



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 14TH MARCH 2022
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, A. B. L. English, A. D. Kriss, P. M. McDonald, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer and M. Thompson

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 15th November 2021 (Pages 1 - 4)
4. Draft Hackney Carriage and Private Hire Licensing Policy - Consideration of Consultation Responses (Pages 5 - 146)
5. Review of Hackney Carriage Table of Fares (Pages 147 - 158)
6. Licensing Committee Work Programme March 2022 (Pages 159 - 160)
7. 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

4th March 2022

**If you have any queries on this Agenda please contact
Pauline Ross
Democratic Services Officer**

**Parkside, Market Street, Bromsgrove, B61 8DA
Tel: 01527 881406**

Email: p.ross@bromsgroveandredditch.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at a local authority.

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

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are strongly encouraged to take a lateral flow test on the day of the meeting, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Committee meeting, should provide their apologies to the Democratic Services Officer and should self-isolate in accordance with national rules.

Members and officers must wear face masks during the meeting, unless exempt.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

Members of the public will still be able to access the meeting in person if they wish to do so. However, due to social distancing requirements to ensure the safety of participants during the Covid-19 pandemic there will be limited capacity and members of the public will be allowed access on a first come, first

served basis. Members of the public in attendance are strongly encouraged to wear face coverings, to use the hand sanitiser that will be provided and will be required to sit in a socially distance manner at the meetings. It should be noted that members of the public who choose to attend in person do so at their own risk.

In line with Government guidelines, any member of the public who has received a positive result in a Covid-19 test on the day of a meeting should not attend in person and should self-isolate in accordance with the national rules.



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

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

at www.bromsgrove.gov.uk

This page is intentionally left blank

Agenda Item 3

Licensing Committee
15th November 2021

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 15TH NOVEMBER 2021, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. B. L. English, J. E. King (substituting for Councillor S. A. Robinson), A. D. Kriss, P. M. McDonald, M. A. Sherrey, C. J. Spencer and M. Thompson

Officers: Mr. R. Keyte, Mr. D. Etheridge and Mrs. P. Ross

8/21 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor H. D. N. Rone-Clarke, S. P. Douglas and S. A. Robinson, with Councillor J. E. King in attendance as the substitute Member for Councillor S. A. Robinson.

9/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

10/21 **MINUTES**

The minutes of the Licensing Committee held on 12th July 2021 were submitted.

RESOLVED that the minutes of the Licensing Committee held on 12th July 2021, be approved as a correct record.

11/21 **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES**

The Council's current Statement of Principles under the Gambling Act 2005 had taken effect on 31st January 2019. In accordance with the provisions of the Act, the Council was required to prepare and publish a Statement of Principles every three years. As a result, a new Statement of Principles must be published by 31st January 2022.

Following on from the Licensing Committee meeting held on 12th July 2021, whereby Members approved the draft revised Statement of Principles for the purpose of consultation.

Subsequently consultation on the revised draft Statement of Principles had taken place with all relevant parties including:

Agenda Item 3

Licensing Committee
15th November 2021

- The Chief Officer of West Mercia Police
- The Gambling Commission
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- The Public Health Team at Worcestershire County Council
- Organisations working with people who are problem gamblers
- Parish Councils
- The general public

Members were now being asked to consider the responses received to the consultation and the changes incorporated into the revised draft Statement of Principles as a result of the responses received.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so informed Members that the consultation exercise on the draft Statement of Principles was carried out from 20th July 2021 and had remained open for comments until 10th September 2021.

During the consultation period two responses were received. The first of these responses was from Gosschalks Solicitors, submitted on behalf of their clients the Betting and Gaming Council, as detailed at Appendix 1 to the main agenda report.

Their response had contained one suggested amendment to be made, which was the redrafting of the bullet point at paragraph 11.4, to remove the reference to the term 'primary gambling activity', for the reasons as detailed on page 8 of the main agenda report.

A further response was received from the charity GambleAware, as detailed at Appendix 2 to the main agenda report.

Due to resource constraints, the charity had been unable to provide specific feedback on the draft Statement of Principles, but they had provided some useful links to tools and publications that could be used by licensing authorities to help identify areas with increased levels of risk for any reason, as detailed on page 8 of the main agenda report. These tools and publications would be very helpful when the Gambling Local Area Profile for Worcestershire was next updated.

In response to questions from the Committee, the Principal Officer (Licensing), explained that the consultation had been made available for comment via the Council's website and publicised via social media and also through the local press. It was difficult to engage, historically there had not been much response to previous consultations of the Statement of Principles. He was happy to scope any other methods suggested in order to engage with the general public.

In response to further questions from Members with regard to section 17 – Gambling in Alcohol Licensed Premises and in particular Section 282

Agenda Item 3

Licensing Committee
15th November 2021

of the Act which provided an automatic entitlement to alcohol licence holders to make available two gaming machines for use in alcohol licensed premises; the Principal Officer (Licensing), explained that the 21 days' notice to the licensee to remove the automatic authorisation / or to cancel a permit was a statutory requirement. Members would have to lobby their Member of Parliament to consider any changes to this statutory requirement.

The Principal Officer (Licensing), further highlighted that any formal action taken against a licensed premises, under the Gambling Act 2005, was publicised in the local press.

The Principal Officer (Licensing), further clarified that, as detailed on part 23.26, on page 48 of the main agenda report that 'at least 20% of the lottery proceeds must be applied to the purposes of the society', was again, a statutory requirement in legislation. The term 'lottery' also covered raffles, which was a form of lottery.

Further debate continued with Members highlighting some inconsistencies in the draft Statement of Principles with regard to the references made to 'children and / or young persons; in Section 9.0 - 'Protecting children and vulnerable people from being harmed or exploited by gambling', as detailed on page 26 of the main agenda report.

There were references throughout the draft Statement of Principles to 'children and / or young persons' Members questioned this.

The Principal Officer (Licensing) commented that the Gambling Act 2005 itself was not consistent, there were some forms of gambling open to young persons and not children.

With the agreement of the Chairman, the Council's Legal Advisor and the Principal Officer (Licensing), proceeded to look at the specific definition of 'children and young persons'.

With the agreement of the Chairman and whilst officers were deliberating, the meeting stood adjourned from 18:36pm to 18:41pm for an unannounced comfort break.

Having reconvened, officers suggested that in order to provide clarity, the following new paragraph be included in the draft Statement of Principles:-

Part 9.0 – Protecting children and vulnerable people from being harmed or exploited by gambling

“Section 45 of the Gambling Act 2005 defines a child as an individual under the age of 16 and a young person as an individual who is not a child but who is less than 18 years old. References in this statement to “a child” or “children” are to be read as including reference to “a young

Agenda Item 3

Licensing Committee
15th November 2021

person” or “young people” except in circumstances where this would be inconsistent with the provisions of the Gambling Act 2005 or where this statement is quoting from the legislation itself”.

Members agreed to this and that the draft Statement of Principles, be amended accordingly, as detailed in the preamble above and that it be

RECOMMENDED that

- a) the revised Statement of Principles, as amended by Licensing Committee Members, and detailed at Appendix 2, be approved; and
- b) the Statement of Principles be published by 31st January 2022.

12/21

LICENSING COMMITTEE WORK PROGRAMME 2021/2022

RESOLVED that the Licensing Committee Work Programme 2021/2022, be noted.

Comment

The meeting closed at 6.46 p.m.

Chairman

**DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY
CONSIDERATION OF CONSULTATION RESPONSES**

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

1. SUMMARY OF PROPOSALS

A review of all of the Council’s hackney carriage and private hire licensing policies was undertaken in response to the publication by the Department for Transport of guidance under section 177 of the Policing and Crime Act 2017 entitled “Statutory Taxi & Private Hire Standards.”

This work culminated in the production of a new draft hackney carriage and private hire licensing policy, which has been subject to consultation with relevant stakeholders. The responses received during this consultation now need to be considered.

2. RECOMMENDATIONS

That the Committee have regard to the responses received during the consultation and RESOLVE to approve the draft Hackney Carriage and Private Hire Licensing Policy at Appendix 1 to take effect on 1st September 2022.

3. KEY ISSUES

Financial Implications

3.1 The costs associated with carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

3.2 The Statutory Taxi and Private Hire Standards have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017.

- 3.3 Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.
- 3.4 Proper consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.

Service / Operational Implications

- 3.5 Section 177 of the Policing and Crime Act 2017 enabled the Secretary of State to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised so as to protect children and vulnerable individuals who are 18 and over from harm.
- 3.6 The legislation was to a large extent prompted by the Jay and Casey reports on child sexual abuse and exploitation (CSAE) in Rotherham. Both of these reports highlighted examples of taxi / private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused or sexually exploited.
- 3.7 A public consultation on draft statutory guidance ran between 12 February 2019 and 22 April 2019. Following lengthy consideration of the consultation responses, the Department for Transport published guidance entitled Statutory Taxi & Private Hire Standards (hereafter referred to as "the Standards") on 21 July 2020.
- 3.8 The Standards contains a number of recommendations regarding matters connected to taxi and private hire licensing functions including:
- Criminality checks for licence holders
 - Working with the Police
 - Sharing information with other licensing authorities
 - Dealing with complaints about drivers and operators
 - Training for Members
 - Criminal convictions and rehabilitation of offenders
 - Safeguarding awareness advice, guidance and training for drivers
 - Language proficiency
 - CCTV in licensed vehicles
 - Regulation of booking and dispatch staff
 - Record keeping

3.9 The Statutory Standards state that:

“Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.

The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.”

- 3.10 It is clear therefore that it is the desire of the Government to see consistent standards applied by taxi and private hire licensing authorities across the country.
- 3.11 On 15th March 2021, Members of the Licensing Committee were presented with a copy of a draft Hackney Carriage and Private Hire Licensing Policy for consideration. A copy of the draft policy can be seen at **Appendix 1**.
- 3.12 The draft policy was based on a template that had been created with a view to each of the six district Councils in Worcestershire adopting new policy statements that are substantially similar to one another, particularly in relation to the licensing of hackney carriage and private hire drivers and private hire operators.
- 3.13 Whilst a large number of the recommendations set out in the statutory standards were already met within the Council’s existing policies, the draft policy had been drafted so as to incorporate any of the recommendations that were not already being followed.
- 3.14 Members resolved that officers should undertake consultation on the draft policy that was presented to them at the Licensing Committee meeting on 15th March 2021.
- 3.15 Initial consultation was undertaken over a 12-week period between June and September 2021. The consultation was then re-opened for a 7-week period between December 2021 and January 2022 to provide a further opportunity for stakeholders to respond to the consultation.
- 3.16 Consultation was undertaken via a survey that was available to complete online. Paper versions of the consultation survey were also made available for those that wished to respond in that way.

- 3.17 Information on the consultation, along with details on how to respond were sent to:
- Those licensed by Bromsgrove District Council to drive or use a vehicle as a hackney carriage or private hire vehicle
 - Those licensed by Bromsgrove District Council to operate private hire vehicles
 - National Private Hire and Taxi Association
 - Licensed Private Hire Car Association
 - West Mercia Police
 - Safer Roads Partnership
 - West Mercia Police and Crime Commissioner
 - Relevant contacts at Worcestershire County Council, including those responsible for safeguarding children and adults and arranging home to school transport
 - Relevant interest groups, including those that represent people with disabilities and the elderly
 - Relevant local business groups
 - Elected Members
 - Parish Councils
- 3.18 The consultation was also available on the Council's website and was promoted via the Council's Communications Team, including via the Council's social media channels.
- 3.19 The questions asked of those consulted on the draft policy can be seen in the consultation document at **Appendix 2**.
- 3.20 A summary of the responses received to each of these questions can be seen at **Appendix 3**.
- 3.21 Officers have reviewed these responses and do not consider that there are any compelling local reasons why those elements of the draft policy that are based on the recommendations in the statutory standards should not be implemented.
- 3.22 A number of other comments and observations were received during the consultation exercise and officers have considered these and propose responses that are set out in the table below.

Comment / Observation	Officer's Response
Need to specify that safeguarding training covers safeguarding of adults and children	In line with the statutory standards, officers will ensure that the safeguarding training implemented relates to the safeguarding of children and vulnerable adults.
Concerns over level of English language proficiency that will be required from drivers	The level of English language proficiency that will be required will be that which is suitable and sufficient to the role being performed, this will be guided by the relevant part of the statutory standards.
Suggestions as to content of training for drivers in respect of assisting those with disabilities	These suggestions will be discussed with the training provider appointed to deliver the Worcestershire Taxi and Private Hire Competency Certificate with a view to them being incorporated in the training delivered. This does require any amendment to the text of the draft policy.
The changes proposed to the Council's policy in circumstances where a licence holder needs to change their vehicle will cause an unnecessary financial burden on licence holders	The draft policy sets out the Council's approach to refunding licence fees paid when a licence is surrendered prior to its expiry. This approach will help offset the additional costs that would be incurred as a result of the change in policy in respect of licence holders changing their vehicles.

Comment / Observation	Officer's Response
<p>Concern about proposal to issue 5-year operator licences and suggestion that a 3 year licence should be issued instead.</p>	<p>Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 says the following in respect of private hire operator licences:</p> <p><i>“Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”</i></p> <p>The proposal in the draft policy is therefore in line with legislative requirements.</p>
<p>Concerns about requirement to retain insurance documents for 12 months from the date of expiry.</p>	<p>Officers do not consider this to be an unreasonable or disproportionate requirement to include in licence conditions.</p>
<p>When a private hire vehicle licence holder is exempted from the requirement to display an external licence plate, the information on the plate should be displayed internally in a manner visible to passengers.</p>	<p>This information will be required to be displayed internally as private hire vehicle licence conditions requiring the display of an internal licence plate will still apply even if an exemption from displaying the external licence plate is provided to a licence holder.</p>
<p>Vehicle proprietors and private hire operators should be subject to an enhanced criminal record check rather than a basic one.</p>	<p>Legislation does not allow the Council to undertake enhanced checks on vehicle proprietors and private hire operators, only those that hold or apply for driver licences.</p>

Comment / Observation	Officer's Response
<p>Is there an opportunity to amend standards and age limits in relation to electric vehicles?</p>	<p>Whilst this was not part of the current policy consultation, this is something the Council could include in its future work programme.</p>
<p>The practical driving proficiency assessment should cover "eco-driving" to encourage driving in a way that reduces fuel consumption and produces lower carbon emissions.</p>	<p>This suggestion will be discussed with the training provider appointed to deliver the Worcestershire Taxi and Private Hire Competency Certificate with a view to them being incorporated in the training delivered.</p> <p>This does require any amendment to the text of the draft policy.</p>
<p>It should be clearly stated that failure to carry an assistance dog without the requisite medical exemption will result in immediate suspension or revocation of a driver's licence.</p>	<p>This matter is taken extremely seriously by officers and all allegations of this nature will be investigated. Anyone found guilty of refusing to carry an assistance dog would be referred to a Licensing Sub-Committee so that consideration can be given to the suspension or revocation of their licence. Such consideration will include whether any suspension or revocation should have immediate effect.</p>
<p>Recommend that Bromsgrove District Council works together in conjunction with assistance dog owners to ensure requirements are being complied with.</p>	<p>Whilst not something that needs to be set out in the Council's policies, officers will explore working with the Guide Dogs charity and others to ensure drivers and operators are meeting their legal requirements in respect of transporting assistance dogs.</p>

- 3.23 Having considered the responses and comments received during the consultation exercise, officers do not believe that any amendments to the text of the draft policy are required prior to implementation.
- 3.24 Members are therefore asked to have regard to the responses received during this consultation exercise and to approve the draft Hackney Carriage and Private Hire Licensing Policy at **Appendix 1** to take effect on 1st September 2022.

4. RISK MANAGEMENT

- 4.1 Failure to have regard to the guidance issued under section 177 would leave the Council in breach of a legal duty to do so.
- 4.2 Although it remains the case that the Council must reach its own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the Standards without sufficient justification could be detrimental to the authority's defence.

5. APPENDICES

- Appendix 1 - Draft Hackney Carriage and Private Hire Licensing Policy
- Appendix 2 – Consultation questions
- Appendix 3 – Consultation Responses Summary

AUTHOR OF REPORT

- Name: Dave Etheridge – Principal Licensing Officer
Worcestershire Regulatory Services
- E Mail: dave.etheridge@worcsregservices.gov.uk
- Tel: (01905) 822799



Bromsgrove
District Council

www.bromsgrove.gov.uk

Hackney Carriage and Private Hire Licensing Policy (DRAFT)



Adopted with effect from: DATE

CONTENTS

Page

4	Introduction
	Licences to Drive Hackney Carriage and / or Private Hire Vehicles
5	Types of Licence Issued
6	Application Requirements – New Applicants
7	Worcestershire Taxi and Private Hire Competency Certificate
8	Previous Licensing History and Use of the National Register of Revocations and Refusals (NR3)
9	The Fit and Proper Person Test – Drivers of Hackney Carriage and Private Hire Vehicles
11	DBS Update Service Checks
12	Common Law Police Disclosure and Working with the Police
13	Referrals to the Disclosure and Barring Service and the Police
14	Application Requirements – Applicants Renewing a Licence
15	Amending a licence to drive private hire vehicles so as to authorise the holder of the licence to also drive hackney carriage vehicles
16	Review of Licences Issued to Driver of Hackney Carriage and/or Private Hire Vehicles
19	Licence Conditions
	Licences to Use a Vehicles as a Hackney Carriage or Private Hire Vehicle
20	Obtaining a licence to use a vehicle as a Hackney Carriage for the first occasion – Application Requirements
22	Obtaining a licence to use a vehicle as a private hire vehicle for the first occasion - Application Requirements
24	Renewing a licence to use a vehicle as a Hackney Carriage – Application Requirements
26	Renewing a licence to use a vehicle as a Private Hire Vehicle Application Requirements
28	Obtaining a licence to use a vehicle as a Hackney Carriage on a temporary basis Application Requirements
29	Obtaining a licence to use a vehicle as a Private Hire Vehicle on a temporary basis Application Requirements
30	Transferring a licence to use a vehicle as a Hackney Carriage (Change of Proprietor) Application Requirements
31	Transferring a licence to use a vehicle as a Private Hire Vehicle (Change of Proprietor) Application Requirements
32	Changing the vehicle that you are licensed to use as a hackney carriage
33	Changing the vehicle that you are licensed to use as a private hire vehicle
34	Consideration of applications to licence vehicles that do not meet the required criteria
35	The Fit and Proper Person Test – Hackney Carriage and Private Hire Vehicle Proprietors
37	Licence Conditions
38	CCTV cameras in hackney carriage and private hire vehicles
39	Inspection of hackney carriage and private hire vehicles
40	Powers to suspend and revoke vehicle licences
42	Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles
43	Exempting Proprietor's from Displaying an External Licence Plate on a Private Hire Vehicle

Licences to Operate Private Hire Vehicles

- 44 Application Requirements – New Applicants
- 45 Application Requirements – Renewal Applications
- 46 The Fit and Proper Person Test – Private Hire Operators
- 48 Licence Conditions
- 49 Review of Licences Issued to Operators of Private Hire Vehicles

General

- 50 Complaints against licence holders
- 51 Duties on licence holders in relation to assistance dogs
- 52 Duration of Licences Issued
- 53 Surrender of Licences
- 54 Refund of Fees Paid When a Licence is Surrendered

Annexes

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

1.0 Introduction

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

2.0 Licences to Drive Hackney Carriage and / or Private Hire Vehicles

2.1.0 Types of Licence Issued

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

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

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

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

DRAFT

2.2.0 Application Requirements – New Applicants

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

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

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

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

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

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

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

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

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

2.3.0 **Worcestershire Taxi and Private Hire Competency Certificate**

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

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

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

DRAFT

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

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

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

Delegated Decisions

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

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

Referral to a Licensing Sub-Committee

2.5.12 An application cannot be determined by officers under delegated powers where:

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

2.5.13 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.

2.5.14 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

2.6.0 DBS Update Service Checks

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

DRAFT

2.7.0 Common Law Police Disclosure and Working with the Police

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

2.8.0 Referrals to the Disclosure and Barring Service and the Police

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

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

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

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

DRAFT

2.9.0 Application Requirements – Applicants Renewing a Licence

- 2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:
- Continue to benefit from the right to work in the United Kingdom (UK)
 - Be deemed by the Council to remain a “fit and proper person” to hold a licence
- 2.9.2 Before a licence to drive hackney carriage and/or private hire vehicles can be renewed, the applicant must have submitted all of the following:
- Completed application form
 - A valid DVLA licence check code
 - Application fee
 - A recent passport sized photograph of themselves
- 2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.
- 2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.5 Once a licence holder reaches 65 years of age they will be required to provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.6 If an application to renew a licence to drive hackney carriage and/or private hire vehicles is received more than 14 days after the previous licence has expired, the applicant will be treated as if they were applying for a licence to drive hackney carriage and/or private hire vehicles for the first occasion.
- 2.9.7 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

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

2.10.1 Where a person who holds a licence to drive private hire vehicles licensed by the Council also wishes to be authorised to drive hackney carriage vehicles, they may apply to amend their licence in the following way.

2.10.2 Before being able to amend their licence the holder must pass the Council's topographical knowledge test.

2.10.3 The licence holder must then submit:

- The relevant application form
- The relevant application fee

2.10.4 When amending a licence to authorise the holder to drive hackney carriage vehicles, the expiry date of the licence will not be changed and the licence will still expire on the date that it would have expired had the application not been made.

DRAFT

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

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

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

2.11.3 Such information could include:

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

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

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

Suspending or revoking a licence with immediate effect

2.11.5 In normal circumstances, any decision to suspend or revoke a licence to drive hackney carriage and/or private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.

2.11.6 However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, then notice of the reasons for this will be given to the driver and the suspension or revocation will take effect when that notice is given to the driver.

2.11.7 Where a Licensing Sub-Committee has decided to suspend or revoke a driver's licence, they will also consider whether the interests of public safety require that suspension or revocation to have immediate effect.

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

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

Revoking a licence with immediate effect under delegated powers

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

Reinstatement of licences revoked with immediate effect under delegated powers

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

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

DRAFT

2.12.0 Licence Conditions

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

DRAFT

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

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

General vehicle requirements

- 3.1.1 An applicant for a licence to use a vehicle as a hackney carriage must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria meets the following criteria:
- manufactured from new as a right hand drive vehicle;
 - constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
 - has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
 - where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
 - has no side facing seats;
 - each provided seat has a minimum width of 407 mm per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
 - a distance of 178mm from the back of the seat in front (when in it's rear-most position) to the front of the seat behind.
 - each provided seat is accessible without the need to remove or fold, or tip up any other seat
 - the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
 - the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
 - Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.
 - All window glass must be to the manufacturer's standard specification and must be presented in an unmodified state. Vehicles must not be fitted with any films, foils, privacy glass (entirely black or reflective glass), or any other aftermarket tinting.

Vehicle age requirements

- 3.1.2 Where the vehicle **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 7 years of age.
- 3.1.3 Where the vehicle **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 10 years of age.
- 3.1.4 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation required to be submitted

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

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

General requirements

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

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has no side facing seats;
- each provided seat has a minimum width of 407 mm per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- a distance of 178mm from the back of the seat in front (when in it's rear-most position) to the front of the seat behind.
- each provided seat is accessible without the need to remove or fold, or tip up any other seat
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.
- All window glass must be to the manufacturer's standard specification and must be presented in an unmodified state. Vehicles must not be fitted with any films, foils, privacy glass (entirely black or reflective glass), or any other aftermarket tinting.

Vehicle age requirements

3.2.2 Where the vehicle **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 10 years of age.

3.2.3 Where the vehicle **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.2.4 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation required to be submitted

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

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

3.3.1 An applicant seeking to renew a licence to use a vehicle as a hackney carriage must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.1.1 of this policy.

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

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

3.3.3 Where the vehicle **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 10 years of age.

3.3.4 Where the vehicle **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.3.5 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

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

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

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

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

DRAFT

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

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

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

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

3.4.3 Where the vehicle **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 10 years of age.

3.4.4 Where the vehicle **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

3.4.8 Before a licence to use a vehicle as a private hire vehicle can be renewed, the applicant must have submitted all of the following:

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

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

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

DRAFT

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

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

Vehicle criteria

3.5.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.1.1 to 3.1.4 of this policy.

3.5.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

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

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

Duration of licence

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

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

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

Vehicle criteria

3.6.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.2.1 to 3.2.4 above.

3.6.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

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

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation to be submitted:

3.6.7 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:

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

Duration of licence

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

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

Documentation to be submitted:

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

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

Documentation to be submitted:

3.8.1 An applicant for the transfer of a licence to use a vehicle as a private hire vehicle must submit:

- Completed application form
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

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

3.8.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

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

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

DRAFT

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

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

DRAFT

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

- 3.11.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.11.2 The application will be determined at a hearing of the Council's Licensing Sub-Committee.
- 3.11.3 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.11.4 In considering whether the vehicle is of an exceptional standard, regard will be had to:
- The age of the vehicle
 - The mileage of the vehicle
 - The make, model and specifications of the vehicle
 - The emissions standards met by the vehicle
 - The MOT and service history of the vehicle
 - The interior and exterior condition of the vehicle
 - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.11.5 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.11.6 The primary and overriding consideration will be whether the vehicle is safe and fit for use.

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

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

Delegated Decisions

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

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

Referral to Licensing Sub-Committee

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

3.13.0 Licence Conditions

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

DRAFT

3.14.0 CCTV cameras in hackney carriage and private hire vehicles

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

DRAFT

3.15.0 Inspection of hackney carriage and private hire vehicles

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

Programmed Inspections of Licensed Vehicles

- 3.15.2 A licence to use a vehicle as a hackney carriage or private hire vehicle will not be granted or renewed unless the vehicle has been inspected and found to be safe and fit for use in accordance with the Council's criteria for licensing vehicles for such use.
- 3.15.3 Additionally, where a vehicle is more than seven years of age on the date the licence was issued, it must be presented for further inspection within a four week period beginning on the date six months after the licence issue date.
- 3.15.4 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Other inspections of Licensed Vehicles

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

3.16.0 Powers to suspend and revoke vehicle licences

Suspension of a licence on grounds of vehicle condition

- 3.16.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.16.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.16.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.

3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.

3.16.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

Revocation of a licence on grounds of vehicle condition

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

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

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

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

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

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

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

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

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

DRAFT

4.0

Licences to Operate Private Hire Vehicles

4.1.0 Application Requirements – New Applicants

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

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

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

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

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

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

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

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

4.2.0 Application Requirements – Renewal Applications

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

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

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

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

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

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

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

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

4.3.0 The Fit and Proper Person Test – Private Hire Operators

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

Delegated Decisions

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

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

Referral to Licensing Sub-Committee

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

4.4.0 Licence Conditions

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

DRAFT

4.5.0 Review of Licences Issued to Operators of Private Hire Vehicles

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

5.0

General

5.1.0 **Complaints against licence holders**

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

5.2.0 Duties on licence holders in relation to assistance dogs

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

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

5.2.2 The driver of the hackney carriage must:

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

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

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

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

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

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

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

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

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

5.3.0 Duration of Licences Issued

Licences to drive hackney carriage and / or private hire vehicles

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

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

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

Operator Licences

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

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

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

5.4.0 Surrender of Licences

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

DRAFT

5.5.0 Refund of Fees Paid When a Licence is Surrendered

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

Licences of 1 year duration

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

Licences of 3 year duration

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

Licences of 5 year duration

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

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

Annexes

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

Annex A

Guidelines on the Assessment of Previous Convictions

General approach

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

Cautions

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

Rehabilitation periods

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

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

Dishonesty

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

Drugs

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

Discrimination

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

Motoring convictions

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

Drink driving/driving under the influence of drugs

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

Using a hand-held device whilst driving

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

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

Conduct

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

Appearance

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

Assisting Passengers

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

Changes of Circumstances

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

DBS Update Service

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

Wearing and Display of Badges

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

Lost property

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

Receipts

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

Production of Documents

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

Return of licence and ID badge

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

Production of medical certificate

- B.23 Any licence holder aged 65 or over must provide the Council with a copy of the Council's prescribed medical fitness certificate, completed by a registered medical practitioner with access to their medical records and history, on the anniversary of the issue of the licence each year.

Deposit of Copy of Licence

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

Charging of fares

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

Carriage of animals

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

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

Condition of Vehicle

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

Making Alterations to a Vehicle

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

Licensing a Vehicle with Another Council

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

Insurance Cover

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

Allowing Other Persons to Drive the Vehicle

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

Display of External Licence Plate

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

Display of Internal Licence Plate

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

Roof Signs

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

Return of Licence Plate(s)

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

Changes of Circumstances

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

Advertising on Licensed Vehicles

- C.16 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.

Production of Documents

- C.17 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
 - Vehicle registration certificate (V5C)
 - Vehicle MOT test certificate
 - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- C.18 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- C.19 Where a vehicle is more than seven years of age on the date the licence was issued, it must be presented for further inspection within a four week period beginning on the date six months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Table of Fares (Tariff Card)

- C.20 The licence holder must ensure that a copy of the current table of fares (tariff card) set by the Council is carried in the vehicle at all times in a position where it can be accessed and read by any passenger as required.

CCTV

- C.21 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- C.22 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- C.23 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
 - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
 - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- C.24 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- C.25 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

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

Condition of Vehicle

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

Making Alterations to a Vehicle

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

Licensing a Vehicle with Another Council

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

Insurance Cover

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

Allowing Other Persons to Drive the Vehicle

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

Display of External Licence Plate

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

Display of Internal Licence Plate

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

Roof Signs

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

Advertising on Licensed Vehicles

- D.11 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.

External Signage

- D.12 Signage must be displayed on the vehicle with wording that makes clear that the vehicle must be booked in advance and is not available for immediate hiring. Such wording could include "Advance Booking Only" "This vehicle must be booked in advance" "No booking, no ride" or similar.

Prohibition on Display of Certain Words

- D.13 The words "Taxi" or "Cab" either in singular or plural or words of a similar meaning or appearance either alone or as part of a name must not be displayed anywhere on the vehicle licensed to be used as a private hire vehicle.

Return of Licence Plate(s)

- D.14 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- D.15 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
 - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- D.16 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Production of Documents

- D.17 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
 - Vehicle registration certificate (V5C)
 - Vehicle MOT test certificate
 - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- D.18 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- D.19 Where a vehicle is more than seven years of age on the date the licence was issued, it must be presented for further inspection within a four week period beginning on the date six months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Taximeters

- D.20 Where a taximeter is fitted in a vehicle licensed to be used as a private hire vehicle the must be fitted securely in a position where it can be easily read by passengers in the vehicle and must not be obscured from view in any way. A table of fares must be available in the vehicle for inspection by passengers to explain clearly the basis on which any hiring charges will be calculated by the taximeter.

CCTV

- D.21 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- D.22 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- D.23 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
 - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
 - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- D.24 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- D.25 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

DRAFT

Annex E

Equality Act 2010 – Position Statement on Sections 165 – 167

Introduction

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

Maintaining a List of Designated Vehicles

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

Accessibility Requirements for Vehicles Included on the List of Designated Vehicles

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

The Duties Placed on Drivers of Designated Vehicles

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

Exemptions from the Duties Placed on Drivers of Designated Vehicles

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

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

Enforcement

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

Annex F

Plate exemption policy for licensed private hire vehicles

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

DRAFT

Annex G

Standard conditions attached to a licence to operate private hire vehicles

Duty to Provide a Basic Disclosure Annually

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

Location of Operating Base and Records

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

Changes of Circumstances

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

Records of Bookings

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

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

Record Keeping – Vehicles and Driver's Operated

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

Record Keeping – Form of Records and Data Security

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

Provision of Information to Driver Dispatched

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

Provision of Information to Person Who Has Made a Booking

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

Use of Passenger Service Vehicles (PSVs) to Fulfil Bookings

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

Register of Staff

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

Recording and Dealing with Complaints

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

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

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

Waiting Rooms / Areas

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

Standard of Service

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

Conduct of licence holder and employees

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

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

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

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

Lost Property

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

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

BROMSGROVE DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

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

1. Bromsgrove District Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. Penalty points may be issued regardless of the geographic location in which the act of non-compliance took place.
5. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
6. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
7. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
8. There is a right of appeal to the Licensing and Support Services Manager at Worcestershire Regulatory Services against any points that are issued.
9. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.
10. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
11. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:

- Take no further action
 - Issue a written warning
 - Extend the two year period for which the points remain live
 - Suspend the licence
 - Revoke the licence
 - Any other action that the Sub-Committee feels appropriate in the circumstances of the case
12. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
 13. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
 14. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
 15. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
 16. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
 17. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES

	Offence (s) / Breach of condition (s)	Points applicable	Vehicle Driver	Vehicle Proprietor	Operator (PH)
1	Failing to behave in a civil and orderly manner	4	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	3	X		
3	Failing to wear drivers badge so it is plainly visible	3	X		
4	Failing to display vehicle licence plate on the outside rear of the vehicle	3	X	X	
5	Vehicle interior in unacceptable condition	3	X	X	
6	Vehicle exterior in unacceptable condition	3	X	X	

Agenda Item 4

7	Failure to provide fire extinguisher	3	X	X	
8	Taximeter defective or not clearly visible	4	X	X	
9	Failing to afford reasonable assistance with loading and unloading luggage	3	X		
10	Failure to display table of fares	3	X	X	
11	Conveying more passengers in the vehicle than permitted by the licence	4	X		
12	Leaving hackney carriage unattended on a stand	3	X		
13	Charging more than the prescribed fare for a journey	4	X		
14	When hired to do so, failing to attend at the appointed time and place without reasonable cause	3	X	X	X
15	Failing to hand in property left in a licensed vehicle by a passenger	3	X	X	X
16	Failing to notify the Council of motoring or other convictions within 7 days	4	X	X	X
17	Failing to keep appropriate records of bookings	4			X
18	Failing to notify the Council of a change of name or address	3	X	X	X
19	Refusing a fare without reasonable cause	3	X		
20	Failing to report an accident to the Council within 72 hours	3	X	X	
21	Failing to produce insurance certificate to officer on request	4	X	X	
22	Failing to produce vehicle for inspection on request	4	X	X	
23	Failure to produce booking records upon request	4			X
24	Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand	4	X		
25	Unnecessarily prolonging a journey without reasonable cause	4	X		
26	Obstructing an authorised officer or constable	4	X	X	X
27	Failing to comply with a requirement properly made by an authorised officer or constable	4	X	X	X
29	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code.	3	X		
30	Allowing smoking in a licensing vehicle	3	X		
31	Smoking in a licensed vehicle	3	X		
32	Parking a vehicle in an illegal or dangerous position	3	X		
33	Leaving a vehicle engine running unnecessarily while that vehicle is stationary on a public road (Highway Code Rule 123)	3	X		
34	Using a vehicle with defective tyres	4 (per tyre)	X	X	

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

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

This page is intentionally left blank



Bromsgrove
District Council

www.bromsgrove.gov.uk

Consultation on Draft Hackney Carriage and Private Hire Licensing Policy

June 2021



Bromsgrove District Council

Consultation on Draft Hackney Carriage and Private Hire Licensing Policy

Introduction and background

Bromsgrove District Council is responsible for issuing licences in respect of:

- Vehicles used as hackney carriages (taxis)
- Vehicles used as private hire vehicles
- Drivers of hackney carriages and private hire vehicles
- Operators of private hire vehicles

The overarching aim of the Council when carrying out these licensing functions, is to protect the public by ensuring vehicles are safe and fit for use and that drivers and operators are suitable people to undertake these roles.

In July 2020, with a view to better protecting children and vulnerable adults, the Department for Transport issued new statutory guidance to taxi and private hire licensing authorities called the “Statutory Taxi and Private Hire Standards.” A copy of the Statutory Standards can be found online here:

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

The Statutory Standards document sets out a framework of policies that licensing authorities “**must have regard to**” when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.

The Statutory Standards make clear that:

*“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.***

The Statutory Standards also state that:

*Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.***

In response to the publication of the Statutory Standards, Bromsgrove District Council has started a review of their hackney carriage and private hire licensing policies and in doing this has had regard to the Statutory Standards.

Agenda Item 4

In conducting the review of their policies, the Council has adopted the approach that they will look to incorporate the recommendations made in the Statutory Standards within their policies unless there is **a compelling local reason not to.**

The review of policies has provided the Council with the opportunity to review and update other parts of their existing policies, where it is felt appropriate to do so.

As part of this review, the Council has produced a draft “Hackney Carriage and Private Hire Licensing Policy” which it now seeks to consult upon locally with all relevant stakeholders. A copy of the draft policy can be downloaded here: www.bromsgrove.gov.uk/consultations

This consultation document will make clear where a proposed change to the Council’s existing policies is being made in direct response to a recommendation set out in the Statutory Standards. In respect of these changes, the Council is using the consultation exercise to ask those responding whether they have any evidence of a compelling local reason why the Council should not make that change.

Where there are other proposed changes to the Council’s policies that have not been prompted directly by the Statutory Standards those responding to the consultation are invited to provide their opinions on those proposed changes.

The Council would like to hear views on the draft Hackney Carriage and Private Hire Policy from all relevant stakeholders.

The Council would like to hear not only the taxi and private hire vehicle trades themselves but also groups likely to be the trades’ customers including groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest, women’s groups, local traders, and the local multi-agency safeguarding arrangements.

The Council believe it would also be helpful to hear the views of night-time economy groups (such as Pubwatch) as the taxi and private hire trade is an important element of dispersal from the local night-time economy’s activities.

The Council would like to hear the views of members of the local community who make use of taxi and private hire vehicle services in the area.

You can respond to the consultation online here: www.bromsgrove.gov.uk/consultations

Alternatively you can use this document to respond to the consultation by answering the questions on the following pages and posting your response to:

Bromsgrove Taxi Policy Consultation, Worcestershire Regulatory Services, Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF

You may find it helpful to download a copy of the draft policy to refer to when completing the online survey. A copy of the draft policy can be downloaded from www.bromsgrove.gov.uk/consultations

This consultation will be open for responses until **3rd September 2021.**

The responses received during the consultation will be considered by the Council before any decisions are taken regarding the implementation of the draft Hackney Carriage and Private Hire Licensing Policy.

Consultation Questions

Requirement to subscribe to the DBS Update Service

The Council is proposing to require all those who are granted a licence to drive hackney carriage and/or private hire vehicles to subscribe to the DBS Update Service and to remain subscribed throughout the period that they hold such a licence. The Council will then carry out a DBS update check using this service at least every six months in respect of each licence holder.

This change is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q1. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Agenda Item 4

Use of the National Register of Revocations and Refusals (NR3)

The Council is proposing to use the National Register of Revocations and Refusals (NR3) to check the details of all applicants for licences to drive hackney carriage and/or private hire vehicles to confirm that there is no record of them having been revoked or refused elsewhere.

The Council is proposing to use NR3 to record details of applications for licences that it has refused and licences that it has revoked.

The use of NR3 is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q2. Do you have any evidence of a compelling local reason why the Council should not use NR3 for these purposes?

Yes

No

Don't Know

If yes, please provide details below:

Child and Adult Barred Lists

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

This stance is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.3 Do you have any evidence of a compelling local reason why the Council should not adopt this stance?

Yes

No

Don't Know

If yes, please provide details below:

Making referrals to the Disclosure and Barring Service

The Council is proposing to adopt the approach of making referrals to the Disclosure and Barring Service where it takes a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult.

This approach is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q4. Do you have any evidence of a compelling local reason why the Council should not adopt this approach?

Yes

No

Don't Know

If yes, please provide details below:

Agenda Item 4

Guidelines on the Assessment of Previous Convictions

The Council is proposing to adopt new “Guidelines on the Assessment of Previous Convictions” which it has set out at Annex A of the draft Hackney Carriage and Private Hire Licensing Policy.

The proposed Guidelines on the Assessment of Previous Convictions are more robust than the current guidelines adopted by the Council and are those recommended by the Department for Transport in the Statutory Standards.

The adoption of the new guidelines is proposed in direct response to the recommendations in the Department for Transport’s Statutory Standards.

Q5. Do you have any evidence of a compelling local reason why the Council should not adopt the new Guidelines on the Assessment of Previous Convictions?

Yes

No

Don’t Know

If yes, please provide details below:

Agenda Item 4

Mandatory Safeguarding Training

The Council is proposing to require all new applicants for licences to drive hackney carriage and/ or private hire vehicle to undertake safeguarding training

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q6. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Agenda Item 4

English Language Proficiency

The Council is proposing to require all new applicants for licences to drive hackney carriage and/ or private hire vehicle to demonstrate they have suitable oral and written English language skills.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.7 Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Agenda Item 4

Working with Police

The Council is proposing to state its intention to maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used. The Council is proposing that as part of building an effective working relationship between the Council and the police, action taken by the Council as a result of information received will be fed-back to the police. To further aid the quality of information available to all parties that have a safeguarding duty, where there is a revocation or refusal of a licence on public safety grounds, the Council propose to ensure steps will be taken to advise the Police of this.

The adoption of this approach is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q8. Do you have any evidence of a compelling local reason why the Council should not adopt this approach to working with the Police?

Yes

No

Don't Know

If yes, please provide details below:

Criminality Checks for Vehicle Proprietors

The Council is proposing to require every person applying for a licence to use a vehicle as a hackney carriage or private hire vehicle to provide a basic disclosure. (Unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles)

The Council is then proposing to consider any information revealed by such a disclosure when deciding whether or not to grant a licence to the applicant.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q9. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Agenda Item 4

Requirement for Operators to Maintain a Register of Staff

The Council is proposing to require those that hold a licence to operate private hire vehicles to maintain a register of all staff that will take bookings or dispatch vehicles.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.10 Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Private hire operators – policy on the employment of ex-offenders

The Council is proposing to require those that have a licence to operate private hire vehicles to have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q11. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Criminality Checks for Private Hire Operators

The Council is proposing to require any person who holds a licence to operate private hire vehicles to provide a basic disclosure certificate annually (unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles)

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q12. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Agenda Item 4

Worcestershire Taxi and Private Hire Competency Certificate (new applicants)

The Council is proposing to introduce a requirement that all new applicants for licences to drive hackney carriage and / or private hire vehicles must obtain the “Worcestershire Taxi and Private Hire Competency Certificate.”

To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person will be required to demonstrate that they possess a suitable level of skills, knowledge and understanding in the following key areas:

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

The Worcestershire Taxi and Private Hire Competency Certificate is proposed to replace the existing training and assessment requirements for those seeking licences to drive hackney carriage and/or private hire vehicles.

The only exception to this would be that in addition to the Worcestershire Taxi and Private Hire Competency Certificate, those wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council's topographical knowledge test.

Q.13 Do you agree with the proposal to introduce this requirement?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Agenda Item 4

Types of Driver Licence Issued

The Council is proposing that it will normally only issue two types of driver licences:

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

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

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

Q14. Do you agree with these proposals?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Duration of Driver Licences

The Council is proposing to issue all licences to drive hackney carriage and/or private hire vehicles for a period of 3 years unless it thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

Q.15 Do you agree with this proposal?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Duration of Private Hire Operator Licences

The Council is proposing to issue all licences to operate private hire vehicles for a period of 5 years unless it thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

Q.16 Do you agree with this proposal?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Agenda Item 4

Issuing new vehicle licences after automatic revocation under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

The Council is proposing to adopt a change of policy that apply to a person whose licence to use a vehicle as a hackney carriage or private hire vehicle is revoked automatically because it has remained suspended under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a period of 2 months.

The policy would enable officers to grant such a person a new licence under delegated authority authorising them to use the same vehicle for the same purpose as it was used for previously, notwithstanding the fact that the vehicle may now be older than the maximum age at which the Council will normally licence a new vehicle entering the hackney carriage / private hire fleet for the first occasion.

This policy would apply provided that the application is made within a period of 2 months from the date the licence is automatically revoked under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Q.17 Do you agree that the Council should adopt this policy?

Yes

No

Don't Know

Q.18 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Changing of vehicles

The Council is proposing to adopt a policy that says that where a person who holds a licence to use a vehicle as a hackney carriage or private hire vehicle wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a hackney carriage or private hire vehicle for the first occasion.

Under the proposed policy the Council will no longer offer licence holders the options of paying a fee to transfer the remaining period left on an existing vehicle licence to be transferred to the replacement vehicle.

Q.19 Do you agree that the Council should adopt this policy?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer

Refunds on Surrender of Licence

The Council proposes to adopt a policy on the refunds it will offer on licence fees paid when a licence is surrendered before it is due to expire. The details of this policy are at Part 5.5 of the draft Hackney Carriage and Private Hire Licensing Policy on page 54.

Q.20 Do you agree that the Council should adopt this policy in respect of refunding licence fees when licences are surrendered?

Yes

No

Don't Know

Q.21 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Agenda Item 4

Standard conditions – driver licences

The Council proposes to attach the standard conditions shown at Annex B of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to drive hackney carriage and / or private hire vehicles.

Q.22 Do you think any of the standard conditions at Annex B should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.23 Do you think that any additional standard conditions need to be added to those set out in Annex B?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Standard conditions – hackney carriage vehicle licences

The Council proposes to attach the standard conditions shown at Annex C of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to use a vehicle as a hackney carriage.

Q.24 Do you think any of the standard conditions at Annex C should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.25 Do you think that any additional standard conditions need to be added to those set out in Annex C?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Agenda Item 4

Standard conditions – private hire vehicle licences

The Council proposes to attach the standard conditions shown at Annex D of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to use a vehicle as a private hire vehicle.

Q.26 Do you think any of the standard conditions at Annex D should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.27 Do you think that any additional standard conditions need to be added to those set out in Annex D?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Granting Exemptions from Displaying an External Licence Plate on a Private Hire Vehicle

The Council proposes to adopt the policy shown at Annex F of the draft Hackney Carriage and Private Hire Licensing Policy on how it will deal with requests for exemption from the requirement to display external licence plates on a private hire vehicle.

Q.28 Do you agree that the Council should adopt this policy?

Yes

No

Don't Know

Q.29 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Agenda Item 4

Standard conditions – private hire vehicle operators

The Council proposes to attach the standard conditions shown at Annex G of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to operate private hire vehicles

Q.30 Do you think any of the standard conditions at Annex G should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.31 Do you think that any additional standard conditions need to be added to those set out in Annex G?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Granting of Assistance Dog Exemption Certificates

The Council proposes to adopt the policy shown at Annex I of the draft Hackney Carriage and Private Hire Licensing Policy on how it will deal with the granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

Q.32 Do you agree that the Council should adopt this policy?

Yes

No

Don't Know

Q.33 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Other comments or observations

Q.34 Do you have any further comments or observations to make on the content of the Council's draft Hackney Carriage and Private Hire Licensing Policy?

If so, please provide those here:

Q.35 In what capacity are you responding to this consultation (select all that apply):

An individual licensed by Bromsgrove District Council to drive hackney carriage and/or private hire vehicles

An individual licensed by Bromsgrove District Council to use a vehicle as a hackney carriage or private hire vehicle.

An individual licensed by Bromsgrove District Council to operate private hire vehicles

Someone who uses hackney carriage or private hire vehicles

Other (please specify) _____

Q.36 Which best describes your gender?

Male

Female

Prefer to self describe

Prefer not to say

Q.37 What was your age, in years, on your last birthday?

16-19 years

20-29 years

30-39 years

40-49 years

50-59 years

60-69 years

70-79 years

80+ years

Prefer not to say

Q.38 To which of these groups do you consider you belong?

- White English/Welsh/ Scottish/Northern Irish/British
- Any other white background
- Mixed or multiple ethnic groups
- Asian or Asian British
- Arab
- Any other ethnic group
- Prefer not to say

Q.39 Which best describes your religion or belief?

- Atheist
- Buddhist
- Christian
- Humanist
- Hindu
- Jewish
- Muslim
- Pagan
- Sikh
- No religion/belief
- Prefer not to say

Other (please specify): _____

Q.40 How would you describe your sexual orientation?

Heterosexual

Lesbian or Gay

Bisexual

Prefer to self describe

Prefer not to say

Other (please specify): _____

Q.41 Do you have a long standing health issue or disability?

(Long-standing means anything that has troubled you over a period of at least 12 months or that is likely to affect you for at least 12 months)

Yes

No

Prefer not to say

CONSULTATION RESPONSES SUMMARY

Requirement to subscribe to the DBS Update Service

The Council is proposing to require all those who are granted a licence to drive hackney carriage and/or private hire vehicles to subscribe to the DBS Update Service and to remain subscribed throughout the period that they hold such a licence. The Council will then carry out a DBS update check using this service at least every six months in respect of each licence holder.

This change is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q1. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	0	0%
NO	13	92.9%
DON'T KNOW	1	7.1%
Answered	14	
Skipped	1	

Details of evidence provided in support of answers

None

Use of the National Register of Revocations and Refusals (NR3)

The Council is proposing to use the National Register of Revocations and Refusals (NR3) to check the details of all applicants for licences to drive hackney carriage and/or private hire vehicles to confirm that there is no record of them having been revoked or refused elsewhere.

The Council is proposing to use NR3 to record details of applications for licences that is has refused and licences that it has revoked.

The use of NR3 is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q2. Do you have any evidence of a compelling local reason why the Council should not use NR3 for these purposes?

YES	0	0%
NO	11	84.6%
DON'T KNOW	2	15.4%
Answered	13	
Skipped	2	

Details of evidence provided in support of answers

None

Child and Adult Barred Lists

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

This stance is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.3 Do you have any evidence of a compelling local reason why the Council should not adopt this stance?

YES	0	0%
NO	12	92.3%
DON'T KNOW	1	7.7%
Answered	13	
Skipped	2	

Details of evidence provided in support of answers

None

Making referrals to the Disclosure and Barring Service

The Council is proposing to adopt the approach of making referrals to the Disclosure and Barring Service where it takes a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult.

This approach is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q4. Do you have any evidence of a compelling local reason why the Council should not adopt this approach?

YES	0	0%
NO	11	91.7%
DON'T KNOW	1	8.3%
Answered	12	
Skipped	3	

Details of evidence provided in support of answers

None

Guidelines on the Assessment of Previous Convictions

The Council is proposing to adopt new “Guidelines on the Assessment of Previous Convictions” which it has set out at Annex A of the draft Hackney Carriage and Private Hire Licensing Policy.

The proposed Guidelines on the Assessment of Previous Convictions are more robust than the current guidelines adopted by the Council and are those recommended by the Department for Transport in the Statutory Standards.

The adoption of the new guidelines is proposed in direct response to the recommendations in the Department for Transport’s Statutory Standards.

Q5. Do you have any evidence of a compelling local reason why the Council should not adopt the new Guidelines on the Assessment of Previous Convictions?

YES	0	0%
NO	12	92.3%
DON'T KNOW	1	7.7%
Answered	13	
Skipped	2	

Details of evidence provided in support of answers:

None

Mandatory Safeguarding Training

The Council is proposing to require all new applicants for licences to drive hackney carriage and/ or private hire vehicle to undertake safeguarding training

The adoption of this requirement is in direct response to the recommendations in the Department for Transport’s Statutory Standards.

Q6. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	2	15.4%
NO	10	76.9%
DON'T KNOW	1	7.7%
Answered	13	
Skipped	2	

Details of evidence provided in support of answers:

Need to specify training covers safeguarding of adults and children

It should be specified that training needs to cover safeguarding of adults and children

English Language Proficiency

The Council is proposing to require all new applicants for licences to drive hackney carriage and/ or private hire vehicle to demonstrate they have suitable oral and written English language skills.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.7 Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	1	8.3%
NO	9	75.0%
DON'T KNOW	2	16.7%
Answered	12	
Skipped	3	

Details of evidence provided in support of answers:

It depends what 'suitable oral and written language skills' is defined as. I believe drivers should be able to converse verbally in English and they should be able to explain if there is an emergency ahead or a mechanical fault with a vehicle but I think it would be unfair to expect a driver to have to write in English, beyond typing a destination address into a sat nav system as I do not believe being able to write in English is really going to have an impact on whether a license holder is a safe and reliable driver.

I think given the number of taxi drivers locally who have English as a second language, and the practical nature of taxi driving that means that even for those who do have English as their first language, they may not always have a high level of formal academic education, regard should be given as to what level of oral and written English is really needed for a taxi-driver to do their job safely. Otherwise people could be unnecessarily excluded.

Working with Police

The Council is proposing to state its intention to maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used. The Council is proposing that as part of building an effective working relationship between the Council and the police, action taken by the Council as a result of information received will be fed-back to the police. To further aid the quality of information available to all parties that have a safeguarding duty, where there is a revocation or refusal of a licence on public safety grounds, the Council propose to ensure steps will be taken to advise the Police of this.

The adoption of this approach is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q8. Do you have any evidence of a compelling local reason why the Council should not adopt this approach to working with the Police?

YES	0	0%
NO	12	100%
DON'T KNOW	0	0%
Answered	12	
Skipped	3	

Details of evidence provided in support of answers:

None

Criminality Checks for Vehicle Proprietors

The Council is proposing to require every person applying for a licence to use a vehicle as a hackney carriage or private hire vehicle to provide a basic disclosure. (Unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles)

The Council is then proposing to consider any information revealed by such a disclosure when deciding whether or not to grant a licence to the applicant.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q9. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	1	8.3%
NO	11	91.7%
DON'T KNOW	0	0%
Answered	12	
Skipped	3	

Details of evidence provided in support of answers:

It should be an enhanced disclosure as it is now

Requirement for Operators to Maintain a Register of Staff

The Council is proposing to require those that hold a licence to operate private hire vehicles to maintain a register of all staff that will take bookings or dispatch vehicles.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport’s Statutory Standards.

Q.10 Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	0	0%
NO	12	100%
DON'T KNOW	0	0%
Answered	12	
Skipped	3	

Details of evidence provided in support of answers:
None

Private hire operators – policy on the employment of ex-offenders

The Council is proposing to require those that have a licence to operate private hire vehicles to have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport’s Statutory Standards.

Q11. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	1	9.1%
NO	10	90.9%
DON'T KNOW	0	0%
Answered	11	
Skipped	4	

Details of evidence provided in support of answers:
I believe that it should be an enhanced disclosure.

Criminality Checks for Private Hire Operators

The Council is proposing to require any person who holds a licence to operate private hire vehicles to provide a basic disclosure certificate annually (unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles)

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q12. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

YES	1	10%
NO	9	90%
DON'T KNOW	0	0%
Answered	10	
Skipped	5	

Details of evidence provided in support of answers:
--

Enhanced disclosure should be the standard
--

Worcestershire Taxi and Private Hire Competency Certificate (new applicants)

The Council is proposing to introduce a requirement that all new applicants for licences to drive hackney carriage and / or private hire vehicles must obtain the “Worcestershire Taxi and Private Hire Competency Certificate.”

To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person will be required to demonstrate that they possess a suitable level of skills, knowledge and understanding in the following key areas:

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

The Worcestershire Taxi and Private Hire Competency Certificate is proposed to replace the existing training and assessment requirements for those seeking licences to drive hackney carriage and/or private hire vehicles.

The only exception to this would be that in addition to the Worcestershire Taxi and Private Hire Competency Certificate, those wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council's topographical knowledge test.

Q.13 Do you agree with the proposal to introduce this requirement?

YES	6	54.5%
NO	5	45.5%
DON'T KNOW	0	0%
Answered	11	
Skipped	4	

Reasons and evidence provided in support of answers:
This is a great idea.
Yes - with the exception of the written English language proficiency.
Need to specify that safeguarding training relates to safeguarding of children and adults
Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. The 2019 Guide Dogs report “Access Denied” (https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/access-report-2019.pdf) found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers and we welcome

the inclusion of this in the Taxi and Private Hire Competency Certificate. It is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog.

We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Earlier this week we consulted with more people with learning disabilities about their experiences with using taxis. They often rely on taxis more heavily than the general population.

Again, what came across strongly is that it should be mandatory for taxi drivers, new and existing, to have some form of Disability Awareness Course, covering physical disabilities, learning disabilities and hidden disabilities. Drivers should also know how to operate any ramps on the vehicle and be able to safely tether a wheelchair for the journey (one of our members has had it suggested that they put the brake on whilst travelling; this is clearly not secure enough).

One of the young men at the group this week had had a difficult experience with a taxi driver being rude; a staff member had experienced a vulnerable elderly person being left without transport because the vehicle sent couldn't accommodate her zimmer frame.

Specify that safeguarding training relates to safeguarding of children and adults.

However, as mentioned previously, this should not be excessive so as not to exclude those who are good and safe taxi-drivers who don't have high levels of literacy and numeracy.

As Climate Change Officer, it is important that eco-driving included in the practical driving proficiency. More information from <https://energysavingtrust.org.uk/advice/efficient-driving/>

Types of Driver Licence Issued

The Council is proposing that it will normally only issue two types of driver licences:

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

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

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

Q14. Do you agree with these proposals?

YES	7	63.6%
NO	1	9.1%
DON'T KNOW	3	27.3%
Answered	11	
Skipped	4	

Reasons and evidence provided in support of answers:

I'm not sure of the reasons behind this, therefore no opinion.

Duration of Driver Licences

The Council is proposing to issue all licences to drive hackney carriage and/or private hire vehicles for a period of 3 years unless it thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

Q.15 Do you agree with this proposal?

YES	9	81.8%
NO	0	0%
DON'T KNOW	2	18.2%
Answered	11	
Skipped	4	

Reasons and evidence provided in support of answers:

Again this is great idea, and if implemented hopefully it would help

Duration of Private Hire Operator Licences

The Council is proposing to issue all licences to operate private hire vehicles for a period of 5 years unless it thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

Q.16 Do you agree with this proposal?

YES	6	54.5%
NO	3	27.3%
DON'T KNOW	2	18.2%
Answered	11	
Skipped	4	

Reasons and evidence provided in support of answers:

Currently, the taxi trade is on its knees financially and to have to pay for a five-year licence will put an unfair financial burden on the operator.

Why not three years?

It should only be for 3 years as was the previous statement.

Issuing new vehicle licences after automatic revocation under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

The Council is proposing to adopt a change of policy that apply to a person whose licence to use a vehicle as a hackney carriage or private hire vehicle is revoked automatically because it has remained suspended under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a period of 2 months.

The policy would enable officers to grant such a person a new licence under delegated authority authorising them to use the same vehicle for the same purpose as it was used for previously, notwithstanding the fact that the vehicle may now be older than the maximum age at which the Council will normally licence a new vehicle entering the hackney carriage / private hire fleet for the first occasion.

This policy would apply provided that the application is made within a period of 2 months from the date the licence is automatically revoked under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Q.17 Do you agree that the Council should adopt this policy?

YES	9	81.8%
NO	0	0%
DON'T KNOW	2	18.2%
Answered	11	
Skipped	4	

Reasons and evidence provided in support of answers:

None

Q.18 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

No responses were received to this question.

Changing of vehicles

The Council is proposing to adopt a policy that says that where a person who holds a licence to use a vehicle as a hackney carriage or private hire vehicle wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a hackney carriage or private hire vehicle for the first occasion.

Under the proposed policy the Council will no longer offer licence holders the options of paying a fee to transfer the remaining period left on an existing vehicle licence to be transferred to the replacement vehicle.

Q.19 Do you agree that the Council should adopt this policy?

YES	7	
NO	2	
DON'T KNOW	2	
Answered	11	
Skipped	4	

Reasons and evidence provided in support of answers:

This will cause an unnecessary financial burden to the driver.

Why penalise owners like this?

Refunds on Surrender of Licence

The Council proposes to adopt a policy on the refunds it will offer on licence fees paid when a licence is surrendered before it is due to expire. The details of this policy are at Part 5.5 of the draft Hackney Carriage and Private Hire Licensing Policy on page 54.

Q.20 Do you agree that the Council should adopt this policy in respect of refunding licence fees when licences are surrendered?

YES	8	72.7%
NO	1	9.1%
DON'T KNOW	2	18.2%
Answered	11	
Skipped	4	

Q.21 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Full refund of any unexpired complete month. Just like Road Tax refunds.

Please see comments under Section 13.

Standard conditions – driver licences

The Council proposes to attach the standard conditions shown at Annex B of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to drive hackney carriage and / or private hire vehicles.

Q.22 Do you think any of the standard conditions at Annex B should be amended or removed?

YES	2	20%
NO	7	70%
DON'T KNOW	1	10%
Answered	10	
Skipped	5	

Details and reasons provided in support of answers:

None

Q.23 Do you think that any additional standard conditions need to be added to those set out in Annex B?

YES	1	12.5%
NO	4	50%
DON'T KNOW	3	37.5%
Answered	8	
Skipped	7	

Details and reasons provided in support of answers:

None

Standard conditions – hackney carriage vehicle licences

The Council proposes to attach the standard conditions shown at Annex C of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to use a vehicle as a hackney carriage.

Q.24 Do you think any of the standard conditions at Annex C should be amended or removed?

YES	2	22.2%
NO	5	55.6%
DON'T KNOW	2	22.2%
Answered	9	
Skipped	6	

Details and reasons provided in support of answers:

Drivers have already provided these documents to licensing when the application is made so it is unnecessary to keep expired documents. C.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Q.25 Do you think that any additional standard conditions need to be added to those set out in Annex C?

YES	1	12.5%
NO	5	62.5%
DON'T KNOW	2	25%
Answered	8	
Skipped	7	

Details and reasons provided in support of answers:

Climate Change Officer - Is this an opportunity to amend the standards and age limits in relation to electric vehicles, as was recently consulted on for Redditch Borough Council?

Standard conditions – private hire vehicle licences

The Council proposes to attach the standard conditions shown at Annex D of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to use a vehicle as a private hire vehicle.

Q.26 Do you think any of the standard conditions at Annex D should be amended or removed?

YES	1	12.5%
NO	5	62.5%
DON'T KNOW	2	25%
Answered	8	
Skipped	7	

Details and reasons provided in support of answers:

Drivers have already provided these documents to licensing when the application is made so it is unnecessary to keep expired documents. C.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Q.27 Do you think that any additional standard conditions need to be added to those set out in Annex D?

YES	1	12.5%
NO	4	50%
DON'T KNOW	3	37.5%
Answered	8	
Skipped	7	

Details and reasons provided in support of answers:

Climate Change Officer - Is this an opportunity to amend the standards and age limits in relation to electric vehicles, as was recently consulted on for Redditch Borough Council?

Granting Exemptions from Displaying an External Licence Plate on a Private Hire Vehicle

The Council proposes to adopt the policy shown at Annex F of the draft Hackney Carriage and Private Hire Licensing Policy on how it will deal with requests for exemption from the requirement to display external licence plates on a private hire vehicle.

Q.28 Do you agree that the Council should adopt this policy?

YES	5	62.5%
NO	1	12.5%
DON'T KNOW	2	25%
Answered	8	
Skipped	7	

Q.29 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

The information on the plate should be displayed internally in a manner visible to passengers.

Standard conditions – private hire vehicle operators

The Council proposes to attach the standard conditions shown at Annex G of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to operate private hire vehicles

Q.30 Do you think any of the standard conditions at Annex G should be amended or removed?

YES	0	0%
NO	5	62.5%
DON'T KNOW	3	37.5%
Answered	8	
Skipped	7	

Details and reasons provided in support of answers:

None

Q.31 Do you think that any additional standard conditions need to be added to those set out in Annex G?

YES	0	0%
NO	5	62.5%
DON'T KNOW	3	37.5%
Answered	8	
Skipped	7	

Details and reasons provided in support of answers:

None

Granting of Assistance Dog Exemption Certificates

The Council proposes to adopt the policy shown at Annex I of the draft Hackney Carriage and Private Hire Licensing Policy on how it will deal with the granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

Q.32 Do you agree that the Council should adopt this policy?

YES	6	75%
NO	0	0%
DON'T KNOW	2	25%
Answered	8	
Skipped	7	

Q.33 What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons.

Guide Dogs welcomes the inclusions of Annex I, and in particular:

“1.2 The application must be accompanied a letter from the person’s own registered GP that states that they are of the opinion that the person has a genuine medical condition that is aggravated by exposure to dogs. The application must also be accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.”

Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate’s prescribed form and render it invalid. We therefore recommend the issue of exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised ‘E’ and a braille marker to accommodate both braille readers and non-braille readers.

Other comments or observations

Q.34 Do you have any further comments or observations to make on the content of the Council's draft Hackney Carriage and Private Hire Licensing Policy?

The 2019 Guide Dogs report "Access Denied" (<https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/access-report-2019.pdf>) shows that while many assistance dog owners have been refused access, many of these incidents are not reported. Indeed, research in 2019 found that only 8% of owners who had been refused access had taken legal action which resulted in prosecution. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

It is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore recommend that it is clearly stated that failure to carry an assistance dog without the requisite medical exemption certificate will result in immediate suspension or revocation of a driver's license.

We also recommend that Bromsgrove District Council works together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases.

Agenda Item 4

Q.35 In what capacity are you responding to this consultation (select all that apply):

An individual licensed by Bromsgrove District Council to drive hackney carriage and/or private hire vehicles	1	12.5%
An individual licensed by Bromsgrove District Council to use a vehicle as a hackney carriage or private hire vehicle.	0	0%
An individual licensed by Bromsgrove District Council to operate private hire vehicles	0	0%
Someone who uses hackney carriage or private hire vehicles	1	12.5%
Others (specified below)	6	75%
	Answered	8
	Skipped	7

Member of Safeguarding Adults Board
Climate Change Officer, BDC
West Mercia Police and Crime Commissioner
Guide Dogs
On behalf of people with learning disabilities who rely on taxis for transport
One respondent did not specify the "other" capacity in which they were responding

Q.36 Which best describes your gender?

Male	1	14.3%
Female	2	28.6%
Prefer to self describe	1	14.3%
Prefer not to say	3	42.9%
	Answered	7
	Skipped	8

Q.37 What was your age, in years, on your last birthday?

16-19 years	0	0%
20-29 years	0	0%
30-39 years	1	14.3%
40-49 years	2	28.6%
50-59 years	1	14.3%
60-69 years	0	0%
70-79 years	1	14.3%
80+ years	0	0%
Prefer not to say	2	28.6%
	Answered	7
	Skipped	8

Q.38 To which of these groups do you consider you belong?

White English/Welsh/ Scottish/Northern Irish/British	3	42.9%
Any other white background	0	0%
Mixed or multiple ethnic groups	0	0%
Asian or Asian British	0	0%
Arab	0	0%
Any other ethnic group	0	0%
Prefer not to say	4	57.1%
	Answered	7
	Skipped	8

Q.39 Which best describes your religion or belief?

Atheist	1	14.3%
Buddhist	0	0%
Christian	1	14.3%
Humanist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	0	0%
Pagan	0	0%
Sikh	0	0%
No religion/belief	0	0%
Prefer not to say	5	71.4%
Other	0	0%
	Answered	7
	Skipped	8

Q.40 How would you describe your sexual orientation?

Heterosexual	1	14.3%
Lesbian or Gay	0	0%
Bisexual	1	14.3%
Prefer to self describe	1	14.3%
Prefer not to say	4	57.1%
Other	0	0%
	Answered	7
	Skipped	8

Q.41 Do you have a long-standing health issue or disability?

(Long-standing means anything that has troubled you over a period of at least 12 months or that is likely to affect you for at least 12 months)

Yes	2	28.6%
No	3	42.9%
Prefer not to say	2	28.6%
	Answered	7
	Skipped	8

HACKNEY CARRIAGE TABLE OF FARES

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

1. SUMMARY OF PROPOSALS

The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district.

Officers have recently received a request submitted on behalf of a number of hackney carriage licence holders for the current table of fares to be varied to increase the maximum fares that can be charged.

2. RECOMMENDATIONS

That the Licensing Committee considers the request and, if they agree to make the requested variations to the table of fares, RESOLVE that:

- a) **The proposed table of taxi fares as set out in Appendix 2 be advertised as a public notice and objections from the public invited in accordance with the requirements of section 65, Local Government (Miscellaneous Provisions) Act, 1976.**
- b) **If no objections are received from the public within 14 days of publication of the notice that the proposed tariff will come into effect on 16 May 2022.**
- c) **If objections are received in the stated time, that the matter will be considered further at the next meeting of the Licensing Committee, and a decision made as to whether the variations to the table of fares should be made**

3. KEY ISSUES

Financial Implications

- 3.1 The costs of advertising any proposed variations to the table of fares for hackney carriages would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.
- 3.3 Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 goes on to state:
- a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
 - b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- 3.4 If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in section 65 (2), or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- 3.5 If objections are made and are not withdrawn, the district council must set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

Service / Operational Implications

- 3.6 The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district.
- 3.7 Hackney Carriage (“Taxi”) fares are made up of an initial hiring charge and a “mileage” rate, both of which are expressed in terms of distance and / or time per unit cost. This is because when a hired taxi is stationary or moving slowly in traffic the meter continues charging, but by time, instead of distance.
- 3.8 The table of fares applies only to hackney carriage vehicles. Private hire operators are free to agree their hiring charges in advance with their customers, normally at the time of booking the journey.
- 3.9 The current table of fares can be seen at **Appendix 1**. The current table of fares was approved by the Licensing Committee at its meeting on 24th June 2013 took effect on 1st August 2013.
- 3.10 The structure of the current table of fares is somewhat complex. The table of fares is structured so as to set out one single tariff of charges and then allows the driver to charge extra depending on a number of factors including the time and date when the journey commences, how many passengers are being carried, how the vehicle was booked and the visibility conditions.
- 3.11 Officers recently received correspondence, sent on behalf of a number of hackney carriage licence holders, requesting that the Council gives consideration to varying the table of fares. The initial request was for a £1 increase to the charge for the first mile and for subsequent miles to increase from the current level of around £1.77 per mile to £2 per mile.
- 3.12 Officers acknowledged this request and asked representatives of the hackney carriage trade whether they would like to try and use this opportunity to simplify the table of fares for drivers and passengers, as well as with a view to providing those in the hackney carriage trade with a fair and reasonable increase to the amount they can charge for journeys.
- 3.13 The hackney carriage trade representatives were receptive to this idea and following liaison with officers regarding a more simplified structure for the table of fares, have put forward a proposal that the table of fares be varied to that shown at **Appendix 2**.

3.14 When drawing comparisons between hackney carriage fares in different areas, the normal method used is to compare the cost of a 2-mile journey on Tariff 1. A table showing a comparison of the hackney carriage fares charged for a 2-mile journey on Tariff 1 in other local districts can be seen at **Appendix 3**.

3.15 If the table of fares proposed by the trade were to be implemented, this would see the cost of a two mile journey on Tariff 1 increase from the current level of £5.80 to £7.00, an increase of £1.20 or 20.7%.

3.16 According to the AA Fuel Price Report, the average prices of fuel in the West Midlands in August 2013 when the existing tariff took effect were:

Unleaded 95 Octane (pence per litre)	Diesel (pence per litre)	Super Unleaded (pence per litre)	LPG pence per litre)
137.2	141.4	146.0	72.9

3.17 According to the latest AA Fuel Price report (January 2022) the average prices of fuel in the West Midlands are now:

Unleaded 95 Octane (pence per litre)	Diesel (pence per litre)	Super Unleaded (pence per litre)	LPG (pence per litre)
145.2	148.9	157.9	85.9
+5.8%	+5.3%	+8.2%	+ 17.8%

3.18 Both diesel and standard unleaded fuel prices were therefore around 5.5% higher than when the current table of fares took effect.

3.19 The cost of fuel is of course only one factor that Members should consider when determining whether it is appropriate to vary the table of fares. Also of relevance will be other general increases in the cost of living for hackney carriage proprietors.

3.20 According to the data compiled by the Office for National Statistics (ONS), the Consumer Prices Index (CPI) rose by 5.5% in the 12 months to January 2022, up from 5.4% in December 2021. Inflation is widely expected to climb above 7% later this year, partly driven by the unprecedented increase in energy prices.

- 3.21 According to the Bank of England's "Inflation Calculator" goods and services that cost £100 in 2013 would have cost £121.94p in 2021, an increase of nearly 22%
- 3.22 The fuel price and inflation figures quoted above are based on the most recent data available to officers at the time that this report was prepared. Officers anticipate being able to provide further updated information to the Committee at their meeting.
- 3.23 Legislation requires that any changes to the table of fares are published as a public notice and objections invited. If no objections are received the fares come into force on the named date. If there are objections, then the Council must consider them and re-set the fares with or without variations. No further statutory consultation is required at that time.
- 3.24 Members are asked to consider the request received and, if they agree to make the variations requested, to direct officers to undertake the legal processes required to advertise the varied tariff shown at **Appendix 2** with a view to this taking effect on 16th May 2022.
- 3.25 However, if objections are received when the proposed variations are advertised, then the variations cannot take effect until after those objections have been considered at a future meeting of the Licensing Committee.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- Appendix 1 – Current Table of Fares
- Appendix 2 – Proposed Table of Fares
- Appendix 3 – Comparison of Fares for a Two-Mile Journey

AUTHOR OF REPORT

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

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

DISTRICT OF BROMSGROVE
TABLE OF FARES FOR HACKNEY CARRIAGES
1st August 2013

(i) MILEAGE

If the distance does not exceed one mile:	
for the whole distance	£4.00
If the distance exceeds one mile:	
for the first mile	£4.00
for each subsequent 99 yards or uncompleted part thereof	10p

(ii) WAITING TIME

For each completed period of 21 seconds	10p
---	-----

(iii) EXTRA CHARGES

- (a) For hiring's begun between 6.00 pm on 24th December *Double*
and 7.00 am on 27th December *meter charges*
- (b) For hiring's begun between 6.00 pm on 31st December *Double*
and 7.00 am on 2nd January *meter charges*
- (c) For hiring's begun on Easter Monday, May Day Bank
Holiday, Spring Bank Holiday and Late Summer Bank *1 ½*
Holiday *meter charges*
- (d) For hiring's begun in severe weather conditions, or *Double*
when visibility is less than 25 yards *meter charges*
- (e) For hiring's when the hirer arranges in advance by
letter or telephone or otherwise, with the proprietor
or driver for the hire of a hackney carriage where no
part of the trip passes within 1 mile of any hackney *1 ½*
carriage rank in the Bromsgrove District *meter charges*
- (f) For hiring's begun between midnight and 2.00 am on
days other than those specified in (a), (b) and
(c) above £1.00
- (g) For hiring's begun between 2.00 am and 4.00 am on
days other than those specified in (a), (b) and
(c) above £2.00
- (h) For hiring's begun between 4.00 am and 6.00 am on
days other than those specified in (a), (b) and
(c) above £3.00

- (i) For the carriage of animals (except guide and
assistance dogs) per animal per trip50p
- (j) For hiring's in which the number of passengers *1 ½ meter*
carried is greater than four *charges plus*
1 ½ extra charges
derived from (a), (b), (c), (d), (e), (f), (g) and (h) above

(iv) FOULING OF THE VEHICLE

To cover valeting:

- (a) For vehicles licensed to carry less than five
passengers £50.00
- (b) For vehicles licensed to carry five or more
passengers £66.00

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL
TABLE OF FARES FOR HACKNEY CARRIAGES
PROPOSED



	Tariff One	Tariff Two	Tariff Three
For the first 1760 yards (1609.3 metres approx.) or part thereof	£5.00	£7.50	£10.00
For each subsequent 176 yards (160.9 metres approx.)	£0.20	£0.20	£0.30
Equivalent to:	£2.00 per mile (1609.3 metres approx.)	£2.00 per mile (1609.3 metres approx.)	£3.00 per mile (1609.3 metres approx.)
Waiting time – for each 30 seconds	£0.15	£0.20	£0.30
Extra Charges			
For each dog (except assistance dogs)	£1.50		
For each passenger in excess of 4	£1.00		
Explanation of Tariffs Applicable			
Tariff One	6am – Midnight		
Tariff Two	Midnight – 6am and on Designated Public Holidays		
Tariff Three	Christmas Day, Boxing Day and New Years Day		
<p><u>Note</u> if the vehicle or seating is so soiled by any passenger or animal as to require cleaning, the proprietor may make a charge. This must be made clear to the passenger at the end of the journey there will be a maximum charge of £75.00.</p>			

This page is intentionally left blank

Agenda Item 5

Comparative Costs of a 2 Mile Journey on Tariff 1

District	Cost
Bromsgrove District Council (Proposed)	£7.00
Malvern Hills District Council	£6.40
Shropshire Council	£6.40
County of Herefordshire	£6.40
Birmingham City Council	£6.20
Solihull MBC	£6.20
Stratford on Avon District Council	£6.20
Walsall MBC	£5.90
Dudley MBC	£5.90
Bromsgrove District Council (Current)	£5.80
Worcester City Council	£5.80
Sandwell MBC	£5.60
Wolverhampton	£5.60
Wychavon District Council	£5.40
Wyre Forest District Council	£5.30
Redditch Borough Council	£5.30

Source: Private Hire & Taxi Monthly – Hackney Taxi Fare Tables – February 2022

This page is intentionally left blank

LICENSING COMMITTEE

14th March 2022

14th March 2022

Draft Hackney Carriage and Private Hire Licensing Policy – Consideration of Consultation Responses

Review of Hackney Carriage Table of Fares

11th July 2022

Consideration of responses to consultation on draft Street Collections Policy.

This page is intentionally left blank