

Public Document Pack



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 16TH MARCH 2026

AT 6.00 P.M.

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

MEMBERS: Councillors J. Elledge (Chairman), B. McEldowney (Vice-Chairman), R. Bailes, J. Clarke, A. M. Dale, D. J. A. Forsythe, B. Kumar, D. Hopkins, C.A. Hotham, R. J. Hunter, P. M. McDonald, S. A. Robinson and P. J. Whittaker

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 10th November 2025 (Pages 5 - 10)

4. Review of Street Trading Policy - for Member discussion (Pages 11 - 34)
5. Hackney Carriage and Private Hire Driver Licence Application Process (Pages 35 - 122)
6. Hackney Carriage and Private Hire Licensing Policy review - Requirements as to the age of a vehicle upon renewal of licence - TO FOLLOW

Section 3.4.2 Private Hire
Section 3.11.0 Hackney Carriage

7. Licensing Committee Work Programme 2025/2026 (Pages 123 - 124)
8. To consider any Urgent business, details of which have been notified to the Assistant Director of Legal, Democratic and Procurement 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.

J. Leach
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

6th March 2026

**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**

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

Notes:

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



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

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 10TH NOVEMBER 2025, AT 6.00 P.M.

PRESENT: Councillors J. Elledge (Chairman), B. McEldowney (Vice-Chairman), J. Clarke, A. M. Dale, D. J. A. Forsythe, B. Kumar, D. Hopkins, C.A. Hotham, R. J. Hunter, P. M. McDonald, S. A. Robinson, K. Taylor and P. J. Whittaker

Officers: Mrs. V. Brown, Ms. K. Lahel, Worcestershire Regulatory Services, Mrs. P. Ross and Mrs S. Woodfield (observing)

11/25 **APOLOGIES**

There were no apologies for absence.

12/25 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest on this occasion.

13/25 **MINUTES**

The minutes of the Licensing Committee meeting held on 21st July 2025 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held 21st July 2025, be approved as a correct record.

14/25 **CCTV IN TAXIS - RESPONSES RECEIVED FROM THE TAXI TRADE**

Following on from the Licensing Committee meeting held on 21st July 2025, whereby Members were asked to consider mandating CCTV in taxis. Members had sought further reassurance and had requested that the Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS), conducted a light touch consultation with the Taxi Trade to better understand their thoughts and opinions in respect of mandating CCTV in taxis.

Members were now being asked to consider the responses received to the light touch consultation.

The Licensing and Support Services Manager, (WRS) introduced the report and in doing so informed Members that currently only a small number of licensing authorities (8%) had so far made it a legal

Agenda Item 3

Licensing Committee
10th November 2025

requirement for all taxi and private hire vehicles to be fitted with mandatory CCTV systems. Those authorities had been able to demonstrate through evidence and intelligence that such a policy was necessary. More recently these had included Barnsley Council, Portsmouth and Southampton, Cambridge City and South Cambridgeshire District Council. Swindon Borough Council had mandated CCTV in taxis it but had reversed this decision due to a number of challenges. There were no local authorities across Worcestershire that had mandated CCTV in taxis.

As requested by Licensing Committee Members, Officers had liaised with the Bromsgrove taxi representative regarding the installation of CCTV in hackney carriage and private hire vehicles. In response, the trade representatives had agreed with the proposal in principle and had acknowledged the potential benefits for both licence holders and passengers, particularly in enhancing safety and accountability. However, they expressed serious concerns that the associated costs and administrative requirements would be too prohibitive at the present time.

The taxi trade representative had explained that the taxi and private hire trade was facing significant financial pressures due to rising operational costs, increased competition from online platforms and vehicles and drivers licensed by other local authorities, and a general downturn in passenger demand. These challenges made it difficult for drivers and operators to commit to any additional expenditure, even for initiatives that they supported in theory. The representatives also highlighted the need for further consultation and potential financial support or phased implementation to make such measures more viable for the trade.

To obtain further information Officers had carried out an informal survey with the current 103 Bromsgrove licence holders to ascertain whether they firstly already had CCTV, if they would agree with a mandatory policy on CCTV and if they had any comments to add.

There were 30 responses received to the consultation. 63% of respondents said that they would not welcome the introduction of a mandatory policy on CCTV. 30% of respondents said yes and 2% said they 'didn't know'.

Analysis of the comments as to why licence holders did not feel they supported a mandatory policy included the high cost of installation and a number of respondents asked that if funding was available then they might consider it. Of the 30 respondents that replied 8 already had CCTV installed, under the Council's voluntary CCTV option.

As a result of some of the comments received during the consultation, Officers had carried out some further research on the cost of systems that met the required National Standards. The current cost for the equipment itself was £500 plus an installation cost of between £100-£150.

Agenda Item 3

Licensing Committee
10th November 2025

At a current Transport Committee in parliament CCTV was discussed at length and there were concerns raised that local authorities were mandating CCTV in vehicles without clearly understanding the technology and that they did not understand that CCTV was for the safeguarding of the travelling public and not the driver.

Members stated that the report was good and that Officers had done exactly what Members had requested.

However, some Members questioned as to why the general public had not been asked about mandating CCTV in taxis, as the relevant people who used taxi services.

In response the Licensing and Support Services Manager, (WRS), highlighted that it was not a formal consultation, as Members had only requested that a light touch consultation be carried out with the taxi trade.

The Licensing and Support Services Manager, (WRS), reassured Members that should any further information come forward Officers would review that information and would revisit the Statutory Taxi Standards undertaken in 2022. Officers were continually working with partner agencies, but to date, there was currently no evidence for the need to mandate CCTV in taxis.

Further discussion followed on the following points:-

- The 63% of respondents, to the light touch consultation, who had replied that they would not welcome the introduction of a mandatory policy on CCTV.
- Rising operational costs.
- The cost implications of installing CCTV.
- Increased competition that Bromsgrove taxi drivers were facing from on-line platforms and vehicle and drivers licensed by other local authorities.
- CCTV being used for the safeguarding the travelling public and not for safeguarding drivers, as detailed in paragraph 3.13, page 6 of the Supplementary Agenda Pack.

In response the Licensing and Support Services Manager, (WRS), informed the Committee that drivers had to undertake mandatory safeguarding training, which provided information with regards to safeguarding themselves. Drivers could still install CCTV in their vehicles, provided they notified the Council, under the Council's voluntary CCTV option.

Members agreed that by mandating CCTV in taxis this would put local drivers under further pressure and there was currently no evidence for mandating CCTV in taxis.

Agenda Item 3

Licensing Committee
10th November 2025

Members suggested if the Licensing and Support Services Manager, (WRS), could possibly research if any authorities who had mandated CCTV had seen a decline or an increase in the number of people travelling by taxi, had the mandating of CCTV made the travelling public feel any safer?

In response the Licensing and Support Services Manager, (WRS), commented that they were happy to do some research.

RESOLVED that the updated report on mandating CCTV in taxis, be noted.

15/25

LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2025/26.

Members raised and briefly discussed a number of potential items for inclusion on the Licensing Committee Work Programme, as follows:-

- a) Worcestershire Regulatory Services, Taxi Licensing, Application and Renewal Process
- b) Information on the Districts Taxi Fleet:-
 - Number of Electric vehicles
 - Number of Wheelchair Accessible Vehicles
 - Are the number of taxis in the district in decline, proportionality compared to other districts.
- c) Feedback from the Taxi Association on the number of taxi ranks in the District, are there enough spaces? Are they under used with a decline in the number of taxis within the District?

Members were happy for the Licensing and Support Services Manager, (WRS), to provide information on the Districts Taxi Fleet (b), and the number and usage of the taxi ranks in the District (c); as detailed in the preamble above, to be emailed to all Licensing Committee Members.

RESOLVED that

- a) a report on Worcestershire Regulatory Services, Taxi Licensing, Application and Renewal Process be presented to the next meeting of the Licensing Committee, and
- b) the Licensing Committee Work Programme 2025/2026 be updated to reflect this.

16/25

TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC SERVICES AND PROCUREMENT SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES,

Agenda Item 3

Licensing Committee
10th November 2025

**CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT
WAIT UNTIL THE NEXT MEETING**

There was no urgent business.

17/25

ANY ENFORCEMENTS / APPEALS UPDATES

There were no Enforcement / Appeals updates.

The meeting closed at 6.42 p.m.

Chairman

This page is intentionally left blank



Bromsgrove District Council

www.bromsgrove.gov.uk

Street Trading Policy



Approved to take effect on 1st December 2017

CONTENTS

SECTION	Page Number
1 Introduction	3
2 Designation of Streets	6
3 Applications	7
4 Duration of Consent	12
5 Conditions of Consent	13
6 Appeals	14
7 Complaints and Enforcement	15
8 Amendments to Policy	16
9 Fees and Charges	17
10 Definitions	18

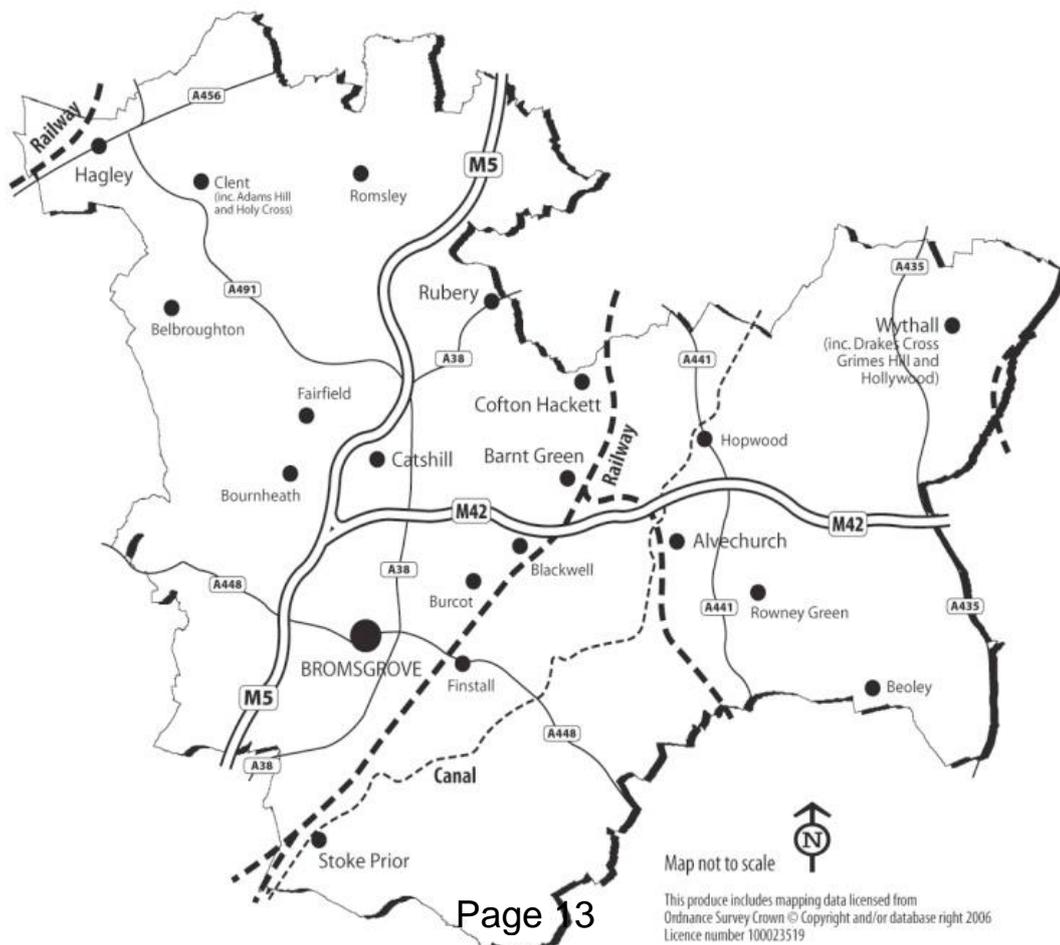
ANNEXES

A Form of Public Notice	20
B Standard Conditions	21

1.0 INTRODUCTION

1.1 Bromsgrove District

- 1.1.1 Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has a population of approximately 93,600 and in terms of area it covers approximately 84 square miles.
- 1.1.2 The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery.
- 1.1.3 Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.
- 1.1.4 Bromsgrove District Council's overall vision is "working together to build a district where people are proud to live and work, through community leadership and excellent services." This policy statement accords with this overall vision and attempts to help further the Councils strategic purposes, which are:
- Keep my place safe & looking good.
 - Help me run a successful business
 - Help me to be financially independent
 - Help me to live my life independently
 - Help me find somewhere to live in my locality
 - Provide good things for me to see, do & visit



1.2 The Policy

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

1.3 The Objectives of this Policy

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

1.4 The Law

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

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

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

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

1.5 Licensing Act 2003

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

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

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

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 Consent Streets

- 2.1.1 Bromsgrove District Council has resolved to designate all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.

3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 Advice for New Applicants

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

3.2 Applications

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

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

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

3.3 Processing an Application

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

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

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

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

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

3.4 Determining Applications with no Representations or Objections

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

3.5 Determining Applications through Mediation

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

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

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

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

3.6 Determining Applications Where Mediation Is Not Possible

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

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

3.7 Key Considerations

3.7.1 Each application will be considered on its own merits.

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

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

3.8 Options Available to Licensing Sub-Committee

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

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

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

3.9 Grant of Consent

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

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

4.0 DURATION OF STREET TRADING CONSENTS

4.1 Duration

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

4.2 Renewal

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

5.0 CONDITIONS ATTACHED TO CONSENTS

5.1 Standard Conditions

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

5.2 Additional Conditions

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

6.0 APPEALS

6.1 Refusals / Attached Conditions

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

7.0 COMPLAINTS AND ENFORCEMENT

7.1 General Principles

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

7.2 Offences

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

7.3 Complaints

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

8.0 AMENDMENTS TO THIS POLICY

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

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

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

9.0 FEES AND CHARGES

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

10.0 DEFINITIONS

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

Agenda Item 4

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

Street Trading
Assistant

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

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

ANNEX A

NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Bromsgrove District Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at the Customer Contact Centre, Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p>	

ANNEX B

STREET TRADING CONSENT STANDARD CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

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

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

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

Agenda Item 4

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

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

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

Agenda Item 4

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

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

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

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

This page is intentionally left blank

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE APPLICATION PROCESS CHECKS

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Director of Worcestershire Regulatory Services
Report Author	Job Title: Licensing and Support Services Manager Contact email: Kiran.Lahel@worcsregservices.gov.uk Contact Tel: 01562 738067
Wards Affected	All Wards
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	N/A
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. **RECOMMENDATIONS**

Members are asked to note the contents of the report.

2. **BACKGROUND**

- 2.1 On 10th November 2025 Members asked for reassurances that Officers were carrying out all of the necessary checks required for taxi licensing in a timely manner since the introduction of the new Taxi Standards guidance in 2022 with particular emphasis on the DBS processing and checking through of the renewals process.
- 2.2 This information report sets out the process for Hackney Carriage and Private Hire driver licences with a particular focus on how the process has evolved through the implementation of the requirements set out in the Statutory Taxi Standards.
- 2.3 The Council's Hackney Carriage and Private Hire Licensing Policy sets out the criteria that any applicant must meet in order to obtain a driver licence and can be seen at **Appendix 1**. The policy relating to driver licences is in accordance with the Government's Statutory Taxi and Private Hire Vehicle Standards.
- 2.4 As part of recent internal monitoring the team have acknowledged that the requirements set out in the 2022 Taxi Standards have clearly strengthened safeguarding checks and internal procedures. As a result, there has been a domino effect of extra officer checks being undertaken by the licensing team.

3. OPERATIONAL ISSUES

- 3.1 The Council's policy permits applications for two types of driver licence
- A licence to drive hackney carriage and private hire vehicles, known as a "dual licence".
 - A licence to drive private hire vehicles only.

- 3.2 Driver licences are normally issued for a period of 3 years. The application process for a hackney carriage and/or private hire driver licence is relatively straight forward if followed correctly.

The application Process

- 3.3 All applicants are required to submit a full application form. This form consists of:

- A full completed application form
- A DBS check
- A medical certificate
- Proof of right to work
- Proof of payment
- Attendance at a competency training session if applying as a new driver or attendance at a safeguarding training session if the application is for the renewal of a licence
- Completion of the knowledge test

- 3.4 Officers are required to make necessary checks to ensure the applicant is 'fit and proper' by ensuring all elements at 3.3 have been completed and meet the requirements of the policy.

- 3.5 Following receipt of a valid application form and accompanying documents, the following checks by officers are carried out:

3.6 **DBS certificate**

- Applicants must provide an enhanced Disclosure and Barring Service (DBS) certificate and proof that they have subscribed to the DBS "Update Service for a new licence. A new licence will not be issued without a licensing officer seeing a DBS certificate.
- Upon renewal all applicants must be signed up to the update service. If they are not, then a new DBS certificate will be required. A renewal licence will be issued **however** it is the applicant's responsibility to share the certificate and sign up to the update service. Officers will chase licence holders to ensure they have seen the certificate and that the applicant is signed up to the update service. DBS certificates can take anything up to 12 weeks to be returned. Officers will continue to chase the applicant in this time.

- Officers will advise applicants to apply for a DBS certificate through organisations registered with the Disclosure and Barring Service, such as Worcestershire County Council, or by attending an appointment with an officer from the Licensing team at the Council offices.

3.7 **Medical Fitness Certificate**

- Applicants must meet the DVLA's "Group 2 Medical Standards". The Group 2 standards are a strict, high-level health criteria required for professional drivers to ensure public safety. Applicants must provide a copy of the Council's prescribed medical fitness certificate, which has been completed by one of the medical practitioners that the Council has approved for this purpose.
- For any licence holder renewing their driver licence for the first time after they reach the age of 45, 50, 55 or 60, they must provide a copy of a new medical certificate which has been completed and signed by one of the Council's approved medical practitioners. From the age of 65 years, the licence holder must produce an annual medical certificate from a Council's approved medical practitioner. Officers will ask for this every year.

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

- The application process requires the applicant to obtain the Worcestershire Taxi and Private Hire Competency Certificate from the Council's approved training provider.
- With regard to renewal applications licence holders must undertake safeguarding training delivered by the Council's approved training provider prior to submitting their renewal application.
- The Licensing team receive a list of trainees that have attended the courses and those that have not attended after each training session and these details are added into the bank office system.

3.9 **Knowledge Test – For Dual Licence Applications Only**

Applicants wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council's topographical knowledge test. The test is a series of 12 questions relating to various landmarks around the borough and the best directions the driver should take. Applicants must answer at least 10 of the 12 questions correctly in order to pass the test.

Additional Checks

- 3.10 As part of the processing of the application, additional checks are carried out by the Licensing team in relation to information declared within the application form. These checks are additional checks that

are carried out by the licensing team every **6 months** for every licensed driver.

3.11 **National Register of Revocations and Refusals (NR3 register)**

- Applicants and licence holders will be required to disclose if they hold or have previously held a licence with another authority. The applicant is also required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other Licensing Authority.
- The NR3 register allows the licensing team 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. The check against the NR3 register will confirm if an applicant has been revoked, refused or suspended elsewhere.

3.12 **HMRC Tax Check**

Within the application form, new applicants must sign a declaration to state they understand that they are aware that HMRC requires them to register for tax.

For renewal applications, the licence holder must confirm they are registered for tax by providing a share code which enables the Licensing Authority to access HMRC's tax records to confirm the applicant is registered for tax.

3.13 **DBS certificate and the Disclosure and Barring Update Service**

- The licensing policy requires all applicants/licence holders to subscribe and remain subscribed to the DBS Update Service and consent to the Council carrying out update checks on the status of their DBS certificate throughout the period of their licence.
- Should an applicant have their DBS certificate application form completed and submitted to the Disclosure and Barring Service by the Licensing team, the applicant will also be verbally advised of the need to register with the update service.
- Once the Disclosure and Barring Service has issued a DBS certificate, the holder of the certificate has 30 days from the date of issue in which to register with the update service.
- On grant of a licence the applicant is provided with the written licence document containing all driver licence conditions including the following—

'DBS Update Service

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.'

- In line with the government's statutory taxi and private hire vehicle standards, the Licensing team are carrying out **6 monthly** status checks on all licensed drivers. The check is done online via the Disclosure and Barring Service's status check facility. Certain personal information must be entered into the system, including the original DBS certificate number, in order to access the licence holder's DBS record.
 - If the check reveals there is new information held against the licence holder the information will be considered in line with the fit and proper test and the licence will be reviewed by a licensing officer. In most instances any new information on the record is likely to be referred to the Licensing Sub-Committee for consideration.
 - If on carrying out the 6 monthly check the Licensing team find that the driver has fallen off the DBS Update Service, the Licensing team will contact the licence holder to ensure the matter is rectified. Where the licence holder has fallen off the Update Service, a new DBS certificate must be applied for.
 - If the Licensing team find that the driver has fallen off the update service and they are either unable to make contact with the licence holder or the licence holder refuses or delays to re-subscribe to the update service, the matter will be brought before the Licensing Sub-Committee for consideration.
- 3.14 This process is much more robust and thorough compared to the pre implementation of the Taxi Standards and although it is to a greater extent more resource intensive it allows new information to be brought to the attention of the licensing team quickly either through the DBS update service check at six months or through the NR3 check at any point any new information about a licence holder comes to light.
- 3.15 Currently there are a total number of 89 licensed vehicles on the taxi fleet, which are broken down as follows:

Vehicle type	BDC
HCVEH Non-WAV	76
HCVEH WAV	4
PHVEH Non-WAV	9
PHVEH WAV	0

- 3.16 There always tends to be a higher number of licensed drivers than vehicles and currently there are 103 drivers licensed in Bromsgrove District Council. Each licence holder requires a DBS to be completed and a requirement to be signed up to the update service.
- 3.17 Each six month check can take anything between 10-20 minutes per driver and a high number of chase up emails if licence holders are not continuing to remain on the update service.
- 3.18 Officers will use the WRS enforcement policy as a guide to chase applicants that do not comply which encourages officers to engage, inform and then ultimately enforce. As suspending drivers that do not comply is not delegated to officers the final sanction is to send them to a sub committee for Members to make a decision.

4. FINANCIAL IMPLICATIONS

- 4.1 Licensing fees and charges are set by the Council and are reviewed annually. The introduction of the Taxi Standards in 2022 and checks required have increased the hours required by officers to carry out the necessary checks required.

5. LEGAL IMPLICATIONS

- 5.1 The licensing process relating to driver licences is carried out in accordance with the following –
- The Town Police Clauses Act 1847
 - The Local Government (Miscellaneous Provisions) Act 1976
 - The Licensing Authority's Hackney Carriage & Private Hire Licensing Policy
 - Immigration Act 2016
 - HMRC Tax Conditionality Rules 2022
 - Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
 - The statutory taxi and private hire vehicle standards

6. OTHER – IMPLICATIONS

Relevant Strategic Purpose

- 6.1 None identified.

Climate Change Implications

- 6.2 None identified.

Equalities and Diversity Implications

6.3 Any recommendation to change policy will require an initial Equality impact assessment.

7. RISK MANAGEMENT

7.1 Any recommendations to consider a new process will need to be put onto the workplan and considered in more detail.

8. APPENDICES and BACKGROUND PAPERS

[Appendix 1 – Taxi Policy](#)

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Not applicable	Not applicable
Lead Director / Head of Service	Please record the name of the relevant lead Director / Head of Service who has signed off the report here.	Please give the date they signed off the report here.
Financial Services	Not applicable	Not applicable
Legal Services	Please record the name of the relevant Officer in Legal Services who has signed off the report here.	Please give the date they signed off the report here.
Policy Team (if equalities implications apply)	Not applicable	Not applicable
Climate Change Team (if climate change implications apply)	Not applicable	Not applicable

This page is intentionally left blank



Bromsgrove
District Council

www.bromsgrove.gov.uk

Hackney Carriage and Private Hire Licensing Policy



Version 1.2 - Revised with effect from: 12th November 2024

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
- 80 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.

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.

- 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.

2.7.0 Common Law Police Disclosure and Working with the Police

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

2.8.0 Referrals to the Disclosure and Barring Service and the Police

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

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

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

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

2.9.0 Application Requirements – Applicants Renewing a Licence

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

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.

Agenda Item 5

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

2.12.0 Licence Conditions

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

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

3.1.0 **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 powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.
- 3.1.3 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.
- 3.1.4 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.1.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

Agenda Item 5

- 3.1.6 For the purposes of paragraphs 3.1.4 and 3.1.5 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.
- 3.1.7 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 9 years of age.
- 3.1.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.1.9 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

- 3.1.10 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

- 3.1.11 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

- 3.1.12 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.
- 3.1.13 "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 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 powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.
- 3.2.3 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.
- 3.2.4 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.2.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

Agenda Item 5

- 3.2.6 For the purposes of paragraphs 3.2.4 and 3.2.5 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.
- 3.2.7 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 9 years of age.
- 3.2.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.2.9 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

- 3.2.10 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

- 3.2.11 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

- 3.2.12 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.
- 3.2.13 "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 powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.3.4 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.

3.3.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.3.6 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.3.7 For the purposes of paragraphs 3.3.5 and 3.3.6 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.

3.3.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.3.9 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.3.10 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

3.3.11 The Council will not renew any licence to use a vehicle as a hackney carriage if the relevant vehicle has become graded as a Category A, Category B or Category C or Category S write-off for insurance purposes after the date on which the vehicle was first licensed by the Council to be used as a hackney carriage.

Vehicles licensed by other local authorities

3.3.12 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:

- 3.3.13 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.
- 3.3.14 "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.
- 3.3.15 If an application to renew a licence to use a vehicle as a hackney carriage is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a hackney carriage for the first occasion and will have to meet the stated criteria for such vehicles.

3.4.0 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 powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.4.4 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.

3.4.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.4.6 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.4.7 For the purposes of paragraphs 3.4.5 and 3.4.6 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.

3.4.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell or an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.4.9 Where the vehicle is not powered fully by electricity or hydrogen fuel cell or an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.4.10 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

3.4.11 The Council will not renew any licence to use a vehicle as a private hire vehicle if the relevant vehicle has become graded as a Category A, Category B or Category C or Category S write-off for insurance purposes after the date on which the vehicle was first licensed by the Council to be used as a private hire vehicle.

Vehicles licensed by other local authorities

3.4.12 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:

- 3.4.13 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.
- 3.4.14 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.4.15 If an application to renew a licence to use a vehicle as a private hire vehicle is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a private hire vehicle for the first occasion and will have to meet the stated criteria for such vehicles.

3.5.0 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 3.1.9 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 3.2.9 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 basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.8.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

3.9.0 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.

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.

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.

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.

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 Where a vehicle is more than seven years of age on the date the licence was issued, it must also 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 users 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.

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.

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.

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.

Agenda Item 5

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.

Agenda Item 5

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.

Agenda Item 5

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 also 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.

Agenda Item 5

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 also 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.

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.

Agenda Item 5

- 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.

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 hold 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.

Agenda Item 5

- 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.

**Annex
H**

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.

Agenda Item 5

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	
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

Agenda Item 5

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.

LICENSING COMMITTEE

16th March 2026

LICENSING COMMITTEE WORK PROGRAMME 2025/26

16th March 2026

- Review of Street Trading Policy – for Member discussion
- Taxi Licensing, Application and Renewal Process
- Hackney Carriage and Private Hire Licensing Policy review – Requirements as to the age of a vehicle upon renewal of licence
Section 3.4.2 Private Hire
Section 3.11.0 Hackney Carriage

Closed Session

- Any Enforcement / Appeals Updates – (verbal)

This page is intentionally left blank