



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

**MONDAY 13TH NOVEMBER 2017**  
**AT 6.00 P.M.**

**PARKSIDE SUITE - PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA**

**MEMBERS:** Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), M. T. Buxton, M. Glass, H. J. Jones, C. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, L. J. Turner and S. A. Webb

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 11th September 2017 (Pages 1 - 4)
4. Proposed Amendments to Hackney Carriage and Private Hire Licensing Policies (Pages 5 - 62)
5. Licensing Committee Work Programme 2017/2018 (Pages 63 - 64)
6. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

1st November 2017



## **INFORMATION FOR THE PUBLIC**

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- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

**MONDAY, 11TH SEPTEMBER 2017, AT 6.00 P.M.**

PRESENT: Councillors R. L. Dent (Chairman), M. T. Buxton, R. J. Deeming (substituting for Councillor M. A. Sherrey), L. J. Turner, C. M. McDonald (during Minute No's part of 14/17 to 16/17), S. R. Peters, S. P. Shannon and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

11/17 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors C. J. Spencer, M. Glass, H. J. Jones and M. A. Sherrey. The Committee were advised that Councillor R. J. Deeming was in attendance as the substitute Member for Councillor M. A. Sherrey.

12/17 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13/17 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 12th June 2017 were submitted.

**RESOLVED** that the minutes of the Licensing Committee meeting held on 12th June 2017, be approved as a correct record.

14/17 **STREET TRADING - DESIGNATION OF STREETS (RESPONSE TO THE PROPOSAL)**

The Committee considered a report on the responses received following the recent advertisement of the proposal to designate all streets in the District as consent streets for the purposes of controlling street trading. Appendix 1 to the report, detailed those streets designated as 'prohibited' and 'consented' streets.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that, following on from the Licensing Committee meeting held on 12th June 2017, Members had approved the advertisement of the proposal to designate all streets in the District as consent streets for the purposes of controlling street trading.

# Agenda Item 3

Licensing Committee  
11th September 2017

The rationale behind this proposed change would be to allow every application to be considered on its own merits and would enable street trading to be permitted in what were currently deemed 'prohibited' streets. For example, it would enable short term community events or other similar events to street trade, which would enhance and provide a benefit to the wider community.

The Senior Licensing Practitioner, WRS, drew Members' attention to paragraph 3.13 in the report, which detailed the legal procedure to be followed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The required public notice was published in the local newspaper on 21st June 2017, with a copy of the notice being served on the Chief Officer of Police and the Highway Authority, Worcestershire County Council. The notices detailed that any representations on the proposal to pass the draft resolution, to designate all streets in the District as consent streets, had to be received by Worcestershire Regulatory Services by 31st July 2017.

The Senior Licensing Practitioner, WRS, highlighted to the Committee that no representations were received.

The Senior Licensing Practitioner, WRS, responded to the concerns raised by Councillor C. M. McDonald with regard to the potential costs and in doing so reiterated that as detailed in the report; the costs associated with publishing the required notices was met from existing budgets held by Worcestershire Regulatory Services.

The Senior Licensing Practitioner, WRS, responded to further questions from Councillor C. M. McDonald and in doing so informed the Committee that it was considered best practice for the Council to review its policies on a regular basis.

Members were further informed that should a Street Trading Consent application be refused, the fees were refunded to those applicants.

Councillor C. M. McDonald requested that it be recorded that she had voted against the recommendations.

## **RECOMMENDED:**

- a) **that Bromsgrove District Council resolves to rescind all existing all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designates all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017"; and**

- b) that officers be authorised to advertise the passing of the resolution in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

15/17

## **DRAFT REVISED STREET TRADING POLICY (RESULTS OF THE CONSULTATION)**

Following on from the Licensing Committee meeting held on 13th March 2017, the Committee was asked to consider a report on the responses received to the consultation exercise carried out on the revised Street Trading Policy, as detailed at Appendix 2 to the report.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing drew Members' attention paragraph 3.9 in the report, which detailed who the consultation document and draft revised policy was forwarded to as part of the consultation exercise.

Paragraph 3.10 in the report detailed the organisations that had responded to the consultation, those that had expressed their support for the draft revised policy document and those who had indicated that they did not have any comments to make. The only substantive response received to the consultation was from Worcestershire Trading Standards, as detailed at Appendix 2 to the report.

The Senior Licensing Practitioner, WRS, highlighted that following the response received from Worcestershire Trading Standards a number of small amendments had been made to the draft revised policy document. In order for those small amendments to be easily identified by the Committee, the amendments were shown in bold, italicised text in the draft revised policy, as detailed at Appendix 3 to the report.

The Senior Licensing Practitioner, WRS, responded to questions from Members and clarified that, trading at or adjoining a shop if it formed part of the business of the owner or the occupier of the premises and took place during the period when the premises were open to the public for business, was not classed as Street Trading. For example a green grocer or shoe shop displaying goods outside of their premises, but within the parameter of their shop.

Councillor C. M. McDonald requested that it be recorded that she had voted against the recommendations.

### **RESOLVED:**

- (a) that the responses received to the revised draft Street Trading policy consultation be noted; and**
- (b) that the revised Street Trading Policy, as detailed as Appendix 3 to the report, be adopted as from 1st December 2017.**

# Agenda Item 3

Licensing Committee  
11th September 2017

16/17

## **LICENSING COMMITTEE WORK PROGRAMME 2017/2018**

The Committee considered the Licensing Committee Work Programme for 2017/2018.

**RESOLVED** that the Licensing Committee Work Programme 2017/2018 be noted.

The meeting closed at 6.20 p.m.

Chairman



**PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES**

Relevant Portfolio Holder	Councillor P J Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

The Licensing Committee are asked to consider some proposed amendments to the Council’s Hackney Carriage and Private Hire Licensing Policies and to approve consultation on the proposed amendments.

**2. RECOMMENDATIONS**

- 2.1 That Members RESOLVE to direct officers to carry out consultation on proposals for amendment to the Council’s Hackney Carriage and Private Hire Licensing Policies.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs associated with carrying out the consultation exercise would be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 The Council's current policies in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Hackney Carriage and Private Hire Handbook. There are currently no scheduled reviews due to be undertaken in relation to the Council’s policies, although officers ensure that the policies are continually kept up to date to reflect any relevant changes in legislation and other circumstances.

**Service / Operational Implications**

- 3.3 On 14 March 2016, the Licensing Committee approved an updated version of the Hackney Carriage and Private Hire Handbook to take effect on 1 April 2016. A copy of this document can be seen at **Appendix 1**.
- 3.4 The Hackney Carriage and Private Hire Handbook sets out the Council's policies on the licensing of Hackney Carriage and Private Hire vehicles and drivers.
- 3.5 There are two areas within these policies that have caused some difficulty since the Hackney Carriage and Private Hire Handbook was updated and Members are now asked to consider these areas and decide whether to carry out consultation on some proposed amendments to the policies concerned.

**Requirement for NVQ in Road Passenger Vehicle Driving**

- 3.6 The driver licensing policy includes the following requirement:
- “New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.”*
- 3.7 The qualification was set up with the aim of contributing to the skills, knowledge and overall performance of individuals who are employed in providing a community transport service, taxi and/or private hire. This qualification is based on the latest National Occupational Standards.
- 3.8 To achieve a full Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Community Transport, Taxi and Private Hire), learners must achieve a minimum of 31 credits from mandatory and optional groups. Mandatory units cover health and safety, driving community transport/ chauffeured vehicles safely and efficiently, providing professional customer services and services for those who require assistance, dealing with difficult situations and emergencies and working with others.
- 3.9 Learners may choose from a range of optional units according to their job role. These include defensive driving, meeting special customer needs, providing a service to children and young people, processing telephone bookings, transporting luggage and parcels, planning routes and processing fares.

- 3.10 Some licence holders have reported difficulties in obtaining the NVQ or an equivalent qualification as they state there are very few training providers who are still offering the qualification in the local area. Licence holders have also complained that the costs of obtaining the qualification are unduly burdensome.
- 3.11 When the requirement was first introduced, there was Government funding in place to pay for the training so as to encourage uptake of the qualification amongst licensed drivers across the country. This funding is apparently no longer being provided, so those undertaking the qualification need to fund it themselves.
- 3.12 Bromsgrove District Council is the only licensing authority in Worcestershire that currently requires its licensed drivers to obtain the NVQ Level 2 in Road Passenger Vehicle Driving.
- 3.13 Members are asked to consider a proposal to remove the requirement to obtain the NVQ and replace this with a requirement for all new licence holders to undertake disability awareness training instead.
- 3.14 There are a number of providers of disability awareness training for licensed drivers, including some organisations that provide online training solutions.

### **Tints on Windows**

- 3.15 The Hackney Carriage and Private Hire Handbook states:
- “Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle.”*
- 3.16 Licence holders have raised concerns that the majority of vehicles manufactured at present are fitted with some level of tint on the windows as standard. Licence holders have complained that the costs involved in replacing the glass in the windows so that the vehicle complies with the requirements in the Hackney Carriage and Private Hire Handbook are unduly burdensome.
- 3.17 Furthermore, in the past twelve months Licensing Sub-Committees have been convened to consider ten applications for vehicle licences where the reason that the application could not be determined by officers under delegated powers was the darkness of the windows. All of the applications have been granted by Members.

- 3.18 This means that there are a number of licensed vehicles operating in the District that do not comply with the relevant Policy. Some licence holders who have paid out large sums of money to replace the glass in their vehicle windows have complained that this is unfair.
- 3.19 In light of the above, Members are asked to consider the following proposals:
- a) To remove the requirement at paragraph 3.15 from the relevant Policy altogether.
  - b) To remove the requirement at paragraph 3.15 and replace it with a requirement that the windows of the vehicle allow a defined amount of visible light to be transmitted through the glass.
  - c) To remove the requirement at paragraph 3.15 and replace it with a requirement that the vehicle windows cannot be fitted with privacy glass (entirely black or reflective glass).
- 3.20 Members are asked to approve consultation on the above proposals. Consultation will take place with licence holders and other relevant stakeholders including West Mercia Police and the Vehicle and Operator Service Agency (VOSA).

## **RISK MANAGEMENT**

- 4.1 The risks identified by this report relate to the Council either acting too hastily to change policy or choosing to disregard the issues raised by licence holders. These risks are being managed by the approach of seeking more information from the trade and considering all the relevant implications and carrying out formal consultation before deciding whether to proceed with making any changes.

## **5. APPENDICES**

- Appendix 1 – Bromsgrove District Council Hackney Carriage and Private Hire Handbook

**AUTHOR OF REPORT**

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**Bromsgrove**  
District Council

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)



# **Hackney Carriage and Private Hire Handbook**

[www.bromsgrove.gov.uk/licensing](http://www.bromsgrove.gov.uk/licensing)

Adopted from 1<sup>st</sup> April 2016

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## Definitions used throughout this Handbook

<b>The Council</b>	Bromsgrove District Council
<b>Authorised Officer</b>	Head of Worcestershire Regulatory Services Licensing and Support Services Manager Senior Practitioner (Licensing) Technical Officer (Licensing)
<b>The Owner</b>	The person shown on the hackney carriage or private hire vehicle licence as the owner of the vehicle.
<b>The Driver</b>	The person to whom the Council has granted a licence to drive either hackney carriage vehicles and/or private hire vehicles.
<b>The Vehicle</b>	The subject of the hackney carriage or private hire vehicle licence to which conditions are attached.
<b>Private Hire Vehicle</b>	A licensed vehicle which can carry passengers for hire or reward, but only by being pre-booked through a licensed private hire operator. It may not stand on any taxi rank or ply for hire anywhere.
<b>Hackney Carriage Vehicle</b>	A licensed vehicle which can carry passengers for hire or reward, can be hailed by a prospective passenger and can stand on a rank to await the approach of passengers.
<b>Private Hire Operator</b>	Any person who is licensed in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle and manages, controls or allocates work to drivers through a central system or mobile telephone. The private hire operator's base must be located in the district of Bromsgrove.
<b>Plate</b>	The licence plate issued by the Council which must be displayed on the outside rear of the vehicle.
<b>Nominated Garage</b>	The Council's approved mechanical testing centre. The Depot, Sherwood Road, Aston Fields, Bromsgrove, B60 3EX.
<b>Wheelchair Accessible Vehicle</b>	A vehicle that enables a wheelchair user to remain in their wheelchair whilst entering and being conveyed in that vehicle. The vehicle must be fit for this purpose at all times and carry all necessary equipment.

## EXPLANATORY NOTES

### A Disclosure and Barring Service Vetting Form

The DBS vetting form must be completed by the applicant and then countersigned by a duly authorised person employed by the Council and registered with the DBS. This form will then be sent to the DBS. A licence will not be issued until the DBS has provided a certified reply. It is essential that you submit your DBS vetting form in sufficient time as the period for processing of these forms rests with the DBS and not the Council.

The procedure is as follows:

- The applicant must complete a DBS **enhanced** check form;
- The applicant attends one of the Licensing Surgeries, bringing the completed application form with proof of identification, such as passport, birth or marriage certificate and driving licence showing current name and address.
- An officer will sign the form to verify having seen the applicant's proof of identification.
- The applicant will need to pay the relevant fee, as the DBS charge for this service.
- The Council will send the form to the DBS

Only the applicant will receive the disclosure certificate (the DBS result). Therefore once this has been received, the applicant must bring the disclosure certificate to a Licensing Surgery to be checked by an officer. Please note that it can take at least 6-8 weeks for the disclosure certificate to be sent back. Your DBS application can be tracked online if you enter your form reference number at <https://www.gov.uk/disclosure-barring-service-check/tracking-application-getting-certificate>

If the applicant is already in possession of an enhanced DBS Certificate which is less than one month old at the time of making the application, then this will be accepted by the Council.

Likewise if the applicant has registered with the DBS Update Service, this process can be used as an alternative to applying for a new disclosure. Information on the DBS Update Service can be found here:

<https://www.gov.uk/dbs-update-service>

### B DVLA Mandate

The applicant will complete a DVLA mandate form in order that the Council can have an up to date record of their driver licence records. Alternatively the applicant can share their driving licence details with the Council by creating and providing the Council with a DVLA checking code, which can be done using the following website <https://www.gov.uk/view-driving-licence>.

## **C DVLA Licence**

The applicant must produce a full DVLA or EU Drivers Licence to cover them for the class of vehicle they will be driving. If it is a photocard licence, then the card should be produced showing the holder's current address.

## **D Passport Photographs**

The applicant will provide two recently taken passport size photographs for their hackney/private hire driver licence. The photographs should be to the same criteria as for passport application.

## **E Fee**

The fee to be paid will be determined each year by the Council as part of setting the Council's budget. The change will generally come into effect on 1 April each year.

Fees and charges for all licences are payable at the same time as making your application and are not refundable under any circumstances once the licence has been granted.

Full details of all current fees and charges are set out in a separate leaflet which accompanies this handbook. Cheques should be made payable to Bromsgrove District Council. Dishonoured cheques will invalidate any licence which has been issued. For licences to be re-instated, payment must be made in cash at the Customer Service Centre.

## **F Medical Authorisation**

The Council's medical form, completed by a doctor, must be submitted on the initial application stating that the applicant is physically fit to be the driver of a hackney carriage/private hire vehicle. The examination will be to the DVLA Group 2 Medical Standard. Drivers between 45 & 64 years old must provide a medical certificate every five years for licence renewal. When a driver reaches the age of 65 years, a medical certificate is required annually on licence renewal.

## **G MOT certificates**

The nominated garage will issue a Council pass certificate once the vehicle has passed the vehicle test. It is possible to also obtain a MOT Certificate, the nominated garage will need to be informed at the time of booking the vehicle test that one is required.

## **H Vehicle Registration Document (V5)**

The full vehicle registration document should be submitted. However if this is not possible as the document has been forwarded to DVLA for the registered keepers name or address to be altered, then the "new keeper supplement" may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Section as soon as possible.

If the vehicle is brand new and the vehicle registration document has not yet been issued by DVLA, then the “Confirmation of Registration Details” document may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Section as soon as possible.

## **I Insurance Certificates**

A valid insurance certificate or cover note must be submitted proving the vehicle is correctly insured. Hackney carriage vehicles need to be insured for “public hire use” whilst private hire vehicles need to be insured for “private hire use.” The insurance should be valid for a period of no less than 14 days.

## **J Vehicle Inspection Certificates**

Your vehicle must be confirmed as fit for use as a hackney carriage or private hire vehicle by the Council’s nominated garage before it can be considered for licensing purposes.

## INTRODUCTION

This guide has been written to advise and assist both new applicants and existing licence holders on how to apply for various licences relating to the operation of private hire and hackney carriage vehicles. This guide contains Council Policy which is used to determine applications; administrative procedures the Council follows when determining an application; the conditions attached to each type of licence; Hackney Carriage Byelaws together with a summary of legislation which affects the operation of each type of taxi licence.

The Council issues the following types of licences:

- Hackney Carriage Driver Licence
- Private Hire Driver Licence
- Dual drivers licence which allows the holder to drive both Hackney Carriage and Private Hire
- Hackney Carriage Vehicle Licence
- Private Hire Vehicle Licence
- Private Hire Operators Licence

This guide is not exhaustive and, if you are in any doubt, please refer to the legislation governing the licensing of private hire and hackney carriages vehicles, drivers and operators which can be found in:-

The Town Police Clauses Act (TPCA) 1847

The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)

The Transport Act 1985 (TA)

If you require further advice or assistance, please contact us at:

**In writing:**

The Licensing Section  
Bromsgrove District Council  
Parkside  
Market Street  
Bromsgrove  
Worcestershire  
B61 8DA

**Telephone enquires:**

01905 822799

**Email:** [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

**Personal visits:**

Can be made at the Customer Service Centre where a Customer Service Advisor will be able to help you. The Customer Service Centre is open Monday – Friday from 9.00am to 5.00 p.m., at Parkside, Market Street, Bromsgrove, B61 8DA.

If you need to speak directly with a Licensing Officer, please can you arrange to attend one of the surgeries at the Customer Service Centre, they operate:

Tuesday from 1.30 p.m. to 3.00 p.m.

Wednesday and Friday from 9.30 a.m. to 11 a.m.

All application forms are available to request either by phone or email. You may also download these forms from the Council's website.

Guidance on completing these forms can be obtained by attending a licensing surgery at the Customer Service Centre, however officers cannot complete the forms for you.

You are required to ensure that you are familiar with the contents of this Handbook, that it is kept up to date and made available for inspection upon request by an authorised officer of the Council.

## **Data Protection**

Bromsgrove District Council is under a duty to protect the public funds it administers. To achieve this, the Council may use the information you have provided for the prevention and detection fraud.

The Council may also share this information with other departments within the Council and other bodies administering or auditing public funds for the prevention and detection of fraud, the investigation of any criminal offence, or in the performance of its statutory duties for the exercise of public functions.

## **SECTION A – DRIVER’S LICENCE**

### **APPLICATION FOR A DRIVER’S LICENCE AND BADGE**

A Hackney Carriage driver’s licence authorises an individual to drive licensed Hackney Carriages.

A Private Hire driver’s licence authorises an individual to drive licensed Private Hire Vehicles.

The dual driver’s licence authorises an individual to drive both licensed Hackney Carriage and Private Hire Vehicles.

All driver licences issued by the Council are valid for three years from the date of grant unless the applicant has requested that their licence only lasts for one year from the date of grant.

It is Council Policy that the following minimum standards are achieved before making your application including renewals.

#### **Criteria for Grant of Driver Licences:**

- Applicants must be over 21 years of age and have the right to work in the United Kingdom.
- Applicants must hold a DVLA driver’s licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 12 months driving experience in the relevant class of vehicle in the UK;
- Applicants must be able to demonstrate that they have good conversational English in order to be able to communicate with passengers. If officers have any concerns that the applicant cannot demonstrate good conversational English, the application will be referred to a Licensing Sub-Committee;
- New applicants for Hackney Carriage or Dual Driver licences must pass the Council’s Hackney Carriage knowledge and skills test before issue of licence;
- New applicants for Private Hire Driver licences must pass the Council’s Private Hire knowledge and skills test before issue of licence;
- All new applicants must pass a driving standards test conducted on the Council’s behalf by the Driver Training Team at Worcestershire County Council.
- New applicants with previous criminal convictions, cautions or pending criminal matters should refer to the Council’s Guidance Relating to the Relevance of Convictions and Cautions;
- New applicants should have no more than 6 current penalty points on their DVLA licence; The applicant will be required to complete a DVLA mandate or provide a DVLA licence checking code so the Council can obtain a copy of their current driving record;
- Applicants for renewal of licences should have no more than 9 current penalty points for motoring offences on their DVLA licence; The applicant will be required to complete a DVLA mandate or provide a

- DVLA licence checking code to obtain a copy of their current driving record;
- Applicants applying for a new or renewal licence shall be required to provide proof of their medical fitness by completing and submitting a medical certificate carried out by a GP under the DVLA Group 2 standards:
    - If aged 21-45 years a medical certificate will be required on the granting of an initial application;
    - Where the driver is aged between 45 and 64 years old, a medical certificate will be required every five years;
    - Where the driver is 65 years old or over, a medical certificate will be required annually.
  - New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.

## **Foreign Nationals and other persons who have lived abroad**

If you are a foreign national and/or have lived abroad within the last twenty years for a period of 16 weeks or more, you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that officers can verify its authenticity.

Any relevant offences will be put before the Council's Taxi Licensing Sub-Committee so that an informed decision can be made as to the suitability of the applicant, in the same way as any matters disclosed on a DBS check.



## **How to make your first application**

The following stages set out the Council's administrative procedure in processing your application.

### **Step 1 – Attend Licensing Surgery with Documents**

You must attend a licensing surgery in order to submit a completed application form, proof of identity, DVLA driving licence, two passport sized photographs and make payment of the appropriate fee.

If you are not a citizen of the United Kingdom, Switzerland or any another country in the European Economic Area (EEA), you will also need to provide original documentation to prove you have the right to work in the United Kingdom.

### **Step 2 – Knowledge and Skills Tests**

Before you can proceed with your application for a driver's licence an appointment will be made for you to take the relevant knowledge and skills test.

Bromsgrove District Council covers a large and mainly rural area of 88 miles square and includes the villages of Wythall, Hollywood, Alvechurch, Barnt Green, Hagley and Stoke Prior. It is imperative that new applicants thoroughly research and have an excellent knowledge of the area before requesting a knowledge test appointment with the Licensing Officer.

The knowledge and skills tests consist of the following:-

#### Hackney Carriage Knowledge and Skills Test

- A number of questions that will assess the applicant's "essential skills" including basic mathematics, map reading, receipt writing etc.
- A number of questions whereby the applicant is required to identify the road or street on which general places of interest within the Council's area are located. These may include doctors surgeries, schools, pubs, restaurants etc.
- A number of questions whereby the applicant is required to describe the shortest available route between two points in the Council's area.
- A number of questions regarding the Council's licensing policy, conditions and the law which are set out in this handbook.

## Private Hire Knowledge and Skills Test

- A number of questions that will assess of the applicant's "essential skills" including basic mathematics, map reading, receipt writing etc.
- A number of questions whereby the applicant is required to identify the road or street on which key places on interest within the Councils area are located. These may include transport interchanges, hospitals, medical centres etc.
- A number of questions regarding the Council's licensing policy, conditions and the law which are set out in this handbook.

The pass mark for both tests is 80%. If you fail the test or any part of it at the first attempt, then you can take a further test at a later date subject to payment of the relevant fee.

If an applicant fails three knowledge and skills tests, they will not be allowed to take a further test for a period of six months.

## **Step 3 – DVLA and DBS Checks**

- Your original DVLA or equivalent driver's licence (photocopies will not be accepted). The licence must cover you for the category of vehicle you will be driving. If it is a photo card licence, then the card must be produced showing your current address. (see explanatory note C).
- DVLA mandate form or valid DVLA licence checking code - applicants must provide their permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority in order to obtain an up to date record of their driver licence history. (see explanatory note B).
- Disclosure and Barring Service application form and fee - a search is carried out via the DBS Service for previous criminal matters on all new applicants and then every 3 years. (see explanatory note 'A').

When completing the application form, you must declare all previous and pending criminal matters. Please note that the Rehabilitation of Offenders Act 1974 does not apply to taxi drivers and convictions are never spent. If you are in any doubt as to whether a licence will be granted, you can get advice (in confidence) from the Licensing Section. If you are unsure how to complete any part of the application the Licensing Section will provide assistance.

If any convictions or other criminal matters arise during the application process, the Licensing Section must be informed in writing within 7 days.

## **Step 4 – Medical and Driving Standards Assessments**

Once you have submitted the documentation to allow a DVLA and DBS check to be undertaken, you can make arrangements with your GP to undergo a Medical Assessment. The Medical Assessment must be completed on the Council's prescribed form and applicants must meet the DVLA Group 2 Medical Standards.

You will also need to contact the Driver Training Team to arrange your Driving Standards Assessment. Contact details are provided at the back of this Handbook.

## **Step 5 – Determination of Application**

Once you have returned your DBS disclosure certificate, completed Medical Assessment form and proof that you have passed the Driving Standards Assessment your application is complete and provided that officers do not have any concerns about your fitness to hold a licence, a licence can be issued to you.

If on receipt of the above documents, for any reason officers have any concerns about your fitness to hold a licence, your application cannot be granted and you can request that it be considered at a Licensing Sub-Committee.

## **Step 6 – Licensing Sub-Committee and Appeals (if applicable)**

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a 'fit and proper person'. Obviously, when all the checks and tests set out above are satisfactory then the applicant is judged to be 'fit and proper' and a licence is granted.

However, where there is any doubt as to whether the applicant is a 'fit and proper' person, officers are not able to grant or renew that application. In such circumstances the applicant can request to have their application determined by the Council's Taxi Licensing Sub-Committee. Such a request must be made in writing

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (whether they are legally qualified or not). Applicants are also entitled to bring along any other person in support of their application.

After considering the applicant's representations, the Sub-Committee will decide whether or not to grant the application. If the applicant is not satisfied with the decision of the Taxi Licensing Sub-Committee, there is a right of

appeal to the Magistrates Court within 21 days of being notified in writing of the Sub-Committee's decision.

## **Step 7 – Obtaining an NVQ or Equivalent Qualification**

New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.

## **APPLICATION TO RENEW A DRIVER'S LICENCE**

You should apply for renewal of your licence whilst the existing one is still in force. If you submit your renewal application after your existing licence has expired you will not be authorised to drive licensed vehicles until a new licence has been issued to you. Furthermore you may be treated as a new applicant, so please ensure adequate time for renewal.

When renewing your licence you must submit the completed renewal application form, to a licensing surgery, together with the following supporting documentation:

- application form for DBS check (where applicable);
- medical report (where applicable);
- DVLA licence showing current address;
- DVLA mandate or valid DVLA licence checking code;
- licence fee;
- a recent passport sized photograph
- Certificate for the NVQ or equivalent qualification.

## **“UPGRADING” YOUR DRIVER'S LICENCE**

If you hold a private hire driver's licence and wish to upgrade this to a hackney carriage or dual driver's licence you will need to pass the Council's Hackney Carriage Knowledge and Skills Test.

Once you have passed the test and on payment of the appropriate administration fee, your private hire driver's licence will be substituted for a hackney carriage or dual licence.

## **INFORMATION COMING TO LIGHT ABOUT A LICENCE HOLDER**

If at any time when you are the holder a licence to drive hackney carriage and/or private hire vehicles, information comes to light that raises concerns about your fitness to hold such a licence, you will be referred to a Licensing Sub-Committee for consideration.

If it is considered that the information received indicates a risk to public safety, your licence may be suspended or revoked with immediate effect.

## **CONDITIONS RELATING TO DRIVER'S LICENCES**

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions should be read in conjunction with the Council's Policy.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

### **Copy of conditions**

When you are driving a vehicle, you must have a copy of these conditions with you.

### **Driver's Licences**

Every driver of a private hire car or hackney carriage must be licensed by the Council.

### **Driver's Badge**

All drivers must wear the badge provided, when driving, in a position so as to be plainly visible. The badge need not be worn if:-

- (a) the vehicle is being used in connection with a wedding or a funeral;
- (b) the vehicle is carrying written permission by the Council that the badge need not be carried.

The driver shall upon the expiry, revocation or suspension of the licence immediately return the badge and licence to the Council.

### **Direct route**

The most direct route shall be taken unless the hirer directs otherwise.

### **Your behaviour**

- (a) You must offer and, if accepted, give passengers all reasonable help with their luggage, including conveying it to or from the entrance of any building, station or place at the time of pick up or set down.
- (b) You must always be clean and respectable in your dress and appearance, and you must always behave in a civil and orderly manner.
- (c) You must take all reasonable steps to make sure that your passengers are safe when they are using your vehicle, and when they are getting into or out of it.
- (d) You must not smoke in the vehicle at any time. When you have a passenger in the vehicle, you must not eat or drink in the vehicle without your passenger's permission.
- (e) When you have a passenger in the vehicle, you must not play a car radio or music system (except the radio which you use for arranging journeys), without your passenger's permission.

- (f) You must never allow your radio or music system to be loud enough to annoy anyone, whether that person is inside or outside your vehicle.
- (g) You shall not sound your horn to announce your presence to the hirer.

## **Prompt Attendance**

You shall be in attendance at the appointed pick-up at the time arranged, unless prevented by sufficient cause. A driver shall familiarise himself with the layout and whereabouts of all streets and roads in the district.

## **Passengers**

- (a) Your vehicle must not carry more passengers than allowed by its licence, regardless of the age of any passenger carried.
- (b) The driver shall at all times comply with the latest legislation regarding the use of seat belts and restraints by all passengers including children and young persons.
- (c) When your vehicle has been hired by someone, you must not let anyone else get into the vehicle, unless the person who hired the vehicle has given permission.

## **Lost Property**

You shall immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

Any property found if not returned to the hirer must be handed to the police within 48 hours of finding.

## **Receipts**

Any passenger requesting a receipt for payment made will be provided with a receipt showing the date, fare paid and will be signed by you. It shall be in such a form as to identify the company and/or individual providing the receipt.

## **Insurance**

You must make sure that any vehicle you drive has a valid Insurance Certificate or Cover Note.

## **Plying for Hire - Private Hire Vehicle**

If you are driving a Private Hire Vehicle, you must not ply for hire, or do anything which might make anyone else think that you are plying for hire.

## **Taximeter**

If the vehicle is fitted with a meter, the following conditions must be complied with:

- (a) The driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare. The fare must be properly illuminated during the hours of darkness or at any other time at the request of the hirer.

- (b) The driver shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, or with the fittings thereof or with the seals affixed thereto.
- (c) Vehicles fitted with a meter may not operate unless the meter is in working condition and has been checked and sealed by an authorised officer.
- (d) All vehicles fitted with a meter must display a current tariff card.

## **Plying for Hire - Hackney Carriage**

If you are driving a Hackney Carriage, and you are on a Taxi rank, your vehicle must not be hired until it is the vehicle on the rank which has been there for the longest period and is in the front position on the rank. If at the time of arrival at the stand, there are no authorised spaces available, it will be necessary for you to proceed to another rank.

## **Fare to be demanded**

**Private Hire Vehicles** – The driver shall not demand from any hirer, a fare in excess of any previously agreed fare for that hiring, or if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, any fare greater than that shown on the taxi meter.

**Hackney Carriages** – The driver shall not demand from any hirer, any fare greater than that shown on the taxi meter. The meter must be calibrated to the current table of fares.

## **Animals**

The driver may not carry his/her or an operator's animals whilst engaged in carrying a fare. If a passenger asks you to carry an animal, it is at your discretion whether or not you do so.

## **Assistance Dogs**

You must not refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.

## **Deposit of your licence**

If you drive a vehicle which belongs to someone else, you must give your Hackney Carriage and Private Hire Driver's Licence to that person before you are allowed to drive the vehicle. Your Licence must be kept by that person until you stop driving their vehicle.

## **Change of circumstances**

You shall notify the Council in writing within 7 days of:

- (a) Change in name or address;
- (b) Change in employer
- (c) Any convictions, motoring or otherwise (including fixed penalty), or any caution you have received.



- (d) Any medical condition that may affect the ability to drive. A medical examination may be required.

### **Change of ownership**

If the vehicle is sold, both the buyer and the seller must inform the Council of the details of the new owner in writing within 14 days of the sale.

### **DVLA Driving Licence**

You must show your DVLA Driving Licence to any authorised officer of the Council who has asked to see it. You must do this within 5 days of the request being made.

## SECTION B – VEHICLES

**DO NOT PURCHASE A VEHICLE UNLESS YOU HAVE TAKEN ADVICE FROM A LICENSING OFFICER AND ARE SATISFIED THAT IT MEETS THE COUNCIL'S LICENSING REQUIREMENTS**

### HACKNEY CARRIAGE VEHICLES

This licence is valid for one year and entitles licensed drivers to use the vehicle to ply for hire on any of the Council's Hackney Carriage ranks or be hailed in the street. (Please note it does not entitle the driver to ply for hire or be hailed outside the District boundary).

The vehicle licence is only issued in the name of the actual owner of the vehicle. Proof of ownership will be required when making an application, such as producing the vehicle registration document.

Taxi ranks currently located within the District can be found at the following locations:

The Strand – outside Oceans Fish Bar	- two spaces
The Bus Station	- five spaces

#### Evening Ranks

Outside Golden Cross Hotel (7pm – 7am)	- three spaces
Worcester Road – outside Neales Garage (7pm – 7am)	- three spaces
Worcester Road Feeder Rank (11pm – 5am)	- seven spaces

### PRIVATE HIRE VEHICLE

This licence is valid for one year and all hirings of the vehicle must be pre-booked through a licensed private hire operator. Private Hire Vehicles are not allowed to ply for hire at any of the Council's Hackney Carriage ranks or be hailed in the streets. Failure to adhere to this is an offence and could invalidate your insurance.

If you intend to operate a Private Hire business rather than obtain bookings via another licensed operator you will require your own Operators Licence, a licence for each vehicle operated and a driver's licence for each driver.

A Private Hire Licence is not needed:

- For a vehicle while it is being used in connection with a funeral or for a vehicle used wholly or mainly, by a funeral director, for funerals;
- For a vehicle whilst it is being used wholly or mainly in connection with a wedding.

Once a vehicle licence has been granted the vehicle remains a taxi until the licence expires or is revoked and only drivers licensed by Bromsgrove District Council may drive the vehicle.

A vehicle that is already licensed as a Taxi with another authority cannot be licensed by Bromsgrove District Council as the vehicle would be unable to meet this Council's policy and conditions of the vehicle licence.

There is no fixed limit to the number of either Private Hire or Hackney Carriage Vehicle Licences which can be issued by Bromsgrove District Council. Each application for a new licence is considered by the Licensing Section who acts under powers delegated by the Council. These powers enable the Licensing Section to grant hackney carriage/private hire vehicle licences where the vehicle fulfils Council Policy and the application procedure.

### **Council Policy relating to the type of vehicle permitted**

All vehicles must pass a vehicle MOT test and inspection before a licence is granted as well as meeting the criteria as outlined below relating to the types of vehicles that are acceptable to the Council:

- (a) Must not be a convertible or similar specification vehicle;
- (b) Must be a four door saloon (or a passenger carrying estate car) or be a minibus or multi purpose vehicle and have not less than 4 road wheels;
- (c) Have a capacity for at least 4 adult passengers but must not exceed 8 passengers.
- (d) The vehicle must be right hand drive.
- (e) If the vehicle is licensed for the carriage of at least 5 passengers but no more than 8, then there must be fitted 2 separate uninterrupted access/exit doors (excluding the boot/rear tailgate) as well as without having the need to collapse or climb over the seats in front of them and sufficient space for luggage still leaving gangways clear. There must be no more than 9 seats fitted which includes the driver's seat.
- f) All vehicles being licensed for the first time must have a type approval certificate to M1 standards, European Whole Vehicle Approval or Low Volume Type Approval.
- g) Vehicles being licensed as a Hackney Carriage for the first time must be no more than 7 years older than the date of first registration when the application is made
- h) Vehicle licences for wheelchair accessible vehicles will not be renewed once a vehicle is over 12 years of age from the date of first registration.
- i) Vehicle licences for all other types of vehicles will not be renewed once a vehicle is over 10 years of age from the date of first registration. The age limit can be waived if the vehicle is special or prestigious as designated by the Licensing Officer.
- j) When a vehicle reaches 7 years of age from the date of first registration, it will be required to undergo a MOT test and vehicle inspection every six months.
- k) Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a

vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle.

## Condition of vehicle

The vehicle must be kept in exceptional condition to include the following:

- (a) **Paintwork** – all panels on the vehicle shall be painted in a manufacturer's standard colour. Panels with unmatched colours or primer should be deemed to be failures.
- (b) **Rust** – any vehicle presented should be free from any significant areas of visible rusting. Minor blemishes may be acceptable.
- (c) **Carpets/floor covering** – all carpets and floor coverings shall be complete and free from cuts, tears or serious staining. The interior must be kept tidy and free from litter.
- (d) **Window operation** – all opening windows must be in good working order.
- (e) **Interior trim** – all interior trim including the headlining shall be clean, properly fitted and free from serious cuts, tears or major soiling.
- (f) **Boot** – this should be clean, tidy and empty, except for the spare wheel and essential tools (where applicable), which should be in good working order. Means of securing luggage should also be provided. If the vehicle is an estate type, some equipment, such as a safety grill, must be carried and capable of being correctly fitted to make sure that things in the luggage section at the rear cannot slide forward into the passenger compartment. This equipment must be in situ at the time of the vehicle inspection at the test centre.
- (g) **Seats** –
  - A distance of 178mm (7 inches) from the back of the seat in front (when in its rear-most position) to the front of the seat behind.
  - All seats in any vehicle must have a minimum of 406mm (16 inches) per person and comply with the Road Vehicles (Registration and Licensing) Regulations. Each seat must be fitted with its own seat belt.
  - All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
  - Fitted seat covers may be used.
  - In the case of a vehicle with removable seats, when seats have been removed to make way for wheelchairs, luggage or any other reason, the number of passengers authorised will be need to be reduced to match the total number of seats, including wheelchairs, provided that in no circumstances will the number of passengers authorised be greater than that on the licence.
  - Swivel seats must meet with Disability Discrimination Act requirements.
  - There shall be a nearside and offside door for each row of seats. If the vehicle is licensed for more than five passengers but no more than eight, then there must be fitted two separate uninterrupted access/exit doors excluding the boot and sufficient space for luggage still leaving gangways clear. It should also not be

necessary to have to tilt forward or to collapse the seat in front to exit the vehicle. There must be not more than nine seats fitted which includes the driver's seat.

## **Liquefied Petroleum Gas (LPG)**

The following requirements will also apply to proprietors of vehicles presented as running on LPG when applying for the grant or renewal of a licence

- a) To ensure that the vehicle has been converted by or inspected and found safe by a UKLPG Approved Autogas Installer the vehicle must have been placed on the UKLPG Vehicle Register – see [www.drivelpg.co.uk](http://www.drivelpg.co.uk). If the vehicle is not on the register the owner should refer to UKLPG via [www.drivelpg.co.uk](http://www.drivelpg.co.uk)
- b) That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space;
- c) That the proprietor of the vehicle must have notified DVLA Swansea, of the change in fuel from petrol to both LPG and petrol;
- d) That the vehicle be serviced every 12 months by a person competent in LPG powered vehicles as evidenced by service invoice.

## **Special Events Vehicle (limousines with left hand drive)**

- a) Seating capacity to be a minimum of 6 and a maximum of 8.
- b) Seat belts to be provided for all passengers.
- c) All vehicles to have full Department of Transport type approval.
- d) Vehicles to be put through a normal M.O.T. test and then to be brought to the Council Depot for checking and testing of items which are in the Council's test, but not in the M.O.T. test.
- e) These vehicles to be exempt from displaying licence identity plates on the outside, but to display an identity plate inside the driver's compartment and to carry a letter of dispensation.

## **APPLICATION FOR EITHER A PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE LICENCE**

### **How to make your first application and/or subsequent renewal applications**

You must complete the Council's application form. The application form must be submitted to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- Full vehicle registration document (V5 Form) or 'new keeper supplement' or 'confirmation of registration details'. In the case of the latter two, a copy of the full vehicle registration document must be forwarded to the Licensing Section as soon as possible. The registration document must be in the name of the applicant and showing the correct address. (See explanatory Note H)
- Insurance Certificate. Hackney Carriage vehicles need to be insured for 'Public Hire', whilst Private Hire must be insured for 'private hire'. Photocopies will not be accepted. (See explanatory Note I)
- Licence Fee (See explanatory note E).
- Type approval certificate (where necessary)
- A vehicle to be licensed for the first time must be inspected by an officer at a Licensing Surgery prior to the application being made to ensure that it meets with Council Policy.

### **MOT and vehicle inspection**

All vehicles are required to undergo a MOT test and vehicle inspection before a licence is issued and thereafter on an annual basis when the licence falls due for renewal. However when a vehicle reaches 7 years of age from the date of first registration, it will be required to undergo a MOT test and vehicle inspection every six months.

Vehicles are inspected at the Council's nominated garage.

Having obtained a Council pass certificate following the vehicle MOT test and inspection by the Council's nominated garage, this should be taken immediately to the Customer Service Centre. Your application can then be processed and a licence and plate will be issued.

You are also asked to note that appointments are not interchangeable between vehicles. The only vehicle which will be accepted for testing at the nominated garage is the vehicle for which the appointment is made.

The Council's nominated garage is:

Depot Services, Sherwood Road, Aston Fields, Bromsgrove, B60 3EX  
01527 881188

Please contact the depot directly to make an appointment.

If your vehicle fails the test, then you will be provided with a copy of the failure report. Re-test appointments are booked through the nominated garage, a fee may be applicable in line with the charges set out by the Department of Transport MOT regulations. Details are available from the nominated garage.

## **Vehicle Spot Fitness Checks**

From time to time your vehicle may be subject to a spot check. The check will be carried out either by the Police, the Council's officers, the Council's nominated garage, or the Driver and Vehicle Standards Agency (DVSA). Spot tests are normally carried out at the roadside. If your vehicle does not pass the spot check, then your vehicle licence will be suspended and your plate may be removed. This suspension may be either immediate or deferred. The type of action taken will depend upon the severity of the defects that have been discovered and will be communicated to you by way of a suspension notice.

## **Deferred Suspension**

This means that, in the opinion of the enforcement officer, the defects are not sufficiently serious to warrant the immediate suspension of your vehicle licence. If this happens, you will be given a deferred suspension notice. The issue of this notice means that you have ten days in which to remedy the defects mentioned in the notice. You may use the vehicle in the interim period. However, if the vehicle has not been re-examined and the suspension notice lifted by the Licensing Officer by the date given on the notice, then from that date the licence is automatically suspended.

## **Immediate Suspension**

This means that your vehicle cannot be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension notice lifted by the Licensing Officer. Re-examination is by a full test being carried out at the nominated garage. If your vehicle licence is immediately suspended, the Licensing Officer will hand you a notice of suspension.

## **Issue of Licence**

A vehicle may not be used as a hackney carriage or private hire vehicle until the relevant application has been processed and the licence granted and issued.

Vehicles are licensed to carry up to a specified number of passengers. The licence plate must be affixed to the outside rear of the vehicle and the 'mini' plate to be fixed to the passenger side on the inside of the windscreen. This specifies the number of passengers that can be carried.

## **Renewal of a Vehicle Licence**

Renewal applications and vehicle MOT/inspection bookings for the renewal of the vehicle licences must be made at least 14 working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used. This will also reduce any delay in the issue of the vehicle plates.

## **Late renewals**

If a vehicle licence is allowed to expire, and no application has been received to renew the licence within 14 days, the vehicle will be treated as if it has not been licensed before and will have to meet the Council's policy for a vehicle being licensed for the first time.

**If an applicant applies for renewal of a vehicle licence after their previous licence has expired, even if this licence has only expired by one day, the driver will not be permitted to continue using the vehicle as a hackney carriage or private hire vehicle until the application has been processed and the new licence granted and issued.**

## **Transfer of Ownership**

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Officer within 14 days from the date of sale. The application to transfer must be made by the new owner within 14 days from the date of purchase and be accompanied by a valid certificate of insurance, vehicle registration document and the transfer fee. If everything is in order, the transfer can take effect and the licence will be issued for the remaining time of the previous licence. If the vehicle is disposed of then the vehicle licence and plates must be returned to the Council within 7 days. No refund of the licence fee will be given if the vehicle is disposed of.

## **Change of vehicle**

If for any reason a vehicle needs to be changed before the expiry of the licence, the licence holder has the following options once they have made an application to licence a new vehicle accompanied by the required documentation and arranged for the vehicle to be inspected by the Licensing Officer and subsequently the nominated garage:

### Option 1

Pay the administration fee set by the Council to have the new vehicle licence issued for the remaining time left on the previous licence.

### Option 2

Pay the full fee for a new vehicle licence to have a licence issued for 12 months.

You may wish to discuss these options with the Licensing Officer before proceeding.

## **Taxi Meters in Vehicles**

The Council at this time does not require private hire vehicles to be fitted with a taxi meter, but if such a meter is fitted, it must be correctly calibrated, tested and sealed. All Hackney Carriage vehicles must be fitted with a taxi meter which must be calibrated in accordance with the Council's approved table of



fares. The meter will then be tested as part of the vehicle inspection. The table of fares is to be displayed at all times in a Hackney Carriage vehicle.

The table of fares is reviewed by the Council's Licensing Committee and all Hackney Carriage owners are consulted prior to a decision being made.

## **Accidents**

Any accident materially affecting the safety, performance or appearance of a hackney carriage or private hire vehicle must be reported by the proprietor to the Council within 72 hours. (This is in addition to any requirement to notify the Police).

- If a replacement vehicle is to be licensed, the licence plates must be removed from the damaged vehicle and returned to the Council.
- The replacement vehicle must meet the vehicle criteria and be presented to the Licensing Officer (by appointment) with an application form, confirmation of insurance and licence fee. This is usually organised by the insurance rental company. The vehicle will also need to be tested at the Council's nominated garage in the normal way.

When the repairs to the vehicle have been completed the plate will be reissued once the vehicle has been inspected and passed fit by the Council's nominated garage.

## **Complaints**

Any complaint made about a vehicle may result in the vehicle being called in for inspection by an authorised officer. The vehicle must be presented with all documents within one working day from the time the owner/driver/proprietor is informed.

## **CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE VEHICLE LICENCE**

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions are not to be treated as exhaustive.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

### **Appearance of the vehicle**

You must always keep your vehicle, and all its fittings and equipment, in an efficient, safe, tidy and clean condition. Your vehicle must comply with all legal requirements, in particular the requirements of the current Motor Vehicles (Construction and Use) Regulations.

The vehicle must have been issued with a pass certificate by the Council's nominated garage.

### **Alterations to Your Vehicle**

You must not alter your vehicle, or change its specification, design, condition or appearance, unless you have obtained the Council's approval to the changes first.

### **Trailers**

If you intend to use a trailer with your vehicle to carry passengers' luggage, the trailer must be inspected by the Council before you first use it and then once a year after the first inspection. The trailer must conform to the appropriate BSI standard. When used for the carrying of luggage, the trailer must be covered with a waterproof cover to prevent water getting in to the luggage. You must carry a spare wheel for the trailer and enough tools to enable a wheel to be changed.

### **Equipment in the Vehicle**

Your vehicle must carry, at all times:-

- (a) a fire extinguisher; and either
- (b) a spare wheel and enough tools to enable a wheel to be changed; or
- (c) for vehicles which are not manufactured so as to carry a spare wheel, the manufacturers supplied method of repairing a puncture at the roadside so as to enable a passenger's journey to continue safely.

The vehicle registration number must be marked on A and B above, using an indelible marker.

The fire extinguisher must be kept somewhere where it is clearly visible and can be easily reached if there is an emergency and must be marked with the vehicle's registration number, using an indelible marker.

You must maintain all this equipment properly. The fire extinguisher must be a vaporising liquid or dry powder type and comply with the current BSI standard and be periodically replaced at the required date.

### **Change of Address and change of vehicle ownership**

If you change your home address, you must notify the Licensing Officer in writing, within 7 days of the change. If a vehicle is sold, both the buyer and seller must inform the Council of the details of the new owner in writing within 14 days of the sale.

### **Identification Plate**

The Private Hire Licence Plate which is supplied by the Council must be affixed to the rear of the vehicle and must be clearly visible at all times. The mini-plate must be fixed to the passenger side on the inside of the windscreen of the vehicle, so that all the particulars on them are clearly visible to anyone getting into the vehicle.

Should either the plate or the mini-plate become damaged in any way, a replacement is available from the Council, upon payment of the required fee.

### **Dual Plating**

No vehicle may be licensed if it is already licensed by another Council.

### **Accidents and Damage**

Accidents resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Licensing Officer within 72 hours of the accident occurring.

### **Insurance Cover**

The owner of the vehicle must ensure that if another driver uses the licensed vehicle at any time, adequate insurance must be produced to the Council.

You must produce to the Council, at the Customer Service Centre, a new Insurance Certificate or Cover Note for your vehicle at least 24 hours before the previous Insurance Certificate or Cover Note expires.

You must tell the Council immediately about the cancellation of any Insurance Certificate or Cover Note or about any significant changes in the extent of the insurance cover for your vehicle.

### **Transporting wheelchair users**

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by regulations made under the Equality Act 2010.

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheelchair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn;
- (c) There must be sufficient space for a wheelchair to travel facing forwards or rearwards;
- (d) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
- (e) Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment;
- (f) Wheel ramps must be carried in the vehicle at all times and stowed safely when not in use;
- (g) Any swivel seat fitted must meet the requirements of regulations made under the Equality Act 2010.

## **Taxi Ranks**

A private hire vehicle must not stop on an appointed rank at any time.

Any private hire vehicle that gives the appearance that it is available for immediate hiring commits an offence.

No more than two private hire vehicles may congregate in any one location giving the appearance that they are forming a rank and may be plying for hire, except at the office location of the operator for whom they work.

## **Signage and Advertising**

A sign consisting of the word "TAXI" or "CAB" or "FOR HIRE" or similar words is prohibited. Roof signs are also prohibited.

No signs, advertisements, letters or numbers to be visible inside or outside the vehicle with the exception of the following:

- Signs, letters or numbers required by law;
- Any vehicle licence plate issued by the Council;
- A sign giving the company/operator name and telephone number on the front and rear doors (following approval from the Licensing Section);
- All private hire vehicles must display on the front doors of their vehicle the words "Advance bookings only".
- Sign indicating membership of a national motoring organisation;
- Sign requesting passengers not to smoke in the vehicle;
- Tariff card (if a meter is fitted);
- Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts;
- Any sign to indicate that CCTV is in use in the vehicle;

- The display of advertising material is permitted, providing that it is legal and complies with the codes set down by the Advertising Standards Authority and has been viewed and approved by the Licensing Officer. As a general rule, advertisements for alcohol or tobacco products or are of a sexual nature are not permitted as well as anything that is likely to cause offence are insulting or abusive. The advertisement must not be placed on the windows.

### **Liquefied Petroleum Gas (LPG)**

If you are converting your licensed vehicle to run on Liquefied Petroleum Gas (LPG) you must notify the Council of such a change and it must comply with the Council's Policy as set out above.

### **Radio transmitters/receivers**

All radio equipment fitted to the vehicle must be well maintained, appropriately licensed.

## **CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE**

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions are not to be treated as exhaustive.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

If you do not understand anything, ask for help. Not understanding is not an acceptable excuse for breaking the Council's conditions or the law.

### **Appearance of the vehicle**

You must always keep your vehicle, and all its fittings and equipment, in an efficient, safe, tidy and clean condition. Your vehicle must comply with all legal requirements, in particular the requirements of the Motor Vehicles (Construction and Use) Regulations.

The vehicle must have been issued with a pass certificate by the Council's nominated garage.

### **Alterations to Your Vehicle**

You must not alter your vehicle, or change its specification, design, condition or appearance, unless you have obtained the Council's approval to the changes first.

### **Trailers**

If you intend to use a trailer with your vehicle to carry passengers' luggage, the trailer must be inspected by the Council before you first use it and then once a year after the first inspection. The trailer must conform to the appropriate BSI standard. When used for the carrying of luggage, the trailer must be covered with a waterproof cover to prevent water getting in to the luggage. You must carry a spare wheel for the trailer and enough tools to enable a wheel to be changed.

### **Equipment in the Vehicle**

Your vehicle must carry, at all times:-

- (a) a fire extinguisher; and either
- (b) a spare wheel and enough tools to enable a wheel to be changed; or
- (c) for vehicles which are not manufactured so as to carry a spare wheel, the manufacturers supplied method of repairing a puncture at the roadside so as to enable a passenger's journey to continue safely.

The vehicle registration number must be marked on A and B above, using an indelible marker.

The fire extinguisher must be kept somewhere where it is clearly visible and can be easily reached if there is an emergency and must be marked with the vehicle's registration number, using an indelible marker.

You must maintain all this equipment properly. The fire extinguisher must be a vaporising liquid or dry powder type and comply with the current BSI standard and be periodically replaced at the required date.

### **Change of Address and change of vehicle ownership**

If you change your home address, you must notify the Licensing Officer in writing, within 7 days of the change. If a vehicle is sold, both the buyer and seller must inform the Council of the details of the new owner in writing within 14 days of the sale.

### **Identification Plate**

The Hackney Carriage Licence Plate which is supplied by the Council must be affixed to the rear of the vehicle and must be clearly visible at all times. The mini-plate must be fixed to the passenger side on the inside of the windscreen of the vehicle, so that all the particulars on them are clearly visible to anyone getting into the vehicle.

Should either the plate or the mini-plate become damaged in any way, a replacement is available from the Council, upon payment of the required fee.

### **Dual Plating**

No vehicle may be licensed if it is already licensed by another Council.

### **Accidents and Damage**

Accidents resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Licensing Officer within 72 hours of the accident occurring.

### **Insurance Cover**

The owner of the vehicle must ensure that if another driver uses the licensed vehicle at any time, adequate insurance must be produced to the Council.

You must produce to the Council, at the Customer Service Centre, a new Insurance Certificate or Cover Note for your vehicle at least 24 hours before the previous Insurance Certificate or Cover Note expires.

You must tell the Council immediately about the cancellation of any Insurance Certificate or Cover Note or about any significant changes in the extent of the insurance cover for your vehicle.

## **Transporting wheelchair users**

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by regulations made under the Equality Act 2010.

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheelchair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn;
- (c) There must be sufficient space for a wheelchair to travel facing forwards or rearwards;
- (d) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
- (e) Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment;
- (f) Wheel ramps must be carried in the vehicle at all times and stowed safely when not in use;
- (g) Any swivel seat fitted must meet the requirements of regulations made under the Equality Act 2010.

## **Council Car Parks**

A Hackney Carriage vehicle must not be used to ply for hire from any of the Council's car parks, unless you have got the Council's permission first.

## **Taxi Fares**

You must make sure that the fare charged for a journey in the vehicle, when it is hired as a Hackney Carriage, is exactly the fare laid down in the Council's Fares Table. The taximeter must be used at all times, even if a fare has been agreed in advance with the passenger to ensure that no more than the prescribed fare is charged.

## **Signage and Advertising**

No signs, advertisements, letters or numbers to be visible inside or outside the vehicle with the exception of the following:

- Signs, letters or numbers required by law;
- Any vehicle licence plate issued by the Council;
- A sign giving the company/operator name and telephone number on the front and rear doors (following approval from the Licensing Section);
- Sign indicating membership of a national motoring organisation;
- Sign requesting passengers not to smoke in the vehicle;
- Tariff card (if a meter is fitted);
- Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts;
- Any sign to indicate that CCTV is in use in the vehicle;



- The display of advertising material is permitted, providing that it is legal and complies with the codes set down by the Advertising Standards Authority and has been viewed and approved by the Licensing Officer. As a general rule, advertisements for alcohol or tobacco products or are of a sexual nature are not permitted as well as anything that is likely to cause offence are insulting or abusive. The advertisement must not be placed on the windows.

## **Liquefied Petroleum Gas (LPG)**

If you are converting your licensed vehicle to run on Liquefied Petroleum Gas (LPG) you must notify the Council of such a change and it must comply with the Council's Policy as set out above.

## **Radio transmitters/receivers**

All radio equipment fitted to the vehicle must be well maintained, appropriately licensed.

## **Roof Signs**

All vehicles shall be fitted with an illuminated roof sign showing only the words in black lettering 'Taxi'. The sign must be illuminated when the vehicle is plying for hire and must comply with any requirements of vehicle lighting regulations at all times. When the vehicle is hired and the meter engaged, the roof sign must no longer be lit.

## **Taxi Meters**

All Hackney Carriage vehicles must be fitted with a taxi meter which must be calibrated in accordance with the Council's approved table of fares. All meters installed must be Public Carriage Office and British Standards Institute approved.

The meter must be switched on immediately before the journey commences and not before. The meter must not be engaged whilst loading a passenger or their luggage into the vehicle. The meter must be kept running until the end of the journey and must not be left running whilst unloading a passenger or their luggage.

Unless directed otherwise by the hirer, a driver must take the most direct available route to the required destination.

## **Taxi Fares**

You must make sure that the fare charged for a journey in the vehicle, when it is hired as a Hackney Carriage, is exactly the fare laid down in the Council's Fares Table. The tariff incorporating any fixed surcharges may only operate during the times specified on the table of fares.

## **HACKNEY CARRIAGE BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the District Council of Bromsgrove with respect to hackney carriages in Bromsgrove.

### **Interpretation**

Throughout these byelaws “the Council” means the District Council of Bromsgrove and “the District” means the District of Bromsgrove.

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed**

- (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto:
- (b) A proprietor or driver of a hackney carriage shall:-
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### **Provisions regulating how hackney carriages are to be furnished or provided**

The proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (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; and
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such a carriage and a separate means of ingress and egress for the driver.

### **Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges**

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage a greater number of persons than the number of person specified on the plate affixed to the outside of the carriage.

If a badge has been provided by the council and delivered to the driver of a hackney carriage he shall when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

## **Provisions fixing the rates or fare to be paid for hackney carriages within the District and securing the due publication of such fares**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully nor negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriage, and fixing the charges to be made in respect thereof**

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may be accidentally left therein.

The proprietor or driver of a hackney carriage shall if any property is accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Customer Service Centre, Parkside, Market Street, Bromsgrove and leave it in the custody of an authorised officer of the Council on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

**Penalties**

Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding £100 and in the case of a continuing offence to a further fine not exceeding £2 for each day during which the offence continues after conviction thereof.

## **SECTION C – PRIVATE HIRE OPERATOR**

### **APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE**

A person wishing to operate private hire vehicles requires a licence from the Council to do so. To “operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle, whether or not you own the vehicle.

As a licensed private hire operator, you would be able to accept bookings for any number of private hire vehicles providing all drivers and vehicles are licensed by the same Council.

Bookings can be accepted from hirers both inside and outside the district.

#### **Council Policy relating to a Private Hire Operator’s Licence**

- (a) Applicants must be able to demonstrate that they have good conversational English in order to be able to communicate with hirers. If officers have any concerns that the applicant cannot demonstrate good conversational English, the application will be referred to a Licensing Sub-Committee.
- (b) Applicants must be over 21 years of age.
- (c) Applicants for a new licence should be free from previous convictions and cautions, other than for minor traffic offences. Please refer to separate guidance relating to the relevance of convictions.
- (d) Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences.

#### **Those who do not meet Council Policy**

Officers cannot grant applications for licences to those applicants who do not meet the above criteria. An applicant who does not meet the above criteria may request to have their application determined by the Taxi Licensing Sub-Committee. The Taxi Licensing Sub-Committee will have regard to the guidelines relating to the relevance of convictions.

The licence, if granted, is valid for a period of 5 years unless the applicant has requested that the licence only lasts for one year. All licences are issued subject to conditions.

Premises used in connection with private hire operations may require planning consent. Enquiries about planning should be made to the Development Control Section, at Bromsgrove District Council.

## **Making an initial application**

To apply for a licence to operate private hire vehicles the completed application form should be submitted with the following documents:

- A completed application form
- A DBS application, if applicable (see explanatory note A). If the applicant for an operator licence is already a licensed hackney carriage/private hire driver with the Council, no DBS Disclosure application form needs to be submitted.
- The application fee (see explanatory note E).

The completed application form together with the above documents and fee must be submitted to the Customer Service Centre, Parkside, Market Street, Bromsgrove, B61 8DA or posted to the address at the front of this guide.

## **INCOMPLETE APPLICATIONS WILL BE RETURNED.**

If an applicant is unsure about how to complete any part of the application, he/she should ask for advice from a Council Licensing Officer.

## **RENEWING A PRIVATE HIRE OPERATOR'S LICENCE**

Responsibility for renewal of the operator licence rests solely with the licence holder.

The application procedure for renewal is the same as the procedure for an initial application, with the exception of the DBS application which will need to be renewed every 3 years.

### **Renewal of Licence**

The Operator shall at least 21 days prior to the date of when the licence is due to expiry, make application to the Licensing Section for a renewal.

## **CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE OPERATOR'S LICENCE**

The Council reserves the right to amend the conditions relating to Hackney Carriage and Private Hire licensing in light of changing circumstances or changes in legislation. These conditions are not to be treated as exhaustive.

Failure to comply with the following conditions may result in the licence being suspended or revoked and/or lead to prosecution. A revoked or suspended licence must be surrendered to the Council on demand.

### **Records**

You must keep records of your business either in a book or on a computer – this is required by law (Section 56 of the Local Government (Miscellaneous Provisions) Act 1976.) If you use a book, then you must number the pages consecutively. If you use a computer, then you must make security copies of your records each day, in a way approved by the Council.

You must keep two kinds of records:- (a) for journeys and (b) for vehicles and drivers

### **Journeys**

Before each journey begins, you (or somebody who is working for you) must enter the following details of the journey in the book or on the computer:-

- (a) the date and time at which the booking is made;
- (b) the name and address of the person hiring the vehicle;
- (c) the time and date of the pick-up;
- (d) the place of the pick-up;
- (e) the destination;
- (f) the registration number or call sign of the vehicle which is going to do the pick-up;
- (g) details of any sub-contract.

### **Vehicles and Drivers**

You must also keep records of all the vehicles and drivers who are operated by you. These details must include:-

- (a) the vehicle registration number and any call sign of the driver;
- (b) the name and address of the owner of each vehicle;
- (c) the name and address of each driver;
- (d) details of the Private Hire Vehicle Licence including the expiry date;
- (e) Copy of the current insurance document;
- (f) details of the Private Hire Driver's licence number and date of expiry;
- (g) date the driver started working for that operator;
- (h) date the driver ceased working for that operator;
- (i) details of the drivers DVLA licence.

You must keep all your records for at least 12 months following the date of the last entry and you must make them readily available for inspection by one of the Council's Authorised Officers or by a Police Officer. If you keep your records on computer you must, if required to do so by the Council's Authorised Officer or by a Police Officer, provide a print out of any of the details listed above. If, for any reason, you do not have the records at the time such a request is made, you must tell the Council's Authorised Officer or the Police Officer where they are.

## **Responsibility for Hirings**

Every hiring of a hire car is deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle. Operators are therefore directly responsible for the acts or omissions of drivers or proprietors used by them and must therefore ensure that all vehicles and drivers are licensed and insured.

## **Standard of Service**

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, in particular:

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, arrive on time at the appointed place.
- (b) Keep clean, safe, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- (e) Ensure that any radio equipment complies with all current codes of practice and legal requirements as to its usage;
- (f) Be in charge of the daily operation of the business;
- (g) The operator shall instruct their drivers not to sound the horn to announce their arrival to the hirer.
- (h) The operator must advise the Council of any changes of drivers within seven days.

## **Convictions**

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or in the event of a partnership, on any of the partners) during the period of the licence.



## **Change of address or sale of business**

The Operator shall inform the Licensing Section in writing within seven days of any change of the Operator's address or the sale of the business.

## **Avoidance of Nuisance**

The Operator shall operate the business in a manner which does not cause any nuisance to the public at large or to person in occupation of the premises adjoining or adjacent to the premises at which he keeps the vehicles when not in use. Any necessary consents (including planning permission) shall be held by the Operator.

## **SECTION D – OTHER RELEVANT LEGAL INFORMATION**

The licensing of hackney carriage and private hire vehicles, drivers and operators is mainly governed by Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. These pieces of legislation create a number of criminal offences which if committed, could lead to prosecution in the Magistrates' Court.

There are also Byelaws adopted by the Council in respect of Hackney Carriages. Offenders against these Byelaws are liable on summary conviction to a maximum penalty of a £500 fine.

Persons convicted of offences under either Act may also have their licences suspended, revoked or not renewed.

### **Driving of Licensed Vehicles**

A licensed hackney carriage or private hire vehicle can only be driven by someone who holds a licence to drive that type of vehicle, that has been issued by the same Council that licences the vehicle.

This is the case regardless of the purpose for which the person was driving the vehicle at the time. This means, for example, that a vehicle licensed by the Council to be used as a private hire vehicle cannot be driven by the spouse or other relative of a licence holder for social and domestic purposes, unless they have also been issued a licence by the Council to drive private hire vehicles.

Removing the vehicle licence plate and any signage displayed on the roof or bodywork of the vehicle does not make a difference as the vehicle remains a licensed vehicle until such time as the licence has expired or has been surrendered, suspended or revoked.

A person driving a licensed vehicle without the appropriate drivers licence would also be very likely to invalidate any insurance policy held in relation to the vehicle and therefore may also be committing further offences of driving without insurance.

### **Carrying Assistance Dogs**

#### Hackney Carriages

Under the terms of the Equality Act 2010, drivers of hackney carriage vehicles that have been hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog, must:

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

## Private Hire Vehicles

The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle

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

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

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

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

Failure to comply with these duties is an offence and will also put a driver's licence to drive hackney carriage and/or private hire vehicles at risk of suspension or revocation.

An exemption from these duties is available for drivers on medical grounds only. There is no exemption from these duties available on cultural or religious grounds.

The exemption only applies if the driver has applied for and been issued with an exemption certificate by the Council. If you have a medical condition that means you cannot comply with the duty to carry assistance dogs, please contact the Licensing Team for advice on applying for an exemption certificate.

## **Smoking in Licensed Vehicles**

Under the terms of the Health Act 2006 and associated regulations, all licensed hackney carriage and private hire vehicles are designated as smoke free vehicles. This means that it is an offence to smoke in a licensed vehicle at any time, regardless of whether passengers are being carried in the vehicle at the time.

Furthermore it is an offence for the driver of a smoke free vehicle to allow a passenger to smoke in the vehicle.

Smoking or allowing smoking in a licensed vehicle is not only an offence under the Health Act 2006, but may also put a driver's licence to drive hackney carriage or private hire vehicles at risk of suspension or revocation.

## **Use of Taxi Ranks**

Only vehicles licensed by the Council as hackney carriages may stop on an appointed taxi rank. Private hire vehicles may not stop on an appointed taxi rank for any reason including to allow a passenger who has made an advance booking for the private hire vehicle to get in or out of the vehicle.

Unless the passenger has a legitimate reason for choosing to enter another vehicle waiting on a taxi rank, they should normally be directed to enter the vehicle at the front of the rank.

## **Reporting Accidents**

If a licensed hackney carriage or private hire vehicle is involved in an accident that causes material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers, the proprietor of the vehicle must report this to the Council as soon as possible and not later than within 72 hours.

Failure to report an accident within the required timescale is an offence.

## **Prolonging Journeys**

It is an offence to unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired without reasonable cause.

## **Charging More Than The Prescribed Fare**

It is an offence to charge the hirer of a Hackney Carriage vehicle more than the prescribed fare for a journey within the district.

The taximeter should always be used, even if a fare has been agreed before commencement of the journey so as to prove that no more than the prescribed fare for the journey has been charged.

## **Leaving Hackney Carriage Unattended on a Rank**

It is an offence to leave a Hackney Carriage unattended on a taxi rank. If you need to leave your vehicle for any reason, you must park it lawfully away from the taxi rank.

## **Seatbelts and Child Restraints**

Drivers of Licensed Hackney Carriage Vehicles are exempted from the requirement to wear a seatbelt when:

- Using the vehicle to seek hire,
- Answering a call for hire, or
- Carrying passengers for hire.

Drivers of Licensed Private Hire Vehicles are exempted from the legal requirement to wear a seatbelt when the vehicle is being used to carry a passenger for hire.

The driver of a vehicle is responsible for ensuring correct seatbelts or child restraints are worn by any passengers in their vehicle that are under the age of 14.

Responsibility for ensuring the correct use of seatbelts by passengers aged 14 years or above rests with the passenger themselves.

The law requires all children travelling in the front or rear seat of any car, van or goods vehicle must use the correct child car seat until they are either 135 cm in height or 12 years old (which ever they reach first). After this they must use an adult seat belt. There are very few exceptions.

It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

In a licensed taxi or private hire vehicle, Children under 3 years of age can travel without a child's car seat or seat belt, but only in the rear of the vehicle.

Children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt.

## **Requests from Authorised Officers and Constables**

It is an offence to wilfully obstruct an authorised officer or constable acting in the course of their duties.

It is an offence to fail to comply with any requirement properly made to him by an authorised officer or constable without reasonable cause.

It is an offence to fail to give an authorised officer or constable any other assistance or information which he may reasonably require of you without reasonable cause.

## **Overtaking**

If a hackney carriage stand (taxi rank) is fully occupied at the time of your arrival, you must not wait at the rear of the rank for a space to become available. This is referred to as "overtaking" and would be a breach of the Hackney Carriage Byelaws.

## **Refusing a Hiring**

It is an offence for the driver of a licensed Hackney Carriage Vehicle to refuse to accept a hiring without reasonable cause.

The fact that a hirer only wants to be transported a short distance is not considered to be reasonable cause for refusing the fare.

Whether the driver of a licensed Hackney Carriage Vehicle has reasonable cause to refuse to accept a hiring will depend of the circumstances of the individual case.

## **Unlawful Discrimination**

Under the Equality Act 2010, it is unlawful for the provider of any good and services (including Hackney Carriage and Private Hire Services) to discriminate against someone either directly or indirectly because of their:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Therefore people accessing Hackney Carriage and Private Hire services cannot be denied service or charged extra for their services on account of one of the above factors.

## Child Sexual Exploitation – Guidance For Licensed Drivers

### Child Sexual Exploitation involves;

Young people under the age of 18 being encouraged or forced into situations or relationships of a sexual nature by an adult. Often this involves the young person being offered something such as food, accommodation, alcohol, drugs gifts or money in return for performing sexual acts, including posting images on social media. It is not unusual that the young person experiences violence, coercion or intimidation.

### Where can it happen?

Young people can be sexually exploited at any time in any location some examples of places are:

- Parks
- Shopping Centres
- Taxi Ranks
- Restaurants/Takeaways/Pubs/Clubs/Bars
- Gyms/Leisure Centres

### How does this affect the Taxi Trade?

Drivers can be the eyes and ears of the community as such they can play a crucial part in the fight against child sexual exploitation by reporting potentially important information to the local authority.

### What are your responsibilities?

You may be aware of or have suspicions about a child being at risk or about a premise that may be used to sexually exploit children if this is so it should be reported using the Police non-emergency number **101** or **Crimestoppers 0800 555 111**.

Operators may wish to consider conducting driver training to raise awareness of indicators of Child Sexual Exploitation and how this can be reported

### What to Look for:

- Taking/collecting young people (girls and boys) hotels/bed and breakfasts/house-parties/pubs
- Picking up young people from other cars
- Young people that look distressed, intimidated or frightened
- Young people under the influence of drugs or alcohol
- Suspicious activity in 'hot spot' areas, this may include a residential premises
- Attempts by young women to avoid paying fares in return for sexual favours
- Men requesting regular taxi rides to and from locations with young people
- Young people with injuries such as bruising or blood stains
- Taking young people to A&E who are not in the presence of parents
- Change in the personality, wellness or demeanour of a child you may transport regularly
- A young person displaying inappropriate sexualised behaviours

### What you need to do;

Make a note of the information you have such as

- Locations and/or addresses
- descriptions of people
- Car registration numbers, make and models of vehicles
- Description of the activity that you are concerned about and the time it occurred

Call **101** or **Crimestoppers 0800 555 111** to report any concerns about possible sexual exploitation.



## USEFUL CONTACTS

Licensing Team  
(Worcestershire Regulatory Services)

Tel: 01905 822799  
email: [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)  
Website: [www.bromsgrove.gov.uk/licensing](http://www.bromsgrove.gov.uk/licensing)

Nominated Garage  
Council Depot, Sherwood Road, Bromsgrove, B60 3EX

Tel: 01527 881188

Customer Service Centre  
Parkside, Market Street, Bromsgrove, B61 8DA

Opening Hours:  
Monday to Friday 9am – 5pm

Licensing Surgeries  
Customer Service Centre, Parkside, Market Street, Bromsgrove,  
B61 8DA

Tuesdays	13:30 – 15:00
Wednesdays	09:30 – 11:00
Fridays	09:30 – 11:00

Driver Training (Worcestershire County Council)

Tel: 01905 846827 (9am – 2pm)

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## **LICENSING COMMITTEE**

**13<sup>th</sup> November 2017**

### **13<sup>th</sup> NOVEMBER 2017**

Proposed amendments to Hackney Carriage and Private Hire Licensing Policies – Approval to Consult

### **12<sup>th</sup> MARCH 2018**

Results of consultation on proposed amendments to Hackney Carriage and Private Hire Licensing Policies

12 month review following the public awareness raising campaign (Jan / Feb 2017) on Wheelchair Accessible Vehicles (WAV's) – Update report.

Hackney Carriage and Private Hire Penalty Points Scheme – review of the scheme

Licensing Act 2003 — Approval for consultation on revised Statement of Licensing Policy

Gambling Act 2005 – Approval for consultation on revised Statement of Principles

### **To Be Allocated To Suitable Available Dates in 2018/2019**

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers

Licensing Act 2003 — Consideration of responses to consultation on revised Statement of Licensing Policy

Gambling Act 2005 – Consideration of responses to consultation on revised Statement of Principles

Hackney Carriage and Private Hire Penalty Points Scheme – regular update reports on the scheme to continue into 2018/2019

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