 days suspension depending upon circumstances               | 3 - 21 days suspension depending upon circumstances             | Referral to the L&PPC*                      | Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature |

\*Licensing & Public Protection Committee.

**Notes:**

- The Council's approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver and for some minor contraventions of conditions will initially be by way of a verbal warning and then written warning.

- The penalties shown are generally meant to be the maximum penalty for a particular offence. The penalty may be reduced where for example, a full and frank admission is made at the earliest opportunity. The penalty may be increased where there are aggravating factors.
- This list of penalties is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Other offences will be dealt with in a manner which is commensurate with the above Penalty Matrix
- Referral to the Licensing and Public Protection Committee (L&PPC) remains an option at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the L&PPC upon conviction of that offence.
- Significant matters may result in revocation at any time.
- Legislation allows for prosecution of some offence as an option at any time.
- Officers have delegated powers to suspend or revoke licenses as well as to refer matters to the L&PPC or for prosecution where appropriate.

ANNEX 3DRESS CODELicensed drivers are required to maintain a high standard of personal hygiene & cleanliness

- (i) Male drivers shall, as a minimum, wear a shirt or "T" shirt and tailored shorts, trousers or denim jeans. The shirt or "T" shirt shall cover the shoulders and be capable of being worn inside the shorts or trousers. Shirts worn as open neck shirts shall have no more buttons open than the collar button and the next button. "T" shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-
  - a) Manufacturer and/or
  - b) Operator/Proprietor and/or
  - c) The name of the driver

"Tailored" in respect of shorts and trousers shall be defined as having a fly fastening and capable of being worn with a belt on the waist. In addition, shorts and trousers shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt, tracksuits and denim shorts shall not be permitted.
- (ii) The dress code for female drivers shall be as for male drivers with a substitution of "blouse" for "shirt" and the addition of "skirt" to "tailored shorts or trousers".
- (iii) For safety reasons footwear for all drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt, mules or beach "flip flops" shall not be permitted.
- (iv) All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.
- (v) Drivers shall not wear any item of clothing or apparel which exhibits any of the following:

- Offensive language
  - References to drunkenness or the use of recreational drugs
  - Anything racist, sexist, discriminatory or otherwise offensive
  - Any advertising that does not conform to the relevant codes of advertising practice.
- (vi) The person responsible for maintenance shall carry in the relevant vehicle an overall or similar item of protective clothing which shall be worn over clothing in the event of any vehicle maintenance being undertaken whilst away from the base.
- (vii) The use of electronic smoking devices or similar whilst driving a licensed vehicles is prohibited. Further, their use is discouraged within licensed vehicles and drivers should treat them in the same way as smoking tobacco.

Some examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

ANNEX 4**RULES OF THE RANK**

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,

- (a) Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf
- (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand;
- (c) On arrival at a stand not already occupied by the full number of carriages authorized to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved so as to fill the place previously occupied by the carriage driven off or moved forward.
- (e) For the avoidance of doubt, private hire vehicles must not park on or near a taxi rank; it is an offence to ply for hire in a private hire vehicle.



**HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND OPERATOR POLICY**  
**PROPOSED AMENDMENTS 2016- CONSULTATION LIST**

**Staffordshire Police:**

David Rollo ( Partnerships)  
 Sgt Tracey Carsley (Southern Licensing Unit)  
 Southern Licensing Unit- generic email address

**Cannock Chase District Council:**Policy & Performance

Robert Lamond  
 Sara Green  
 Mark Fletcher  
 Members of “Your Community Your Voice” consultation/focus group

Democratic Services

Matt Berry  
 Wendy Rowe  
 Joanna Hunt  
 Steve Partridge  
 All Elected Council Members

Hawks Green Depot

Dave Crofts (Workshop Supervisor/ Vehicle Mechanic)

Partnerships/Communications

Kerry Wright  
 Darren Edwards

Environmental Health/Licensing

Steve Shilvock  
 David Prosser-Davies  
 Jason Salter  
 Sarah Evans  
 Margaret Kuzmicz  
 Carron Barnes

Legal Services

Simon Turner

**External Providers/Agencies:**

CHC Medical (Taxi trade medical provider)  
 Michael Gilmore (Taxi rank marshals provider)  
 Cygnet Electronic Services ( Electronic services to the taxi trade)  
 Shaun Kerrigan (Pubwatch co-ordinator) - Distributed to all Cannock & Rugeley Pubwatch members

**Staffordshire County Council:**

Sarah Bulmer – (School Transport)  
 Matthew Pringle – (School Transport)  
 Lynne Milligan – (Safeguarding)  
 Elvin Royal (Road Safety Unit Driving Assessor)  
 Highways Department-generic email address

**Staffordshire County Council- Trading Standards:**

Fiona Chapman  
Trading Standards, Licensing-generic email address

**Citizens Advice Bureau:**

Cannock CAB  
Rugeley CAB

**CCDC Taxi & Private Hire Trade:**

Approximately 320 members of the taxi & private hire trade received an individual letter notifying them of the proposed policy amendments and the consultation process

**Libraries:**

Brereton Library  
Cannock Library  
Heath Hayes Library  
Hednesford Library  
Norton Canes Library  
Rugeley Library

**Publicity:**

The draft policy was posted on the Council website during the whole of the consultation period  
Cannock Radio broadcast a programme on 10 March 2016. This was during the consultation period



Issued to the trade by Cannock Chase Council

### Summary of Changes to the Taxi and Private Hire Policy

**Q What changes have been made to the Policy for 2016?**

**A** We have **removed**:

- Requirement for plain lanyards;
- Prohibition on wearing of headgear;
- Reference to DVLA paper counterparts;
- Requirement for Hackney Carriage proprietor to be the registered keeper of the vehicle;
- Requirement to remove seats from vehicles to allow access;
- Requirement for the taxi top light to be in place when vehicle used for social or domestic reasons

**Q Can you explain what else is new and why?**

**A** The table below shows the new requirements and the reasons for them. Numbers in brackets refer to the paragraph or page in the Consultation Document which is on line. Click [here](#).

| Policy Changes for 2016                                                                            |                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What's New?                                                                                        | Why?                                                                                                                                                                                                                                 |
| New objective to promote good behaviour and professional conduct (objective – introduction page 4) | This is to ensure all drivers are aware of the need to behave at all times in a civil manner to customers, other drivers and local authority officers and staff.                                                                     |
| Informing of previous Child Sexual Exploitation (CSE) and related issues (1.15)                    | To require applicants to tell us if they have ever been contacted by the Police in relation to CSE or human trafficking, so we can act quickly when necessary to protect the public.                                                 |
| Slight rewording of 1 and 3 year driver licences (2.2)                                             | To comply new with legal requirements. This is to make clear that the Council normally issues 3 year driver licences but will issue a one year licence in certain circumstances                                                      |
| 12 points – referral to LPPC (4.7)                                                                 | This makes clear any driver with 12 (or more) penalty points may be referred to the Licensing Committee, so a decision can be taken as to whether the driver should continue to be licensed. This is separate to any court decision. |

| Policy Changes for 2016                                                                                 |                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New notification requirements to include CSE issues and charged with offences asap and in writing (6.5) | Requires drivers to notify the Council as soon as possible if they are subject to any Police contact in relation to the matters listed (related to children and vulnerable persons) so we can act quickly when necessary to protect the public.                                                                                  |
| Notification of offences charged / pending court appearance (6.1) (6.2)                                 | New notification requirements for being charged with offences or pending court appearances so we can act quickly when necessary to protect the public.                                                                                                                                                                           |
| CSE / Safeguarding training (new Section 7 page 10)                                                     | New requirement for driver training in safeguarding of vulnerable people and in child sexual exploitation. To raise awareness in the trade of these issues and to ensure the trade plays a full part in identifying and tackling such issues. Makes clear any driver refusing to do the training may have their licence revoked. |
| Driver training (New Section 7) (DSA tests and equivalents) (1.1) ( and page 18 item 24)                | These requirements allow drivers to complete the Staffordshire Road Safety Partnership test as well as existing driving tests to show safe driving ability. Also that drivers must complete appropriate training identified by the Head of Environmental Health.                                                                 |
| CCTV in vehicles rewording (16.1 and 26.1)                                                              | No change to Policy requirements. Reworded to show Council encourages CCTV in vehicles.                                                                                                                                                                                                                                          |
| Operators to employ suitable people (28.2)                                                              | Requires operators to ensure employees are suitable and recommends obtaining Standard DBS for all base staff.                                                                                                                                                                                                                    |
| Vehicles not to exhibit any of following etc.(page 22 item 15 and page 25 item 14)                      | Requirement for vehicles not to display any material relating to football clubs, offensive language etc. wording as suggested by the trade.                                                                                                                                                                                      |
| Policy Support for drivers requesting payment up front (20.1)                                           | Makes clear Council will support drivers who request payment up front in certain circumstances.                                                                                                                                                                                                                                  |
| Names of PH drivers doing the booking (Page 26 item 1a)                                                 | New requirement on Private Hire Operators to record driver details for each booking. To enable full investigation of any alleged incidents through identification of the driver involved.                                                                                                                                        |
| Complaints procedure for operators (page 27 item 11)                                                    | New requirement on Private Hire Operators to have complaints procedures so records can be checked against passenger complaints to the Council To enable full investigation of any alleged incidents through identification of the driver involved.                                                                               |
| Subcontracting (page 27 item 10)                                                                        | To explain the new legal requirements regarding subcontracting of private hire vehicles.                                                                                                                                                                                                                                         |

| Policy Changes for 2016                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Penalty matrix changes; refusal to pick up without cause added (page 37 item 12); CU 80 added to list of motoring offences. Page 37 (second point under notes) – penalties may be increased or reduced if aggravating or mitigating factors.<br><br>More consistency in penalty days. | To make clear refusal to pick up a fare is a serious matter; to ensure the penalty matrix is clear. Also to encourage consistency.                                                                                            |
| Dress Code and hygiene (new wording p 38 top) high standard of hygiene and cleanliness; nothing to exhibit any of the following: (page 38 item V); removal of plain lanyards and wearing of hats.                                                                                     | Dress code now includes requirement for high standards of personal hygiene and cleanliness, and restrictions on wearing items displaying the listed items as suggested by the trade (football clubs, offensive language etc.) |

**Q What changes have been made to the BTEC requirements?**

**A** The BTEC requirements have NOT CHANGED. These are the same as in the old Policy. The wording has slightly changed to make clear we would prefer drivers to have this before licensing. BUT new drivers still have up to 12 months after first being licensed to get the qualification. So the Policy requirement for new drivers has not changed.

**Q But what about the requirement for driver and refresher training?**

**A** Yes, this is new. It wasn't clear before in the Policy that refresher training was required for all drivers. This meant there was some confusion. We will generally require refresher training every 6 years. The cost and type of training has not yet been decided. Our training advisors suggest 6 years is a reasonable period when compared to other similar roles involving extensive contact with a wide range of customers including many that may be vulnerable. We've also added a condition to ensure drivers are required to undertake appropriate training as required by the Head of Environmental Health.

**Q What about the DVLA checks? Why can't the Council use drivers' own codes to check licences?**

**A** Policy has not changed here. The overriding concern is public safety. We have over 300 drivers and could not manage this process ourselves without incurring far greater cost than the £6 mandate fee. Although using a driver's code is possible, the driver code allows only one check at a time, and means the Council has to depend on the driver to provide the code. The system allows us to check licences early and ensure licences are issued on time. Most drivers tell us when they have points imposed, or get convicted, some drivers do not. Our provider notifies us automatically when any driver has points imposed, or when a driver's DVLA licence expires or is revoked. We can also check during the period of licence at any time.

**Q** Why haven't you held an open meeting with the trade like you did with the last Policy?

**A** When the last major Policy revision was undertaken, there was major change to the Policy concerning both drivers and vehicles. This latest Policy revision contains far fewer changes, mostly around driver notification requirements, with some on driver training, dress code and operator requirements. When the last Policy was introduced, there was no Hackney Carriage and Private Hire Liaison Group. This Group was set up to ensure better communication with the wider trade but is not working as well as we had hoped.

**Issued 12 February 2016**

**CANNOCK CHASE COUNCIL**  
**TRADE CONSULTATION RESPONSES**  
**HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLES**  
**& OPERATORS POLICY**

**REVISED POLICY DOCUMENT 2016**

**Name and address of respondent**

Mr Steven Toy on behalf of the Cannock Chase Taxi Trade  
1 Fernwood Drive,  
Rugeley  
Staffs  
WS15 2PX

Date response received: 26 February 2016

The Trade's response was received in the form of a submission and accompanying list of drivers indicating their support. Approximately 55% of all licensed drivers were included on the list.

This document details comments made by the trade, followed by an appraisal by the Council's Licensing Unit, and a suggested Council response. For ease of reference, Section headings use the colour coding used by the Trade. Numbered paragraphs are taken from the **draft** Policy consultation document.

**RED**: This means that the Trade believe the proposal is totally unacceptable and "will likely be subject to challenge in court".

**ORANGE**: Means "as above but a court challenge would be likely only if it were to accompany any appeal against items coded RED"

**GREY** " An existing condition that should now be amended or removed as it either ceases to be reasonably necessary or it has come to light that there is no evidence of it being so".

**YELLOW**: Either a pre-existing condition or a new proposal that [the trade] would like to be amended but this is unlikely to be subject to any kind of action".

**GREEN**: Whilst the Trade does not intend to comment on every single item in the draft, either new or existing, some items may be worthy of comment for positive reasons and they therefore wish to express their support for them.

## Section 1 – Requirements the Trade coded RED

**Para 1.6** *Applicants are required to successfully complete the BTEC level 2 Award; “Introduction to the role of the professional taxi and private hire driver” prior to licensing wherever possible and in any case within 12 months of being licensed by the Council for the first time. The Council will generally require licensed drivers to undertake a refresher course after they have been licensed for approximately 6 years.*

**Para 7.1** *The licensing authority requires new and existing hackney carriage/private hire drivers to undertake appropriate training as required by the Head of Environmental Health.*

**Para 7.2** *In particular, drivers are required to undertake safeguarding training in order to help them appreciate what safeguarding and child sexual exploitation is and how to report any concerns.*

**Para 7.3** *Similarly, drivers will be required to undertake disability awareness training where appropriate.*

**Para 7.4** *Existing licensed drivers, who have not received formal training in the role of the professional hackney carriage/private hire driver, will be required to undertake such training by the Head of Environmental Health.*

**Trade Comment:** The Trade deals with both para 1.6 and Section 7 in one section of their response. They contend that drivers should not be made to undertake refresher training because they may simply be revisiting material previously covered. They also believes that “refresher courses are not accredited and therefore worthless other than allowing a driver to keep their livelihood”

Further, the Trade note that some training, for example on raising awareness of child sexual exploitation, safeguarding children, disability awareness and prevention of terrorism may be relevant but they feel that these should be voluntary and not funded by the trade.

**LA Appraisal:** The current policy requires that all new drivers obtain a BTEC qualification within 12 months of being licensed by this authority. This training has previously been made available free of charge to the applicant within what is considered to be a reasonable timescale. Driver training cannot be funded out of central funds but may be funded by the drivers themselves through their licence fees.

The licensing authority is aware that central government funding for the BTEC qualification is no longer available and costs of gaining the qualification are approximately £300-500.

**Suggested Response:** It is no longer considered reasonable to require new drivers to obtain the BTEC qualification in their own time and at their own expense prior to licensing. In consequence the licensing authority is reconsidering its training

requirement for new drivers. As well as providing training on safeguarding, prevention of child sexual exploitation, disability awareness and Prevent, the Council also wishes to ensure new drivers are suitably trained in areas such as customer care and health and safety.

The Council also wishes to ensure that existing drivers are afforded the opportunity to undertake refresher training if they wish, or if deemed necessary (for example if the driver is found to be in need of anger management or customer care training).

The policy requirement will be amended accordingly in due course.

## Section 2 – Requirements the Trade coded ORANGE

**Para 20.1** *The Council will support licensed drivers who, during non standard night time hours (i.e. other than Tariff 1), request payment of the appropriate fare prior to their vehicle being engaged.*

**Trade comment :** The Trade state that “Drivers should be supported in their decision to request payment of the appropriate fare .. at any time of day” subject to the drivers own risk assessment.

**LA Appraisal:** The introduction of this paragraph was intended to support drivers who may lose money because passengers are unable or unwilling to pay their taxi fare once they arrive at or near their destination. This is known as “Bilking” and occurs most commonly late at night and in the early hours of the morning.

Drivers are already able to refuse to take a passenger at any time where they have reasonable excuse to do so. This would include reasonable suspicion that the passenger does not have the means or the intention to pay. The licensing authority will support drivers who ask for monies to be paid upfront.

**Suggested response:** The licensing authority will support drivers who request that payment of the fare made prior to the journey taking place. The policy has been amended accordingly.

## Section 3 – Requirements the Trade coded GREY

**Para 1.1** *The Council requires that all prospective hackney carriage/ private hire drivers pass the Driving Standards Agency (DSA) Hackney Carriage/Private Hire Standard Test Assessment. They must then provide the original Pass Certificate to the Council's Licensing Unit for inspection prior to licensing. The test should be booked with the DSA as early as possible and must be paid for by the applicant themselves. An alternative test or assessment such as that provided by the Institute of Advanced Motoring (IAM) or Staffordshire County Council's Road Safety Partnership will also be acceptable. Any Pass test or assessment certificate provided to the Council must be less than 5 years old.*

**Trade Comment:** The Trade suggests that no driver with three penalty points or fewer on their DVLA licence, with an otherwise good driving record, and who has previously been licensed with the Council for over five years, ending in the last three years, should be required to pass the DSA Test, unless their previous licence was revoked for driving related issues.

**LA Appraisal:** The Council is not aware of any instances where the above circumstances have arisen and the suggested time periods appear arbitrary. All drivers are aware of the Policy requirements. Requiring new applicants to pass a driving assessment was a new policy requirement introduced in April 2014 and assists the licensing authority in promoting public safety through high standards of driving. The only proposed change to the policy is to add more flexibility into the system by introducing the possibility of another driving assessment provider. A new arrangement has been made between the licensing authority and the Staffordshire County Council's Road Safety Unit in this respect which significantly reduces the cost and waiting time for such tests.

**Suggested response:** By offering a range of alternative driving assessments, including one through Staffordshire County Council's Road Safety Unit, the licensing authority offers applicants flexibility in how to comply with this requirement. No change will be made to the current policy.

**Para 1.9** *The Council requires that all new applicants for a HCPHDL pass the Council's Knowledge Test. This will determine the applicant's ability to read, write and speak English. The test will include applicants being required to read out loud a passage of the Council's Hackney Carriage/Private Hire Policy and subsequently be asked to answer questions upon it. Failure of this element of the test will result in an overall failure of the Knowledge Test. Where an applicant fails 3 tests then a period of at least 1 month must elapse before another test is taken. Continued failure to pass the Knowledge Test may result in the applicant being referred to the Council's L&PPC.*

**Trade Comment :** The Trade say that "the trade supports English language testing for the proposes of ensuring high standards of customer service and also public safety"

They recommend the use of an external testing system which they say will cost £25 per applicant. They also suggests that anyone in the possession of:

- GCSE English Language Grade E or equivalent.
- Cambridge First Certificate (or higher) in English as a foreign language.
- Esol Skills for Life accredited qualification.

should be exempt from English Language testing.

**LA Appraisal:** The licensing authority does test new applicants to ensure that they have a reasonable command of the English language. At present, though subjective in nature, this does not cause any significant problems and is provided at no additional cost. It is rare for the authority to receive complaints that drivers are

unable to effectively communicate but it is recognised that a more objective system may be required should the challenge of testing drivers become more significant.

**Suggested response:** The licensing authority proposes to make no change at this time however the situation will continue to be monitored and consideration will be given to external provision should it be necessary to do so.

**Para 8.2** *Vehicles (which includes trailers), must be licensed by the Council and must be mechanically fit and suitable for purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle test or re-test. The Council will use the national inspection standards contained within the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" published in August 2012.*

**Trade Comment :** The Trade say that they are happy that the licensing authority has chosen the FTA Best Practice Guide with the exception of one part of the Guide. This is because, if applied too rigidly, the vehicles will need to be presented for testing "in showroom condition"

The Trade wish to change one element of the policy. They wish to see a new requirement by which a vehicle would fail the test inspection only where the damage "materially affects the safety, performance or appearance" of the vehicle concerned.

**LA Appraisal:** The Trade recognise that the FTA Guide is a fit for purpose document which assists the licensing authority in assessing the fitness of vehicles to be licensed. The document, which has been endorsed by VOSA and is used nationally, was first adopted in 2014 and indications are that it is very effective in ensuring that good vehicle standards are maintained. There is no evidence offered by the Trade in support of their request that this be changed. Further, the FTA guidance is relatively clear in its requirements, whereas the introduction of a term such as "materially affects" is highly subjective, making understanding, testing, compliance and enforcement problematic.

**Suggested response:** The licensing authority does not intend to make changes to the best practice guidance issued by the FTA.

**Para 14.1** *Licensing officers shall inspect the windows on all vehicles which are new to licensing with the Council. Where possible, officers will agree to license the vehicle where all parties agree that the darkened windows do not compromise public safety.*

**Para 14.2** *If the windows are considered to be too dark for officers to agree the grant, then the vehicle may be referred to the Council's L&PPC for their consideration.*

**Para 14.3** *Vehicles are more likely to be licensed as private hire vehicles than hackney carriages where darkened glass is fitted*

**Trade comment:** The Trade are unhappy that the present system is subjective and they question the need for restrictions of this type as they say it is not reasonably necessary. They also say that there is no evidence that darkened glass has contributed towards incidents of crime or disorder.

**LA Appraisal:** The licensing authority's policy on darkened glass has been in place since 2008. The policy requirement currently ensures that both parties, the licensing authority and the Proprietor, are in agreement that the darkness of the windows will not compromise either public or driver safety.

Where such agreement cannot be reached, then the Proprietor has several choices. These include:

- The rear passenger windows can be changed at the proprietor's own expense.
- Take the vehicle to the Council's L&PPC for a determination as to whether the windows compromise public safety.
- License the vehicle as a private hire vehicle where darkened / privacy glass is permitted.

**Suggested response:** The licensing authority recognises that it is harder to source vehicles which have been manufactured without darkened rear windows and is mindful of the DfT Guidance on darkened windows. The Policy already permits the use of darkened glass in private hire vehicles. The policy has been in place for a number of years and hackney carriage proprietors are aware of the requirement around darkened windows. It is more likely that both public and driver safety will be secured where the windows of licensed vehicles are clear rather than darkened. Where agreement between themselves and officers cannot be reached, the Proprietor has several options open to them as outlined above. No change will be made to the current policy at this time.

**Dress Code (Annex 3 of Policy), items 15 (page 22) and 14 (page 25)**

*Dress code states tracksuits, denim shorts and denim jackets shall not be permitted.*

*There are a number of vehicle and driver requirements that licence holders should not wear any clothing, or use any accessories, or display anything within their vehicles which exhibit:*

- *Football teams*
- *Offensive language*
- *References to drunkenness or use of recreational drugs*
- *Anything racist, sexist, discriminatory or otherwise offensive*
- *Any advertising that does not conform to relevant codes of practice:*

**Trade comment:** The Trade agrees that drivers should maintain a high standard of personal hygiene and cleanliness, but suggests the current dress code is too prescriptive. The Trade thinks the prohibition on track suits, denim shorts (unless "very short or frayed") and denim jackets is arbitrary and "is at best subjectively desirable". They suggest it is not reasonably necessary. The Trade further request that "football teams" be removed from the items that are not to be displayed within

the vehicle or on any driver clothing or apparel, saying that drivers should be able to make their own decisions on such matters.

**LA Appraisal:** The prohibition on the wearing of track suits and denim jackets has been part of Council Policy since 2008. However drivers will now be permitted to wear denim jackets so long as they comply with the normal dress code requirement that all clothing is clean, free from holes, rips and snags and fastenings are in good order. Denim shorts are by their nature often ripped / frayed and the introduction of the term “unless very short” introduces an element of subjectivity into the dress code which is likely to cause difficulty in compliance and enforcement. It is not considered that tracksuits are appropriate clothing to be worn when driving a licensed vehicle.

With reference to football teams, this provision was introduced with the aim of protecting drivers, and the wider public, from assaults and verbal abuse, or from the consequences of the driver being distracted. Given large numbers of drivers appear to believe this is not an issue, it may be appropriate to amend the Policy, but to review this requirement should any incidents occur.

**Suggested response:** The policy will be amended accordingly in respect of the items above.

|                                                        |
|--------------------------------------------------------|
| <b>Section 4 – Requirements the Trade coded YELLOW</b> |
|--------------------------------------------------------|

**Para 1.10** *Applicants are expected to complete the application process expeditiously and normally within 3 months. Any monies which are subsequently refunded will be paid into a nominated bank account where appropriate. It is important for applicants to be able to provide a receipt for the monies paid to the Council.*

**Trade comment:** The Trade comments that it is the duty of the licensing authority (LA) to keep such records.

**LA Appraisal:** The LA will have the receipt for the fee paid but does not always have a record as to who actually paid the fee. At times, the proprietor or another person will pay the fee on behalf of a new applicant. In these circumstances the money cannot be refunded to the applicant. As with any other refund process, the LA will expect the applicant to produce a receipt of payment made.

**Suggested response:** No changes will be made to the wording of within the current policy.

**Para 1.11** *Photographs provided in respect of applications by potential drivers (and at each renewal) must meet the criteria required by the Passport Office in respect of the background, colour, quality and size. It is recommended that photographs should be obtained from photograph machines or photographic retailers.*

**Trade comment:** The Trade points out that now 3 years licences are being issued to drivers, the requirement to provide a photograph to the Licensing Unit (LU) should only be every 3 years.

**LA Appraisal:** Since October 2015, the LA has been issuing 3 year licences to drivers. It therefore seems reasonable that drivers only need to provide a new photograph to the Licensing Unit every 3 years.

**Suggested response:** Drivers will now be asked to provide a new photograph every 3 years. The policy has been changed accordingly.

**Para 1.12** *Applicants will be required to provide their DVLA Driving Licence to the Licensing Unit in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. The costs associated with this process will be included in the licence application fees. This referral is a compulsory part of the process and will be facilitated by the Council's Licensing Unit. Applicants will be required to sign an agreement mandate which will be valid for 3 years.*

**Trade Comment:** The Trade say applicants should be offered the choice between submitting a code from the DVLA website and paying the fee for an outside agency check, arguing this option is less costly for the Trade.

**LA Appraisal:** Whilst there is now a facility for individuals to provide a code, and their National Insurance number, which allows the LA to check their DVLA status on line, this code only allows a single check, which must be carried out within 21 days. The code is only provided to the individual. Whilst most drivers co-operate with the LA over such issues, the LA wishes to be able to check DVLA status at any time, and the agency affords this facility. If a driver were to fail to provide the code, then the LA would not be able to carry out a check. The cost to applicants (currently £6.00 per annum) is not considered excessive when weighed against the benefits to public safety.

**Suggested response:** No change to Policy at this time.

**Para 1.14** *An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application and then at a frequency determined by the Council; generally every three years. The first DBS application will normally be made through an online provider and applicants will need to be able to provide a personal email address to the Council so that the online system can be set up.*

**Trade comment:** The Trade believes that the LA should not be permitted to require a new DBS within the existing 3 year period. However they agree that existing drivers signing up to the DBS for "live updates" would be acceptable.

**LA Appraisal:** The LA is currently considering ways by which drivers may sign up to the DBS update service. This will provide greater flexibility for both the driver and the LA in ensuring that drivers remain safe to drive licensed vehicles.

**Suggested response:** The LA is committed to asking drivers to sign up to the DBS update service and the wording within the policy has been changed accordingly.

**Para 2.2** *The Council provides drivers with three year licences. A one year licence may be issued dependent upon the circumstances of the case. Reimbursement will not normally be offered following the revocation of a HCPHDL prior to the licence expiring.*

**Trade comment:** The Trade ask that a one year licence should be issued upon driver request.

**LA Appraisal:** Although the new legislation affords the discretion in this matter to the LA, it is considered reasonable to provide a one year licence at the request of the applicant, provided the LA considers it safe to do so (there may, for example, be circumstances (medical or otherwise) where the LA wishes to issue a licence for a shorter period).

**Suggested response:** Where appropriate to do so, licences will be issued for one year at the request of the applicant. Policy wording has been changed accordingly.

**Para 3.2** *DBS enhanced disclosures are required upon initial application and then at a frequency determined by the Council; generally every three years. The Council has a policy which provides guidance on the relevance of convictions which are not spent under the Rehabilitation of Offenders Act 1974. This information is reproduced within Annex 1 of this document.*

**Trade comment:** The Trade say that their response to para 3.2 is the same as their response to para 1.14 above.

**LA Appraisal:** See response to Para 1.14 above

**Suggested response:** See response to Para 1.14 above.

**Para 4.4** *Drivers must notify the Council of any change of address within 7 days and present their DVLA Driving Licence to the Council showing the new address details within 21 days of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.*

**Trade comment:** The Trade doubts whether 21 days is sufficient time for the driver to obtain their new driving licence from the DVLA and provide it to the Licensing Unit

**LA Appraisal:** 21 days has always seemed a reasonable timescale in which to provide an updated DVLA driving Licence to the Licensing Unit. However the LA agrees that this timescale can be extended to 28 days to minimise risk of technical non compliance issues.

**Suggested response:** The wording within the policy will be changed to make it clear that 28 days will be given in order to comply with the policy requirement.

**Para 4.5** *Any driver who has 9 or more "live" points imposed upon their DVLA Driving licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention may be required to undertake a driving assessment with the Staffordshire County Council's Safer Roads*

*Partnership. This assessment must be undertaken at the driver's own expense but the initial process and contact with service provider will be facilitated by the Council's Licensing Unit. If concerns are raised by the Driving Assessor about the proficiency of the driver during the driving assessment, the Council may require additional training or further assessments to be carried out.*

**Trade Comment:** The trade suggests the requirement to undertake a driving assessment should depend on the penalty imposed rather than the offence. They suggest if only 3 points is imposed then this should be treated in the same way as a speeding offence attracting the same penalty.

**LA Appraisal:** Driving without due care and attention is a fixed penalty offence, giving Police the option of issuing a fixed penalty notice for less serious examples of the offence rather than a summons. Police may also offer educational training in such circumstances. Where a driver is convicted, this suggests it was for a more serious example of the offence, or that the driver may have refused to accept a fixed penalty notice. In such circumstances, the LA would want to independently assess the driver's ability.

**Suggested response:** No change to wording of Policy. It is a conviction for the offence which will attract a driving assessment, regardless of the number of points imposed.

**Para 4.7** *Any driver who has 12 penalty points or more upon their DVLA driving Licence may be referred to the Council's Licensing & Public Protection Committee. This will be in order that the Committee can make a determination as to whether the driver remains a fit and proper person to hold a Hackney Carriage Private Hire Drivers Licence. This determination is separate from any determination of hardship by the courts.*

**Trade comment:** The Trade suggests that the Council's Licensing & Public Protection Committee should be mindful of the Courts decision in respect to the determination of hardship.

**LA Appraisal:** The LA does not agree with the Trade's consideration in this matter. The LA's primary concern is public safety and as such our consideration must be the fitness and propriety of the driver, not any hardship they may endure. The financial circumstances of an individual driver must not be put before public safety. Case law supports this position.

**Suggested response:** No changes will be made to the wording within policy.

|                                                       |
|-------------------------------------------------------|
| <b>Section 5 – Requirements the Trade coded GREEN</b> |
|-------------------------------------------------------|

**Para 1.3** *Where an applicant already has a valid DVLA Group 2 medical certificate from another occupational health medical provider which has been obtained in the course of their work and not as part of an application process, the Council will consider accepting the said certificate as evidence of their physical fitness to drive if the certificate complies with the Council's policy requirements on the age of the driver.*

**Para 1.7** *Notwithstanding the level of general training necessary for licensed drivers, the Council requires that those drivers who own or drive a Wheelchair Accessible Vehicle (WAV) must be specifically trained before they drive a licensed WAV. Holders of the above Level 2 BTEC Award will have received the appropriate training without the need to undertake any further training.*

**Para 1.12** *Applicants will be required to provide their DVLA Driving Licence to the Licensing Unit in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. The cost associated with this process will be included in the 3 year licence application fees. This referral is a compulsory part of the application process and will be facilitated by the Council's Licensing Unit. Applicants will be required to sign an agreement mandate which will be valid for 3 years.*

**Para 1.15** *All new applicants must inform the Council if they have ever been questioned, interviewed or arrested for any offence connected to child sexual exploitation or human trafficking.*

**Trade comment:** All of the above have been colour coded green.

**LA Appraisal:** None required.

**Suggested response:** The LA is pleased to note the Trade's support for these policy requirements.

**Para 2.3** *Drivers will be required to provide their DVLA Driving Licence for scrutiny by both the Licensing Unit and by an outside agency employed for that purpose. The cost of this service will be included in the licence renewal fee. Drivers are required to sign an agreement mandate which will be valid for 3 years and to submit their DVLA licence for inspection on an annual basis (or whenever reasonably asked to do so by the Council's Licensing Unit).*

**Trade comment:** The above has been colour coded green.

**LA Appraisal:** None required.

**Suggested response:** see response to para 4.1 below.

**Para 4.1** *Drivers will be required to provide their DVLA Driving Licence to the Licensing Unit in order that details of it can be referred to an outside agency for further scrutiny and verification with the DVLA. This referral is a compulsory part of the licence renewal process and will be provided by the Council. The cost associated with this process will be included in the application fees. Drivers will be required to sign an agreement mandate which will be valid for 3 years.*

**Trade comment:** With respect to paragraph 4.1 above, the Trade add: If there is an overall management fee the matter will be coded Orange If there is not then it is colour coded green.

**LA Appraisal:** It is considered essential that the LA has the ability to check drivers' DVLA status at any time and at least annually. The costs incurred in carrying out such checks are recovered through licence fees.

**Suggested response:** No change to Policy required.

**CANNOCK CHASE COUNCIL**  
**CONSULTATION RESPONSE**  
**HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLES**  
**& OPERATORS POLICY**

**REVISED POLICY DOCUMENT 2016**

Name and address of respondent

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Staffordshire County Council (SCC) responded to the consultation as they contract taxi and private hire proprietors and operators to provide Special Educational Needs home to school transport. SCC require contractors to adhere to high standards.

SCC confirms that they are keen to continue working with all licensing authority partners in order to maintain and improve standards of service delivery.

This document details comments made by SCC, followed by an appraisal by the Council's Licensing Unit, and a suggested Council response.

Where SCC has commented on individual numbered paragraphs, these are taken from the **draft** Policy consultation document. Other comments are numbered for ease of reference.

**Section 1 – Comments on individual paragraphs**

Requirements for all new drivers prior to licensing

**Para 1.12** *Applicants will be required to provide their DVLA Driving Licence to the Licensing Unit in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. The cost associated with this process will be included in the 3 year licence application fees. This referral is a compulsory part of the application process and will be facilitated by the Council's Licensing Unit. Applicants will be required to sign an agreement mandate which will be valid for 3 years.*

**SCC Comment:** SCC suggest that the licensing authority (LA) consider the use of a DVLA online checking system which would enable the LA to undertake DVLA checks whenever it is necessary to do so.

**LA Appraisal:** The Licensing Authority (LA) already employs the services of an external agency that monitors online DVLA status for all licensed drivers.

**Suggested response:** No amendment to the current policy is proposed.

**Para 1.15** *All new applicants must inform the Council if they have ever been questioned, interviewed or arrested for any offence connected to child sexual exploitation or human trafficking.*

**Para 6.5** *All hackney/private hire drivers must inform the Council as soon as possible and in any event within 72 hours, if they have been questioned, interviewed, arrested or charged in connection with:*

- *touching a child or young person unnecessarily or inappropriately*
- *making offensive or inappropriate comments*
- *misusing or attempting to misuse personal details obtained as part of a fare or booking*
- *sexual activity with a child or vulnerable person*
- *inappropriate relationship with a child or vulnerable person*
- *violence, coercion or intimidation of a child or vulnerable person*
- *trafficking a child or vulnerable person.*

**SCC Comment:** SCC ask that where notification under paragraphs 1.15 and/or 6.5 above is received by the licensing authority, then the matter should also be referred to SCC for a safeguarding investigation by their Local Authority Designated Officer (LADO).

**LA Appraisal:** The LA believes that is necessary to share information with all partners where it is appropriate to do so.

**Suggested response:** No change required to current Policy

**Para 5.3** *Drivers must notify the Council's Licensing Unit of any illness, injury, medication or physical deterioration which could affect their ability to drive a Hackney Carriage and/or Private Hire Vehicle or carry out their general driver duties. If in any doubt, drivers should make enquiries with their own General Practitioner to determine whether such notification is appropriate. Please note that failure to notify the Council as appropriate may result in the suspension or revocation of the HCPHDL.*

**SCC Comment:** SCC would like to see paragraph 5.3 above strengthened so that drivers are specifically required to notify the Licensing Unit if they become unfit to drive or depart from being fit under the DVLA Group 2 medical standard.

**LA Appraisal:** The LA already requires drivers to notify them where they are unfit for work because of medical issues. It should also be noted that not all medical

problems which affect a driver's ability to work are covered by the DVLA Group 2 requirement.

**Suggested response:** No amendment to the current policy is proposed.

**Para 12.2** *Large minibus type vehicles that are modified to carry 8 passengers or less shall be made incapable of having any seats reinstated. This is to ensure compliance with the licence condition regarding the number of passengers at all times. The Vehicle and Operator Services Agency must also be notified of the change of use of such vehicles to a Hackney Carriage or Private Hire Vehicle.*

**SCC comment:** SCC believe that achieving the paragraph 12.2 requirement above, may not be possible in all instances.

**LA Appraisal:** The LA is now aware the difficulties may arise from requiring seats to be permanently removed from vehicles.

**Suggested response:** This condition will be removed from the Policy.

## Section 2 – Comments on other Policy areas

SCC has provided general comments under several areas of Policy, though not on specific paragraphs, as follows:

### Criminal Record Disclosure from the Disclosure and Barring Service (DBS).

**SCC comment 1:** SCC believes that our policy requirement could be strengthened by requiring drivers to subscribe to the DBS update service.

**LA Appraisal:** The LA supports this suggestion and believes the facility to undertake more frequent checks of drivers' DBS status offers enhanced protection for the public, particularly vulnerable groups.

**Suggested response:** The policy will be amended to require all drivers to sign up to the DBS Update Service.

**SCC comment 2:** SCC also suggest that where a driver has lived abroad for any period of time, then they should be asked to present a Certificate of Good Conduct to the Licensing Unit which can be obtained from the relevant Embassy or Consulate. This is in addition to providing an enhanced DBS disclosure.

**LA Appraisal:** Requiring drivers to obtain a Certificate of Good Conduct may be appropriate, however, because of the nature of these documents, they can be expensive and time consuming to obtain and the validity of the document itself can be questionable.

**Suggested response:** No amendment to the current policy is proposed.

### Driving licence entitlements.

**SCC comment 3:** SCC suggests that the licensing authority's (LA) revised policy should require private hire operators to undertake regular online DVLA checks on their drivers.

**LA Appraisal:** The LA already monitors the status of drivers DVLA driving licences and believes that private hire operators and hackney carriage proprietors, already have a duty of care to ensure that their drivers are legal and safe to drive.

**Suggested response:** No amendment to current policy is proposed.

### Driver Training

**SCC comment 4:** SCC makes the LA aware that they are providing Level 1 Safeguarding and Child Sexual Exploitation (CES) awareness training to all contract staff who are employed on home to school contracts. This will include licensed drivers from this authority. Because of this, SCC request that the LA adopt the same Level 1 training requirement so as reduce duplication in this area.

**LA Appraisal:** All drivers may transport vulnerable children and adults in the normal course of their work. There is also currently major concern over the extent of CSE activity both regionally and nationally. The LA therefore agrees that it will provide Level 1 training in safeguarding and awareness of child sexual exploitation.

**Suggested response:** The policy will be amended to reflect the commitment to provide the necessary driver and operator training and awareness necessary amendments to the current policy.

**SCC comment 5:** SCC welcomes the requirement for drivers with wheelchair accessible vehicles to undertake disability awareness training but feel that it would appropriate for all drivers to undertake such training.

**LA Appraisal:** Given the wider requirements of the Disability Discrimination Act and the implications for employers and employees, together with the requirements of the Equalities Act, the LA agrees that all drivers should undertake disability awareness training.

**Suggested response:** The Policy will be appropriately amended.

**SCC comment 6:** SCC also request that any training required for new drivers is completed prior to the grant of a licence.

**LA Appraisal:** The LA is currently considering its driver training programme and agrees that ensuring that drivers are trained prior to the grant of the licence is preferable. However, access to training facilities, costs, timescales and the limited number of new applicants are all relevant factors in this consideration. If we decide to continue to require drivers to obtain a formal qualification such as a BTEC or

NVQ, then we believe that requiring drivers to be fully trained within 12 months of being licensed is proportionate and appropriate. If we introduce a shorter training programme which can be delivered in-house with reduced cost and time, then it may be possible to require completion prior to, or shortly after, licensing.

**Suggested response:** The Policy will be amended to reflect a flexible approach to training requirements.

#### Legal entities

**SCC comment 7:** SCC would like to see the LA grant licences to legal entities where it is appropriate to do so rather than to individuals. They also ask that we make sure that any documentation, such as insurance documents, are correctly issued to the same legal entity.

**LA Appraisal:** The LA understands that SCC will issue contract documentation to legal entities, such as limited companies. The LA issues licences to individual drivers, proprietors and operators whose fitness and propriety can be readily assessed and who are legally responsible for compliance with the licence they hold. Where non compliance with conditions arises, licences can then be suspended or revoked accordingly. To issue a licence in the name of another legal entity may be neither appropriate nor in accordance with licensing legislation.

**Suggested response:** No change to current Policy proposed

#### Compliance and enforcement

**SCC comment 8:** SCC makes the general point that drivers, proprietors and operators should be made aware specifically that the LA will investigate and take action where appropriate when a matter has been referred to us by SCC.

**LA Appraisal:** All drivers proprietors and operators are aware that complaints against them, whatever the source, may be investigated the LA. We will continue to work readily with all our partners and other agencies.

**Suggested response:** No change to current policy proposed.

#### Private Hire Vehicle / Hackney Carriage Vehicle Conditions of Licence

**SCC comment 9:** SCC comment that the safety of licensed vehicles may be compromised by high mileage. They ask therefore, that the LA to consider requiring all licensed vehicles to be inspected every six months regardless of age.

**LA Appraisal:** Vehicles over 6 years old are already fully tested by the LA every 6 months. The LA does not believe that requiring all vehicles to be inspected every 6 months, regardless of mileage or age, is proportionate or reasonably necessary.

**Suggested response:** No change to current Policy proposed.

**SCC comment 10:** Worn tyres compromise public safety and SCC ask that the LA to consider requiring licence holders to check tread depths on a regular basis and keep records of such checks.

**LA Appraisal:** Whilst the LA believes that this falls within the normal duty of care which ensures that vehicles are regularly inspected any for faults remedied, it is considered the regular checking of tyres is a reasonable requirement.

**Suggested response:** The Policy will be amended accordingly.

**SCC comment 11:** SCC also ask the LA to require that only new tyres are deployed on licensed vehicles.

**LA Appraisal:** Requiring that only new tyres are deployed on licensed vehicles is not considered to be proportionate or practicable, since part worn tyres can be safely and legally fitted.

**Suggested response:** No change to current policy proposed.

**SCC comment 12:** SCC ask that for the sake of consistency, the LA should ensured that First Aid Kits and Fire Extinguishers conform to the British / European Standard.

**LA Appraisal:** The LA taxi inspection and test requires that fire extinguishers are marked with BS 5423 / EN3. It is considered that First Aid Kits should, as a minimum, be in accordance with HSE basic requirements.

**Suggested response:** Policy will be amended accordingly.

**SCC comment 13:** SCC believe that hackney carriage proprietors would be more clearly accountable if the following requirements were introduced:

- Driver licences – the principal hackney carriage proprietor should undertake regular (at least three monthly) online DVLA checks of all drivers working for the operator licence holder to ensure that their driving entitlement is still valid and that there are no penalties or driver convictions that have gone unreported. If the proprietor and driver are the same person, they could still print off and keep on file a check of their driving licence.
- The principal proprietor should regularly (at least fortnightly) inspect the daily walk around check records for the vehicle.
- The principal vehicle proprietor should keep records of all defect rectification work, routine servicing and safety inspections (whether undertaken by them or an external garage / maintenance contractor), whether or not they own the vehicle(s) operating under their licence.
- A recommendation is given that the proprietor should refer to the DVSA Guide to Maintaining Roadworthiness to obtain guidance on implementing an appropriate maintenance / inspection regime for their operation.

**LA Appraisal:** The LA carries out annual checks on all drivers' DVLA status and drivers are required to notify the LA of any driving endorsements or the acceptance of a fixed penalty notice or speed awareness course. The LA considers the above suggested requirements fall within the normal duty of care that licence holders already have to ensure drivers and vehicles are legal, safe and regularly reviewed. It is considered the above requirements are more appropriately included in contractual requirements for those who are working under contract to SCC. The LA would of course assist in monitoring such requirements, but it would fall to SCC to take action in the event of non compliance.

**Suggested response:** No change to current policy proposed.

#### Private Hire / Hackney Carriage Driver Licence Conditions

**SCC comment 14:** SCC believe that licensed drivers would be more clearly accountable if the following requirements were introduced:

- Drivers are required to perform a daily walk around check at before the first use of their vehicle each working day. It is suggested that the walk around check example for a PSV given in the DVSA's Guide to Maintaining Roadworthiness is used as the basis for this.
- Drivers are required to keep a written record of checks, preferably in a pre-printed carbon book. These are readily available from a range of suppliers at a low cost. For example, <http://www.tachodisc.co.uk/Tachograph-Products/Defect-Reporting/Daily-Vehicle-Check-Books/Driver-s-Daily-Vehicle-Check-Defect-Book-T50NUM.aspx>
- The driver is obligated to ensure that a vehicle is not allowed to enter service if a defect is discovered that renders the vehicle not road legal, until such time as the defect is repaired. The action taken to rectify any defect should be recorded.
- Drivers working for a private hire operator licence holder must make available on demand, copies of daily walk around checks and hand in carbon copies if so requested.
- Drivers are required to carry the daily walk around check for (at least) that day on the vehicle for inspection by a licensing officer in the event of a check.

**LA Appraisal:** The LA believes that this falls within the normal duty of care that licence holders already have in ensuring that drivers and vehicles are legal, safe and regularly reviewed. Again, the suggested requirements above may be more appropriately included in contractual requirements for those who are working under contract to SCC. The LA would of course assist in monitoring such requirements, but it would fall to SCC to take action in the event of non compliance.

**Suggested response:** No change to current policy proposed.

#### Private Hire Operator Licence Conditions

**SCC Comment 15:** SCC believe that private hire operators would be more clearly accountable if the following requirements were introduced:

- Driver licences – that operator licence holders should undertake regular (at least three monthly) online DVLA checks of all drivers working for the operator licence

holder to ensure that their driving entitlement is still valid and that there are no penalties or driver convictions that have gone unreported.

- Operator licence holders should regularly (at least fortnightly) inspect the daily walk around check records for each vehicle operating under their licence, whether or not they own that vehicle.
- Operator licence holders should keep records of all defect rectification work, routine servicing and safety inspections (whether undertaken by them or an external garage / maintenance contractor), whether or not they own the vehicle(s) operating under their licence.
- A recommendation is given that licence holders should refer to the DVSA Guide to Maintaining Roadworthiness to obtain guidance on implementing an appropriate maintenance / inspection regime for their operation.

**LA Appraisal:** The LA carries out annual checks on all drivers' DVLA status and drivers are required to notify the LA of any driving endorsements or the acceptance of a fixed penalty notice or speed awareness course. The LA considers the above suggested requirements fall within the normal duty of care that licence holders already have in managing their activities and ensuring drivers and vehicles are legal, safe and regularly reviewed. It is considered the above requirements are more appropriately included in contractual requirements for those who are working under contract to SCC. The LA would assist in monitoring such requirements, but it would fall to SCC to take action in the event of non compliance.

**Suggested response:** No change to current policy proposed.

**SCC comment 16:** SCC also ask that private hire operators keep records which contain details of the expiry of vehicle excise duty, MOT and insurance.

**LA Appraisal:** The LA believes that this falls within the normal duty of care that licence holders already have in managing their activities and ensuring that vehicles are legal, safe and regularly reviewed. It is considered the above requirements are more appropriately included in contractual requirements for those who are working under contract to SCC. The LA would assist in monitoring such requirements, but it would fall to SCC to take action in the event of non compliance.

**SCC comment 17:** SCC ask that where complaints are made to licence holders about the service they provide, that they should be required to keep records of such complaint and record what action is taken in relation to the said complaint. They also say that such records should include complaints about both drivers and vehicles.

**LA Appraisal:** The LA already requires operators to record complaints made about the service they provide. It is considered that more comprehensive records of such complaints may prove useful and that this is a reasonable requirement. The LA will readily refer such details to SCC should it be appropriate to do so.

**Suggested response:** The policy will be amended to require operators and proprietors to keep records of all complaints made about drivers or vehicles, to include what action was taken and the result of any investigation