



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 21ST JULY 2008 AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors D. Hancox (Chairman), Mrs. R. L. Dent (Vice-Chairman), Dr. D. W. P. Booth JP, Miss D. H. Campbell JP, R. J. Deeming, Ms. J. A. Marshall, D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, L. J. Turner, M. J. A. Webb and P. J. Whittaker

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 3rd June 2008 (Pages 1 - 2)
4. Application for Street Trading Consent (Pages 3 - 6)
5. Hackney Carriage Fares (Pages 7 - 12)
6. Designated Public Places Order - Charford Recreation Ground (Pages 13 - 18)
7. Designated Public Places Order - Compass Way, Bream Park (Pages 19 - 24)
8. Guidance Relating to the 'Relevance of Convictions and Cautions' - Consultation Document (Pages 25 - 44)
9. County-Wide Taxi Licensing Handbook - Consultation Document (Pages 45 - 106)

10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

9th July 2008

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

TUESDAY, 3RD JUNE 2008, AT 6.00 P.M.

PRESENT: Councillors Dr. D. W. P. Booth JP, Miss D. H. Campbell JP, R. J. Deeming, D. Hancox, Ms. J. A. Marshall, D. L. Pardoe (substituting for D. McGrath), S. P. Shannon, Mrs. M. A. Sherrey JP and Mrs. C. J. Spencer

Officers: Mrs. S. D. Smith, Mr. P. Michael and Mr. A. C. Stephens

1/08 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor D. Hancox be elected Chairman of the Committee for the ensuing municipal year.

2/08 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor Mrs. R. L. Dent be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. R. L. Dent, D. McGrath, L. J. Turner and M. J. A. Webb.

4/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/08 **MINUTES**

The minutes of the meeting of the Licensing Committee held in public session on 10th March 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/08 **APPLICATION FOR STREET TRADING CONSENT**

Consideration was given to a report in respect of an application for street trading consent for the sale of ice cream, sorbets, chocolates and fruit salad in Bromsgrove High Street. Members expressed their concern at the stationing of a mobile food retail unit in the High Street and suggested that investigations be made into the provision of an alternative site.

RESOLVED:

- (i) that the application for street trading consent to sell food items from a mobile retail unit in the High Street be refused; and
- (ii) that the provision of an alternative site for a street trading consent be approved in principle and that, in the meantime, the Principal Licensing Officer and the Economic Development and Town Centre Manager investigate the possibility of establishing a mobile food vending site in an alternative location, in consultation with the applicant, and subject to the satisfactory views of consultees.

7/08 **APPOINTMENT OF A NEW HACKNEY CARRIAGE STAND**

The Committee gave consideration to a report which outlined proposals for a new Hackney Carriage rank in Bromsgrove High Street, outside the Golden Cross Hotel Public House.

RESOLVED that the Traffic Regulation Order be amended in order to facilitate the creation of a new Hackney Carriage rank, as detailed in the report.

8/08 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under section 100 I of the Local Government Act 1972 the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
9/08	1, 2 and 3

9/08 **CONFIDENTIAL MINUTES**

The minutes of the meeting of the Licensing Committee held in private session on 10th March 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

The meeting closed at 6.50 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

APPLICATION FOR STREET TRADING CONSENT

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To inform Members of the Council's findings in respect an application for Street Trading consent to permit the sale of ice cream and sorbets in Bromsgrove High Street area.

2. RECOMMENDATION

- 2.1 That Members are asked to refuse the application.

3. BACKGROUND

- 3.1 Members may recall that the Council had received an application to sell ice cream, sorbets and possibly chocolates and fruit salad from a mobile unit in the High Street, Bromsgrove every Monday through to Saturday from 10.30 a.m. to 5.30 p.m. during the months of April to October.
- 3.2 Based the upon report that was presented to Members and the verbal representations made to Members at the Meeting by the Council's Economic Development Section, the following decision was taken:
- (i) it was agreed to refuse the application for the sitting of the mobile unit in the Bromsgrove High Street;
 - (ii) it was further agreed that the provision of an alternative site for the mobile unit be approved in principle, subject to finding a suitable site within one of the Council's designated streets.
- 3.3 After consultation with the Council's Economic Development Section, no suitable alternative site could be found on this occasion.
- 3.4 Consequently, Members are requested to confirm the decision made on 3rd June 2008 that the application be refused in accordance with Council Policy.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 Street Trading Consents are issued in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Paragraph 2 of the Act permits the Council to grant a consent if they think fit.

5.2 In accordance with paragraph 7(4) and 7(5) of the Act, when granting a street trading consent, the Council may attach conditions to it as they consider reasonable necessary to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).

5.3 Paragraph 8 of the Act, further permits the Council to include in a street trading consent permission for its holder to trade in a consent street from a stationary van, cart, barrow or other vehicle or from a portable stall.

5.4 Paragraph 10 of the Act states that a consent may be granted for any period not exceeding 12 months, but may be revoked at any time.

5.5 There is no right of appeal against the refusal to grant a street trading consent.

6. COUNCIL OBJECTIVES

6.1 This proposal contributes to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

7.1 There are no risks associated with the detail included in this report.

8. CUSTOMER IMPLICATIONS

8.1 The applicant will be notified in writing of the decision of the Council within five working days.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy Although the Council has a number of designated consent streets in the district, which includes the High Street for street trading, at present the Council's policy is not to grant Street Trading Consents except in the most exceptional circumstances. The only permits which are now granted are (a) for the regular Farmer's Market (b) for the annual Elizabethan Street Market and (c) for the hot dog stall which trades in conjunction with the Christmas Lights switch-on.
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

St. Johns Ward.

14. APPENDICES

None.

15. BACKGROUND PAPERS

Email received from Economic Development.

CONTACT OFFICER

Name:	Sharon Smith
E Mail:	sharon.smith@bromsgrove.gov.uk
Tel:	(01527) 881626

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

HACKNEY CARRIAGE FARES

Responsible Portfolio Holder	Cllr P. Whittaker
Responsible Head of Service	Dave Hammond

1. SUMMARY

1.1 To consider the Table of Fares charged by Hackney Carriage owners.

2. RECOMMENDATION

2.1 That the mileage rate be increased by 15% as set out in section (i) of the current Table of Fares attached at Appendix 1 be approved.

3. BACKGROUND

3.1 Members may recall that at their meeting on 21st January 2008 it was agreed not to introduce any changes to the Table of Fares following representations made by the Taxi Association and that the matter would be reconsidered at a later date should there be a need.

3.2 The Council has recently received a request from the Taxi Association to increase the mileage rates charged to passengers by 15% due to the significant increase in the cost of fuel over the last few months.

3.3 As a consequence, the Council has consulted with all Hackney Carriage owners on the proposal put forward by the Taxi Association. There are presently 49 individuals or firms in the district, which own Hackney Carriages. They have 75 vehicles between them. The results of the consultation are:

- 14 respondents (owning 29 vehicles) favour a 15% increase
- 1 respondent (owning 1 vehicle) favour an 10% increase
- 2 respondents (owning 2 vehicles) favour a 20% increase.
- 1 respondent (owning 1 vehicle) favour between 15-20% increase
- 3 respondents (owning 3 vehicles) favour an increase of 50p on the first mile rate.
- 1 respondent (owning 1 vehicle) favour an increase of 25%.

3.4 The remaining owners have not responded to the consultation letter. However, a number of them are members of the Taxi Association.

3.5 The proposed increase will result in the following charges:

For the first mile	£3.50
For each subsequent 99 yards	10p = £1.78 per mile approx

This will result in a charge of £5.28 for a journey of approx. 2 miles.

- 3.6 Comparisons with other nearby Councils, based on the cost of a 2-mile journey, are as follows:

Wyre Forest	£4.60
Redditch	£4.40
Worcester	£4.50
Bromsgrove	£4.60
Wychavon	£5.00
Dudley	£5.50
Malvern Hills	£5.40
Birmingham	£5.80
Solihull	£5.80

- 3.7 The national average is £4.76 for a 2-mile journey as at May 2008.
- 3.8 The Council has not increased the mileage rates since April 2005.
- 3.9 Based on these comparisons, and that the cost of a 2-mile journey in Bromsgrove is just over the national average, Members may wish to consider increasing the mileage rates by 15% with immediate effect, subject to no objections being received during the consultation period.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 The Committee has the power to fix the rates or fares within the district as well for time as distance and all other charges in connection with the hire of a hackney carriage vehicle by means of a table under section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 When the Council varies a table of fares, it must publish in a local newspaper, a notice setting out the table of fares or variations to the table. If there are no objections, the variation comes into operation upon the expiry of the period specified in the notice. If there are objections the matter will have to be considered further by the Committee.
- 5.3 In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, there is no limit to the amount of increase or variation, nor need an increase be dependent upon external factors such as the increase in fuel prices.

6. COUNCIL OBJECTIVES

6.1 How the item links to the Council's objectives and priorities.

7. RISK MANAGEMENT

7.1 The main risks associated with the details included in this report are:

- Potential for those who are affected by the proposal to challenge the Council, by arguing that the proposed increases are unreasonable.

7.2 Currently the risk identified in paragraph 7.1 is not addressed by any risk register and will be added to the Planning and Environment Services risk register as follows:

- *To ensure that any increase to the Table of Hackney Carriage Fares is deemed reasonable, following consultation with all Hackney Carriage Owners.*

8. CUSTOMER IMPLICATIONS

8.1 All Hackney Carriage owners will be notified in writing of any increase, which will take effect as soon as possible after the consultation period. Where after their meters will have to be calibrated to the new tariffs and tested by the Depot.

8.2 In accordance with legislation, the Council must publish details of any proposed variances to the table of Fares, allowing for objections to the proposals.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 The increase in the fares charged by Hackney Carriage Owners could have a detrimental effect on those people who are reliant on public transport. There is already a lack of public transport in the district which is not fully accessible for disabled people with mobility difficulties, furthermore there is currently no community transport service.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues - None
Personnel Implications - None
Governance/Performance Management - None

Community Safety including Section 17 of Crime and Disorder Act 1998 – People could be tempted to use unlicensed vehicles, as a cheaper option.
Policy - None
Environmental - None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Financial Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All Wards are affected by the contents of the report.

14. APPENDICES

Appendix 1 Current Table of Fares for 2008/09

15. BACKGROUND PAPERS

Responses received from Hackney Carriage Owners

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

DISTRICT OF BROMSGROVE
TABLE OF FARES FOR HACKNEY CARRIAGES 2008/09

(i)	<u>MILEAGE</u>	
	If the distance does not exceed one mile:	
	for the whole distance	£3.00
	If the distance exceeds one mile:	
	for the first mile	£3.00
	for each subsequent 114 yards or uncompleted part thereof	10p
(ii)	<u>WAITING TIME</u>	
	For each completed period of 21 seconds	10p
(iii)	<u>EXTRA CHARGES</u>	
	(a) For hirings begun between 6.00 pm on 24th December <i>Double</i> and 7.00 am on 27th December	<i>meter charges</i>
	(b) For hirings begun between 6.00 pm on 31st December <i>Double</i> and 7.00 am on 2nd January	<i>meter charges</i>
	(c) For hirings begun on Easter Monday, May Day Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday	<i>1 ½ meter charges</i>
	(d) For hirings begun in severe weather conditions, or <i>Double</i> when visibility is less than 25 yards	<i>meter charges</i>
	(e) For hirings when the hirer arranges in advance by letter or telephone or otherwise, with the proprietor or driver for the hire of a hackney carriage where no part of the trip passes within 1 mile of any hackney carriage rank in the Bromsgrove District	<i>1 ½ meter charges</i>
	(f) For hirings begun between midnight and 2.00 am on days other than those specified in (a), (b) and (c) above	£1.00
	(g) For hirings begun between 2.00 am and 4.00 am on days other than those specified in (a), (b) and (c) above	£2.00
	(h) For hirings begun between 4.00 am and 6.00 am on days other than those specified in (a), (b) and (c) above	£3.00

(i)	For the carriage of animals (except guide and assistance dogs) per animal per trip	50p
(j)	For hirings in which the number of passengers carried is greater than four	<i>1 ½ meter charges plus 1 ½ extra charges</i>
	<i>derived from (a), (b), (c), (d), (e), (f), (g) and (h) above</i>	

(iv) **FOULING OF THE VEHICLE**

To cover valetting:

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

PLANNING & ENVIRONMENT SERVICES

**THE TABLE OF FARES WILL BE REGARDED AS FIXED FARES AND IT WILL NOT BE
 POSSIBLE TO CHARGE A LOWER OR HIGHER RATE THAN SPECIFIED IN THE
 TABLE**

£17.50

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

DESIGNATED PUBLIC PLACES ORDER – CHARFORD RECREATION GROUND

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider introducing a Designated Public Places Order on Charford Recreation Ground. The Order will prevent the consumption of alcohol on this piece of land.

2. RECOMMENDATION

- 2.1 That Members either:

- approve the creation of a Designated Public Places Order on Charford Recreation Ground as outlined on the attached plan, to prevent the consumption of alcohol; or
- refuse the request.

3. BACKGROUND

- 3.1 The Council has been approached by the ward member for Charford to look at introducing a Designated Public Places Order to prevent the consumption of alcohol on Charford Recreation Ground in an attempt to reduce anti social behaviour and drinking in this public area.
- 3.2 The Criminal Justice Police Act 2001 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in a public place. The Regulations do not place a requirement on the local authority to conduct a formal assessment of the area in question, over a given period, of the nature of the problem. However the local authority will want to satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of say, one isolated incident. Consequently there should be clear evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and the belief that the problem could be remedied by the introduction of such an Order. The Council would look to

the Police Authority and the Council's Community Safety Team to provide this evidence.

- 3.3 In order to gain this necessary evidence, the Regulations require local authorities to consult with the Police Authority to seek their views on the nature of the problem and the appropriateness of introducing such an Order, as well as recognising that it will be the Police who will have the responsibility for enforcing the restrictions on public drinking in the designated area.
- 3.4 On this occasion, the Police are not willing to give their support to this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in this area. They feel that they already have sufficient measures in place to keep any anti social behaviour occurring in this area, under control.
- 3.5 According to the information provided by the Council's Community Safety Analyst there has only been one alcohol related incident on the recreation ground in the last two years.
- 3.6 A plan showing the location of the proposed Order is attached at Appendix 'A'.
- 3.7 Should Members decide to approve the proposed Order, it will be necessary to consult with the land owner and/or occupiers and a public notice will need to be published in the local press, seeking comments on the proposal.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 4.2 The cost of the signage will be met from existing budgets held by Street Scene and Community Services.

5. LEGAL IMPLICATIONS

- 5.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 5.2 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

6. COUNCIL OBJECTIVES

6.1 This proposal contributes to the Council’s objective “Sense of community and well being”.

7. RISK MANAGEMENT

7.1 There are not risks associated with this report.

8. CUSTOMER IMPLICATIONS

8.1 All relevant parties will be notified in writing within 5 working days of the Council’s decision.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 If Members are minded to approve the introduction of the Order, it could be conceived that the Council is not providing value for money as the Police are not in support of the proposal and may not be in a position to enforce the restrictions imposed by the Order. The Police already have alternative powers to deal with anti social behaviour.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
------------------	-----

Chief Executive	Yes
Executive Director (Partnerships and Projects)	Yes
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No
Head of Street Scene and Community Services	Yes

13. WARDS AFFECTED

The proposed Order will be situated in the Charford ward

14. APPENDICES

Appendix 1 Location plan of proposed designated area.

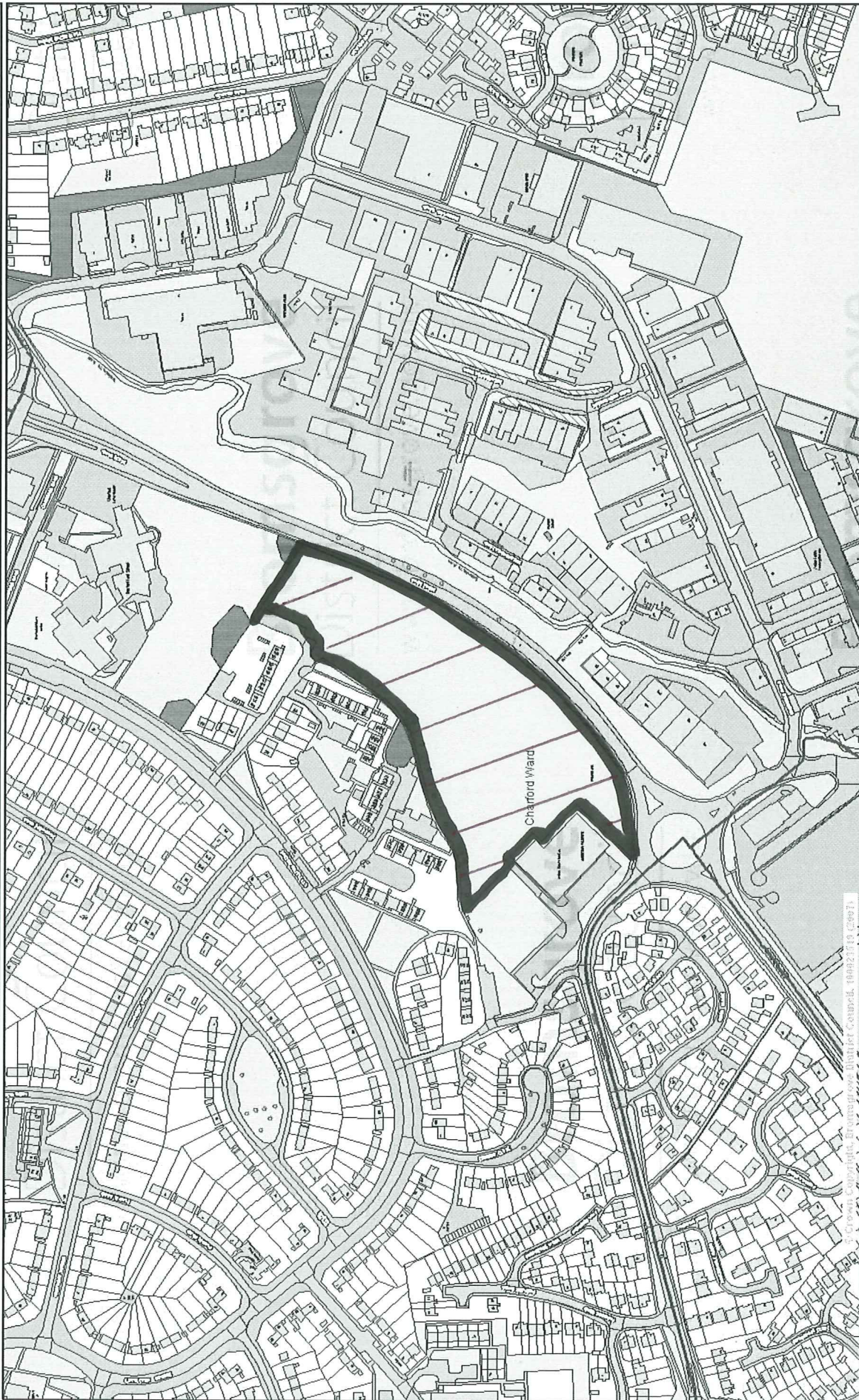
15. BACKGROUND PAPERS

Emails received from the Local Police Authority.
Email received from Community Safety.

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626

Charford Recreation Ground



Date 8/7/2008

Scale 1/3846

Centre = 395863 E 269100 N

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

DESIGNATED PUBLIC PLACES ORDER – COMPASS WAY, BREAM PARK

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider introducing a Designated Public Places Order on a piece of open space at Compass Way, Bream Park, Bromsgrove. The Order will prevent the consumption of alcohol on this piece of land.

2. RECOMMENDATION

- 2.1 That Members either:

- approve the creation of a Designated Public Places Order as outlined on the attached plan, to prevent the consumption of alcohol; or
- refuse the request.

3. BACKGROUND

- 3.1 The Council has been approached by the ward member for Charford to look at introducing a Designated Public Places Order to prevent the consumption of alcohol on a piece of open space off Compass Way, Bream Park in an attempt to reduce anti social behaviour and drinking in this public area.
- 3.2 The Criminal Justice Police Act 2001 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in a public place. The Regulations do not place a requirement on the local authority to conduct a formal assessment of the area in question, over a given period, of the nature of the problem. However the local authority will want to satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of say, one isolated incident. Consequently there should be clear evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and the belief that the problem could be remedied by the introduction of such an Order. The Council would look to the Police Authority and the Council's Community Safety Team to provide this evidence.

- 3.3 In order to gain this necessary evidence, the Regulations require local authorities to consult with the Police Authority to seek their views on the nature of the problem and the appropriateness of introducing such an Order, as well as recognising that it will be the Police who will have the responsibility for enforcing the restrictions on public drinking in the designated area.
- 3.4 On this occasion, the Police are not willing to give their support to this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in this area. They feel that they already have sufficient measures in place to keep any anti social behaviour occurring in this area, under control.
- 3.5 According to the information provided by the Council's Community Safety Analyst there has only been 2 alcohol related incidents in the area over the last two years.
- 3.6 A plan showing the location of the proposed Order is attached at Appendix 'A'.
- 3.7 Should Members decide to approve the proposed Order, it will be necessary to consult with the land owner and/or occupiers and a public notice will need to be published in the local press, seeking comments on the proposal.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 4.2 The cost of the signage will be met from existing budgets held by Street Scene and Community Services.

5. LEGAL IMPLICATIONS

- 5.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 5.2 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

6. COUNCIL OBJECTIVES

6.1 This proposal contributes to the Council’s objective “Sense of community and well being”.

7. RISK MANAGEMENT

7.1 There are not risks associated with this report.

8. CUSTOMER IMPLICATIONS

8.1 All relevant parties will be notified in writing within 5 working days of the Council’s decision.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 If Members are minded to approve the introduction of the Order, it could be conceived that the Council is not providing value for money as the Police are not in support of the proposal and may not be in a position to enforce the restrictions imposed by the Order. The Police already have alternative powers to deal with anti social behaviour.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
------------------	-----

Chief Executive	Yes
Executive Director (Partnerships and Projects)	Yes
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No
Head of Street Scene and Community Services	Yes

13. WARDS AFFECTED

The proposed Order will be situated in the Charford ward

14. APPENDICES

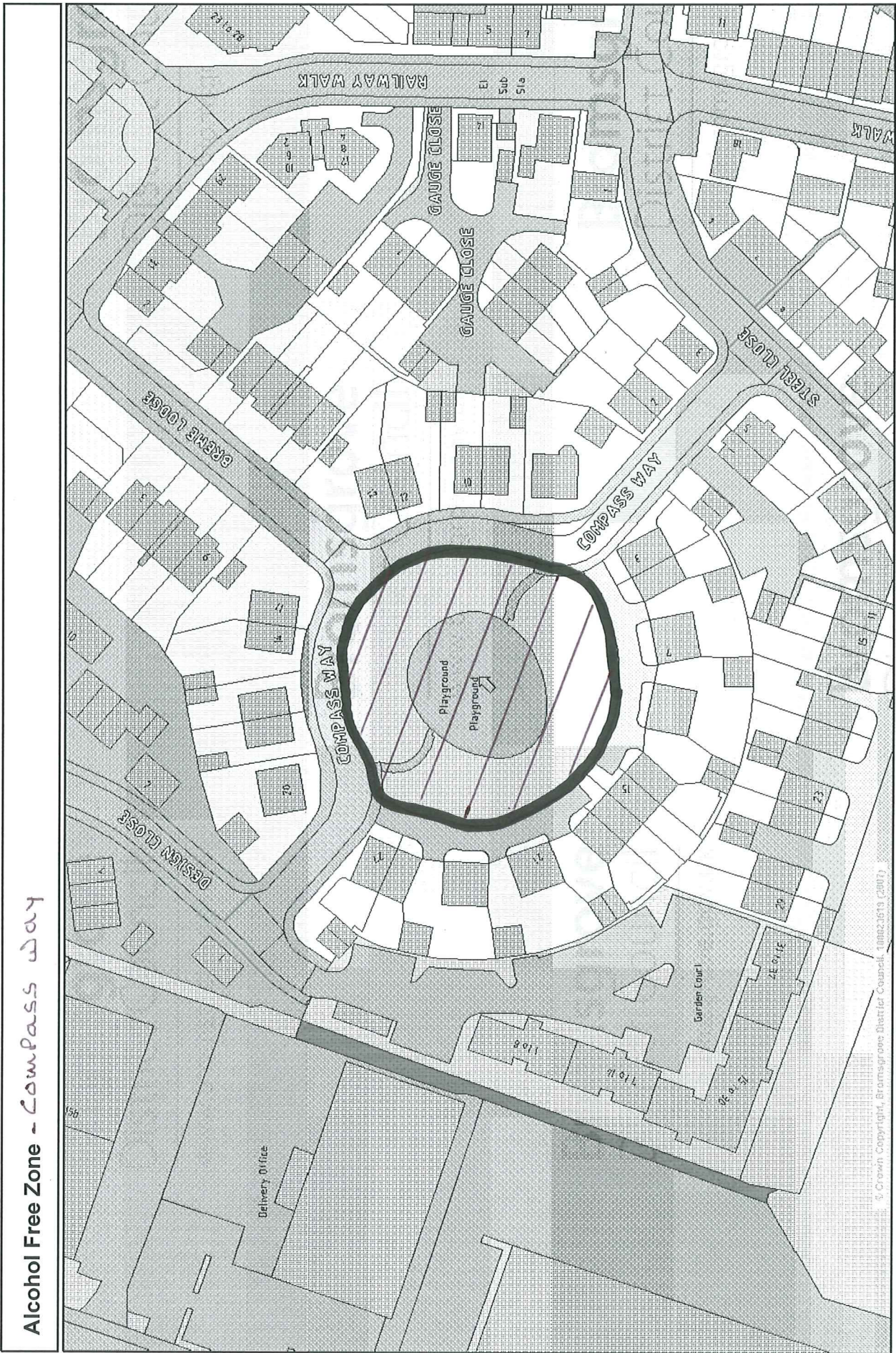
Appendix 1 Location plan of proposed designated area.

15. BACKGROUND PAPERS

Emails received from the Local Police Authority.
Emails received from Community Safety.

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626



Alcohol Free Zone - Compass Way

Date 21/5/2008

Scale 1/962

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Bromsgrove District Council 1000123519 (2007)

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Centre = 396327 E 268995 N

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

GUIDANCE RELATING TO THE 'RELEVANCE OF CONVICTIONS AND CAUTIONS' – CONSULTATION DOCUMENT

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 This report concerns the proposal to consult on the revision of existing guidance to Licensing Committee members on the relevance of convictions when granting either a Dual hackney Carriage and Private Hire driver licence or Private Hire Operator's Licence.

2. RECOMMENDATION

- 2.1 That Members support the proposed consultation on the revised guidance on the relevance of convictions and cautions.

3. BACKGROUND

- 3.1 Members will be aware of current guidance on the relevance of convictions when applications for driver or operator licences are determined by the Council's Licensing Committee
- 3.2 These guidelines have been produced to assist the new formed Taxi Licensing Sub-Committee in their decision-making and to maintain the consistency of any decisions made. They have also been formulated as a County-wide document to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both the Council and the applicant.
- 3.3 The aim of these guidelines is not to punish the applicant twice for a conviction or auction, but to ensure that public safety is not compromised.
- 3.4 As Members are aware the objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, mentally and physically fit, honest and not person who would take advantage of their passengers.

- 3.5 This document has been developed with the other local authorities in the County and we are at the stage to move this document forward. As the guidance will potentially affect existing drivers, as well as new applicants we wish to consult with all licence holders and any relevant public bodies before bringing the guidance back to this Committee for final approval.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the consultation process and associated administrative costs will be met from existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 This guide has been based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. The circulars advise local authorities on the procedures to adopt for checking with the police the criminal convictions of applicants for Hackney Carriage and Private Hire vehicle drivers' licences.

- 5.2 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 states "Council shall not grant a licence to drive a Private Hire/Hackney Carriage Vehicle unless they are satisfied that the person is a fit and proper person to hold a driver's licence".

- 5.3 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that ".... The district Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:

(a) that he has since the grant of the licence:

- (i) been convicted of an offence involving dishonesty violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of his Act; or

(b) any other reasonable cause."

6. COUNCIL OBJECTIVES

- 6.1 These guidelines contribute to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

- 7.1 The main risk associated with the details included in this report are:

- As a licensing authority it is necessary to have in place clear guidance and policies which are easily accessed by applicants, decision makers and the public.

7.2 Currently the risk identified in paragraph 7.1 is not addressed by any risk register and will be added to the Planning and Environment Services risk register as follows:

- To ensure that all interested parties are consulted on proposed Council Policy.

8. CUSTOMER IMPLICATIONS

8.1 Current licence holders will be consulted on the proposed guidelines. It is intended to allow a full 12 week consultation period in line with Home Office Guidance.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 A full Equalities and Diversity Impact Assessment will be prepared following the proposed consultation.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The Council ensures that licences are only granted to drivers of licensed vehicles if they can demonstrate that they are 'fit and proper'.
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (Partnerships and Projects)	Yes

Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards are affected.

14. APPENDICES

Appendix 1 Draft guidelines relating to the 'Relevance of Convictions and Cautions'.

15. BACKGROUND PAPERS

Home Office Guidance.

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GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS.

**Supplemental to the Home Office guidance on
the Relevance of Convictions contained in the
Department for Transport Circular 2/92 and
Home Office Circular 13/92 as amended.**

Contents

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Introduction to the Guidelines Relating to the Relevance of Convictions

The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle drivers', operators and proprietors' licences.

These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.

The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.

These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.

A person is not permitted to apply for a hackney carriage or private hire licence until they have held an appropriate driving licence for a minimum of 36 months.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 Sections 51 and 59 deal with the issue of driver suitability:

"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence."

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds

1) That he has since the grant of the licence.

i) Been convicted of an offence involving dishonesty
Indecency or violence.

or

ii) Been convicted of an offence under or has failed to
comply with the provisions of the Act of 1847 or of Part of
this Act.

or

2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Convictions

The Council's Regulatory Committee is required to look at any past indicators (convictions, speeding offences, cautions etc...) that may affect a person's suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.

As part of the licence conditions, the applicant is asked to disclose **all** convictions and cautions. Therefore **all** convictions must be disclosed, including spent convictions- the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) (Amendment) (England and Wales) Order 2003.

In addition, applicants must disclose any recent simple cautions they have received or any pending matters.

If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.

The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days of conviction or caution imposed on him/her during the period of licence.

Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

Patterns

A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received more than one conviction for a violent action, then serious consideration should be made as to the suitability of that person to hold a licence.

The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold licence. After consideration by the Committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

A "Fit and Proper Person"

There is no absolute definition as to what constitutes a "fit and proper person", however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on a common sense approach. Some areas give rise to particular concern, including

- Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak and understand English.

“Protecting the Public” Question

The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

If answer is yes, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance with Conditions and requirements of Licensing Authority

The Committee may take into account an applicant’s history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

The Guidelines

To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.

Traffic Offences

This section refers to New Applicants only

Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result. All the possible traffic offences have been separated into two categories: minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section (p15).

For information on insurance guidelines, see **Insurance Offences** (p10).

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkness** (p12) and **Drugs** (p14) sections.

Driving Offences

Any new applicant who has 9 penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Regulatory Committee. The Regulatory Committee then have the option of deciding the application on its merits, and may:

- Issue the licence with or without a written warning
- Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- Refuse the application.

A Licence may only be granted on the condition that the Committee is satisfied that the applicant is a fit and proper person.

For any minor offences totalling 6 or fewer points on an applicants licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.

A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.

If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

Medical Offences

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.

Traffic Offences

This section applies to Existing Licence Holders only.

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving.

Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section (p15).

For the information on Insurance guidelines, see **Insurance Offences** (p10).

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** (p12) and **Drugs** (p14) sections

Traffic Offences

Any existing licence holder who has 9 penalty points or more on his driving licence will be expected to go before a Regulatory Committee hearing to explain their convictions. The Regulatory Committee then have the option of deciding the application on its merits, and may

- Take no further action
- Give a written warning
- Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- Suspend the Licence upon conditions or for a period of time
- Revoke the licence.

Medical Offences

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has been convicted of an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.

The onus is on the applicant to provide appropriate medical evidence from their GP, consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the Committee has any doubts over the applicant's fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

Cautions

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

Insurance Offences

The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.

More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

Sexual Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.

Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-

- Take no further action
- Issue a written warning
- Suspend the Licence
- Revoke the licence

The following guidelines illustrate the Council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.

A strict warning as to future conduct should be issued to any applicant who is granted a licence. **Any existing licence holder charged with or convicted of a sexual offence or issued with a simple caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.**

The following offences are listed under this section together with their rehabilitation periods:

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years on completion of sentence.
- **Indecent Assault** - Licence should be revoked/refused until a period of 10 years on completion of sentence.

- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 8 years on completion of sentence.
- **Gross Indecency with a Male** - Licence should be revoked / refused until a period of 8 years on completion of sentence.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years on completion of sentence.
- **Buggery** – Licence should be revoked until a period of 8 years on completion of sentence

Drunkenness

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

New Applicants

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

- A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.

Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be**

considered until a period of 5 years has elapsed after restoration of the DVLA licence..

If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Regulatory Committee.

- One or 2 convictions for drunkenness not confined to one year should result in a warning as to future conduct.
- 2 convictions within a year a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
- 3 or more convictions- any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free convictions.

In both cases

More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered.

Drug Offences

A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.

If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or abuse.

Any new applicant who has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

Violence

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

- (a) An application/licence will normally be refused for the following offences, regardless of the period of time lapsed after the date of conviction:
- Murder
 - Manslaughter
 - Causing death by reckless driving, including:
 - Causing death by reckless driving when unfit through drugs:
 - Causing death by careless driving when unfit through drink
 - Causing death by careless driving with alcohol level above the limit
 - Causing death by careless driving then failing to supply a specimen for analysis
 - Manslaughter or culpable homicide while driving a vehicle
 - Causing death by dangerous driving
- (b) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm which is racially aggravated
- (c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where the conviction is **less than 8 years** prior to the date of application:
- Grievous bodily harm with intent
 - Grievous bodily harm
 - Robbery
 - Racially-aggravated criminal damage

- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
 - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - Racially-aggravated harassment
 - Racially-aggravated fear of violence
- (d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where a conviction is **less than 5 years** prior to the date of application:
- Common assault
 - Common assault which is racially-aggravated
 - Assault occasioning actual bodily harm
 - Assault on the police
 - Affray
 - Riot
 - Obstruction
 - Possession of offensive weapon
 - Possession of firearm
 - Criminal damage
 - Violent disorder
 - Resisting arrest

More than one offence

The above guidelines are applicable to applicants who have been convicted of one offence.

If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

If an applicant has a history of violence (more than two convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

Possession of a Weapon

If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be refused where an applicant has a conviction for an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

Complaints Against Drivers

Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.

The Committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is fit and proper person to hold such a licence.

Conclusion

The fact an applicant has a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.

A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.

Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

COUNTY-WIDE TAXI LICENSING HANDBOOK – CONSULTATION DOCUMENT

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 This report seeks approval to consult on the introduction of a new County-wide taxi handbook, which will be issued to all licensed taxi drivers.

2. RECOMMENDATION

- 2.1 That Members support the proposed consultation on the new County-wide taxi handbook.

3. BACKGROUND

- 3.1 Members will be aware of current guidance for applicants, drivers and owners, which is given out to anyone enquiring about becoming a licensed driver. The purpose of the guidance sets out to applicants and existing licence holders the Council's policies, procedures for applying for each type of licence and the Council's standard licence conditions relating to all aspects of taxi licensing.
- 3.2 We have been working with other licensing authorities across Herefordshire and Worcestershire in an attempt to bring together each others extensive guidance, conditions and policies relating to all aspects of taxi licensing into one handbook, so that we provide a consistent approach across the two counties. In particular, reviewing the criteria for new drivers and the types of vehicles that we proposed to license in the future.
- 3.3 The proposed handbook will potentially have a significant impact on current taxi drivers and operators. Consequently we would have to look at introducing a transition period for the more significant changes so as to lessen the impact on existing businesses.
- 3.4 However, because the revised handbook will potentially affect existing drivers as well as new applicants we wish to consult with the taxi trade, members of the public and any relevant public body or voluntary groups before bringing this handbook back to Committee for final approval.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the consultation process and associated administrative costs will be met from existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The Council's Legal, Equalities and Democratic Services Department will be consulted on the proposed Handbook and any legal implications will be made known to Members when the final version is brought back to Licensing Committee for final approval.

6. COUNCIL OBJECTIVES

- 6.1 These guidelines contribute to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

- 7.1 The main risk associated with the details included in this report are:

- As a licensing authority it is necessary to have in place clear guidance and policies which are easily accessed by applicants, decision makers and the public.

- 7.2 Currently the risk identified in paragraph 7.1 is not addressed by any risk register and will be added to the Planning and Environment Services risk register as follows:

- To ensure that all interested parties are consulted on proposed Council Policy.

8. CUSTOMER IMPLICATIONS

- 8.1 Current licence holders will be consulted on the proposed guidelines. It is intended to allow a full 12 week consultation period in line with Home Office Guidance.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 A full Equalities and Diversity Impact Assessment will be prepared following the proposed consultation.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy It is intended that the proposed handbook will replace all existing policy relating to applicants, drivers, vehicles and operators.
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (Partnerships and Projects)	Yes
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards are affected.

14. APPENDICES

Appendix 1 Draft Taxi Handbook.

15. BACKGROUND PAPERS

Model Standard for Taxi and Private Hire Licensing 2007
Existing policy and conditions relating to taxi licensing put forward from the other districts in the County and Herefordshire.

CONTACT OFFICER

Name: Sharon Smith
E Mail: sharon.smith@bromsgrove.gov.uk
Tel: (01527) 881626



Bromsgrove
District Council
www.bromsgrove.gov.uk



Taxi Handbook

On request we can arrange for this handbook to be made available in large print.

Need help with English? Contact Ethnic Access on 01905 25121.

Need help with English? Ethnic Access Link Tel: 01905 25121
'Potrzebujesz pomocy z Angielskim – skontaktuj się z Ethnic Access
Tel: 01905 25121'
Potrebujete pomôct's angličtinou? Kontaktujte etnickú prístupovú linku
na telefónom čísle 01905 25121
„Aveți nevoie de ajutor cu engleza? Contactați Ethnic Access la numărul
de telefon: 01905 25121.”
क्या अंग्रेजी में सहायता चाहिए? ऐथनिक ऐक्सेस लिंक [Ethnic Access Link]
से फोन: 01905 25121 पर संपर्क करें
[Ethnic Access] آپ انگریزی میں مدد چاہتے ہیں - نسلیاتی رسائی
01905 25121 سے رابطہ کریں ٹیلیفون:

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Definitions used throughout this Handbook

The Council	Bromsgrove District Council
Authorised Officer	Head of Planning and Environment Services Principal Licensing Officer Licensing Officer
The Owner	The person shown on the hackney carriage or private hire vehicle licence as the owner of the vehicle.
The Driver	The person to whom the Council has granted the Hackney Carriage/Private Hire Drivers licence to.
The Vehicle	The subject of the hackney carriage or private hire vehicle licence to which conditions are attached.
Private Hire Vehicle	A licensed vehicle which can carry passengers for hire or reward, but only by being pre-booked. It may not stand or ply for hire on the ranks or in the district of Bromsgrove District Council.
Hackney Carriage Vehicle	A licensed vehicle which can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers.
Private Hire Operator	Any person who is licensed in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle and manages, controls or allocates work to drivers through a central system.
Plate	The licence plate issued by the Council to be displayed in accordance with the Council's conditions.
Nominated Garage	The Council's approved mechanical testing centre. The Depot, Sherwood Road, Aston Fields, Bromsgrove.
Certificate of Compliance	The certificate issued by the Council's nominated garage certifying that the vehicle is mechanically sound and fit for use as a taxi.
Wheelchair Accessible Vehicle	A vehicle whereby a wheelchair user can remain in their wheelchair whilst entering and being conveyed in that vehicle. The vehicle must be fit for this purpose at all times.
Appeal	A means by which a committee decision can be reviewed by the Magistrates Court or the Crown Court. The

decision of the Committee may be upheld or overturned.

Conviction

Sentence of the Court.

**Mitigating
circumstances**

The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.

Rehabilitation

The period in which the standing authority feels a person has repented their crimes.

Revoke

To take back something for an indefinite period of time.

Suspend

To hold something away from its owner for a period of time.

INTRODUCTION

This guide has been written to advise and assist both new applicants and existing licence holders on how to apply for various licences and the laws which affect the operation of private hire and hackney carriage vehicles.

The Council issues the following types of licences:

- Dual drivers licence which covers both Hackney Carriage and Private Hire
- Hackney Carriage Vehicle Licence
- Private Hire Vehicle Licence
- Private Hire Operators Licence

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

The Town Police Clauses Act (TPCA) 1847
The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)
The Transport Act 1985 (TA)
Driver Vehicle Licensing Agency
Local Byelaws
Licence conditions

The conditions and byelaws attached to each type of licence can be found in this guide.

If you have any queries about the information contained in this handbook or require advice or assistance, please contact us at:

In writing:

The Licensing Section
Planning and Environment Services
Bromsgrove District Council
Burcot Lane
Bromsgrove
Worcs., B60 1AA

Telephone enquires:

Customer Service Centre
(01527) 881288

Email address:

licensing@bromsgrove.gov.uk

Fax:

(01527) 881313

Personal visits:

Can be made at the Customer Service Centre where a Customer Service Advisor will be able to help you. The Service Centre is open Monday – Wednesday and Friday from 9.00am to 5.00 p.m., Thursday from 10.00 a.m. to 5.00 p.m. and Saturday from 9.00 a.m. to 12noon at School Drive, Bromsgrove.

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

Tuesday from 1.30 p.m. to 2.30 p.m.
Wednesday and Friday from 9.30 a.m. to 10.30 a.m.

Alternatively, please telephone for an appointment.

All application forms are available either by phone or direct from the Customer Service Centre. You may also download these forms from www.bromsgrove.gov.uk . Assistance in completing these forms can be obtained from one of the Customer Service Advisors or by attending a licensing surgery at the Customer Service Centre.

All relevant information will be taken into account when consideration is given to an application for any type of licence. Whilst an application should conform to the licensing conditions, guidance and Council Policy, each application will be considered on its own individual merits.

Data Protection

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

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

GENERAL INFORMATION

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

Fees and Charges

All applications for licences are accepted subject to the following conditions:-

1. Fees and charges for all licences are payable at the same time as making your application and are not refundable under any circumstances once the licence has been granted.
2. Full details of all current fees and charges are set out in a separate leaflet which accompanies this handbook. Cheques should be made payable to Bromsgrove District Council. Dishonoured cheques will invalidate any licence which has been issued. For licences to be re-instated, payment must be made in cash at the Customer Service Centre.

Licence Renewal Reminders

As a licence holder, you are responsible for renewing your own licence(s). However, reminders will be sent to you and this will give you plenty of time to make the necessary arrangements.

Loss or Theft of Driver's Badge and Vehicle Plates

Loss or theft of your badge, or vehicle plates should be reported immediately to the Council and the Police. A replacement licence, badge or plate will be issued once you have paid the appropriate fee.

Vehicle Spot Fitness Checks

FROM TIME TO TIME YOUR VEHICLE MAY BE SUBJECT TO A SPOT CHECK. The check will be carried out either by the Police, The Council's authorised officers, the Council's nominated garage, or authorised vehicle examiners of the Vehicle Operator Services Agency (VOSA). Spot tests are normally carried out at the roadside. If your vehicle does not pass the spot test, then your vehicle licence will be suspended and your plate may be removed. This suspension may be either immediate or deferred. The type of action taken will depend upon the severity of the defects that have been discovered.

Immediate Suspension

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

Complaints about standard of driving

If complaints are received from the public about the driving skill of a licensed driver, the Council may require them to take the Driving Skills Assessment Test as applied to new drivers. If as a result of this test, the Council considers that the driver to be unfit to hold a driver's licence, the licence may be revoked under the Local Government (Miscellaneous Provisions Act) 1976.

SECTION A – DRIVERS LICENCE

APPLICATION FOR A DUAL DRIVER'S LICENCE AND BADGE

The dual driver's licence covers the driving of both Hackney Carriage and Private Hire Vehicles and is valid for one year from the date of grant.

Criteria for Hackney Carriage and Private Hire Drivers:

- Applicants must be over 21 years of age;
- Applicants must hold a DVLA driver's licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 3 years driving experience in the relevant class of vehicle in the UK;
- Applicants must have good conversational English. If the Licensing Officer feels that you do not have conversational English, he/she will refer you to another Officer for their view;
- Applicants for new licences should have no more than 6 current penalty points on their DVLA licence;
- Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences. (Please refer to guidance on page);
- Applicants for renewal of licences should also have no more than 9 current penalty points for motoring offences on their DVLA licence;
- Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than for minor traffic offences. (Please refer to guidance on page);
- Applicants for new dual driver's licences must pass the Council's knowledge test before issue of licence;
- Applicants for new licences must have passed a Driving Assessment with Worcestershire County Council within the last 12 months;
- Applicants for a new licence must have passed or be working towards disability awareness training during the first 12 months of being granted their initial licence;
- New applicants must be certified physically fit to drive hackney carriages or private hire vehicles by a registered medical practitioner (to the Driver and Vehicle Licensing Agency's Group 2 medical standards). Applicants must also pass a drugs test.
- Drivers applying to renew their licences will not be required to provide a medical certificate except:
 - Where the driver is between 45 and 64 years old, a medical certificate will be required every five years;
 - Where the driver is 65 years old or over, a medical certificate will be required annually. Drug tests will also be required.

Foreign Nationals and other persons who have lived abroad

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

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

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences. It is recommended in the Department for Transport Best Practice Guidance to establish the right to work, to determine whether an applicant is a 'fit and proper' person. Consequently you will be required to prove your right to work in the UK. This can be done by submitting relevant original documents as outlined in the guidance on the importance of obtaining evidence that you are legally permitted to work in the UK..

How to make your first application

Stage 1

Once you have met the above-mentioned criteria, please make an appointment with the Licensing Officer for an interview and bring with the following completed documentation:

- Licence application form;
- Licence fee; (see separate set for details of fees)
- Your original DVLA or equivalent driver's licence (photocopies will not be accepted). The licence must cover you for the category of vehicle you will be driving. If it is a photo card licence, then both the card and paper counterpart must be produced showing your current address. See explanatory note D.
- Provide a recent coloured passport sized photograph. See explanatory note E.
- A letter from your prospective employer confirming they will employ you should your application be successful.
- DVLA mandate form - applicants must provide their written permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority at Swansea in order to obtain an up to date record of their driver licence records. See explanatory note C.
- Criminal Records Bureau disclosure application form and fee - a search is carried out by the Criminal Records Bureau (CRB) for previous non-motoring convictions on all new applicants and then every 3 years. See explanatory note 'B'.

When completing the application form, you must declare all convictions imposed by a Court subject only to the constraints of the Rehabilitation of Offenders Act 1974 which are set out at page 57. If you are in any doubt as to whether a licence can be granted, you can get advice (in confidence) from the Licensing Section or if you are unsure how to complete any part of the application.

If any convictions arise during the application process, the Licensing Section must be informed in writing with 7 days from the date of conviction.

Stage 2

On receipt of a satisfactory CRB disclosure and DVLA check, you will now need to obtain a medical report and undergo a drug test from your Doctor. Time taken by the CRB and/or DVLA to check your records is out of the Council's control.

Stage 3

On receipt of a satisfactory medical report and drug test, an appointment will be made for you at a mutually convenient date/time, for you to take the knowledge test.

The knowledge test will consist of three parts:-

- Part 1 - You will be given a map on which names of streets and popular locations in Bromsgrove District have been blanked out. You will be required to identify these locations.
- Part 2 - You will be given two locations and you will be asked to describe the shortest convenient route to be taken from the start of the journey to the final destination.
- Part 3 - You will be required to answer a number of questions relating to the law, regulations and conditions relating to Hackney Carriage and Private Hire Vehicles and drivers.

In order to pass the test, you will be expected to achieve at least 80% in Parts 1 and 3 and 100% in Part 2.

If you fail the test or any part of it at the first attempt, then you can take a further test at a later date.

Stage 4

On successful completion of the knowledge test, all new applicants must take a Driving Skills Assessment Test. These tests are carried out by the Road Safety Unit of Worcestershire County Council and a fee is payable for this direct to the Assessment centre.

When the fee is paid, the Road Safety Unit will contact the applicant and arrange a date for the Assessment. They can be contacted on:

Disability Awareness Training

It is a condition on all drivers' licences that they must attend a Disability Awareness Training Course with 12 months of their initial application. Officers

may not grant renewal applications if the driver concerned has not undertaken Disability Awareness Training without reasonable excuse.

Issue of Licence

When you meet the conditions below your licence will be issued within 2 working days.

A licence will normally be granted if:

- you have no “unspent” criminal convictions (see below) and have no pending prosecutions for criminal or motoring offences,
- you have no more than 6 penalty points on your driving licence,
- you have been certified physically fit by a registered medical practitioner to drive a hackney carriage or private hire vehicle, and
- you have passed the geographical knowledge test (hackney carriage drivers only).

Your Licence can be posted to you or made available for collection at the Customer Service Centre.

Those who do not meet the criteria

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

However, where there is any doubt as to whether the applicant is a ‘fit and proper’ person, for instance because the CRB or DVLA checks have shown the applicant has criminal or motoring convictions, including cautions and any other relevant information disclosed by the Chief Police Officer. The Licensing Section may not have authority to grant or renew an application. However the applicant can request in writing to have their application determined by the Council’s Licensing Committee.

A report will be compiled by the Licensing Officer outlining the application and present it to the Committee.

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

In respect of criminal convictions that are declared, the Committee will have regard to the guidelines relating to the relevance of convictions which can be found at page 57.

Appealing against a decision of the Council

After considering the applicant’s representations, the Committee will determine the matter. If the applicant is not satisfied with the decision of the

Licensing Committee, there is a right of appeal to the Magistrates Court within 21 days of being notified of the Committee's decision.

APPLICATION TO RENEW A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

You must apply for renewal of your licence whilst the existing one is still in force. A reminder letter will be sent to you approximately 4-6 weeks before the current licence expires. (IF AN APPLICATION IS MADE ONE DAY LATE, IT MUST BE TREATED AS A NEW APPLICATION), including having to pass the knowledge test and undertake the driving skills assessment, so please ensure adequate time for renewal. Additionally you would not be permitted to continue driving Hackney Carriage or Private Hire vehicles as you would not hold a current licence.

When renewing your licence you must submit the completed renewal application form, to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- application form for Criminal Records Bureau (where applicable);
- medical report (where applicable);
- DVLA licence showing current address;
- DVLA mandate;
- licence fee;
- a passport sized photograph (if your current one needs updating).

If you have accumulated more than 9 fixed penalty points for motoring offences during the term of the licence, the renewal application will be refused and you will have the option of referring your application to Taxi Sub-Committee for determination.

If the CRB or DVLA checks do not arrive prior to the expiry of the existing licence, you will be permitted to carry on driving hackney carriage and private hire vehicles, providing your application was received prior to the expiry date of your existing licence.

Should the CRB disclosure reveal convictions not disclosed by you, then the licence and badge will not be renewed and you will have the option of referring your application to Licensing Committee for determination.

If you are going on an extended holiday, they may apply for a renewal before they go or give someone else written permission to renew their licence on their behalf.

If you are unsure as to how to complete any part of the application, he/she should seek advice from a Licensing Officer.

Issue of Licence

An application will only be granted and the licence issued once the application procedure has been satisfactory carried out.

Disability Awareness Training

It is a condition on all drivers' licences that you must attend a Disability Awareness Training Course within 12 months of your initial application. Officers may not grant renewal applications if the you have not undertaken Disability Awareness Training without reasonable excuse.

EXPLANATORY NOTES

A Knowledge Test

All applicants for a drivers licences must pass a knowledge test before a licence can be issued.

B Criminal Records Bureau (CRB) Vetting Form

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

The procedure is as follows:

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

The applicant and the Council will both receive the disclosure (the CRB result) at the same time. Please note that it can take at least 6-8 weeks for the information to be sent back. Your CRB application can be tracked online at www.crb.org.uk

C DVLA Mandate

The applicant will complete a DVLA mandate form in order that the Council can have an up to date record of their driver licence records.

D DVLA Licence

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

E Passport Photographs

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

F Fee

The fee to be paid will be determined each year by the Licensing Committee. The change will come into effect on 1 April each year.

G Medical Authorisation

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

H Issue of Licence

An initial application will only be granted and the licence issued once all of the application procedure has been satisfactorily carried out. This includes the return of the CRB check and DVLA licence mandate.

For renewal applications, if the CRB checks do not arrive prior to the expiry of the existing licence, drivers will be permitted to carry on driving hackney carriage and private hire vehicles, providing their application was received prior to the expiry date of their existing licence.

CONDITIONS RELATING TO DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

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

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

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

Driver's Licences

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

Driver's Badge

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

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

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

If the badge is damaged after being issued to the driver, a replacement shall be provided by the Council, at the driver's expense.

Direct route

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

Your behaviour

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

- (e) When you have a passenger in the vehicle, you must not play a car radio or music system (except the radio which you use for arranging journeys), without your passenger's permission.
- (f) You must never allow your radio or music system to be loud enough to annoy anyone, whether that person is inside or outside your vehicle.
- (g) You shall not sound your horn to announce your presence to the hirer.

Prompt Attendance

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

Passengers

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

Lost Property

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

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

Receipts

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

Equipment in the Vehicle

Your vehicle must carry, at all times:-

- (a) a fire extinguisher;
- (b) a spare wheel and enough tools to enable a wheel to be changed;

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

The fire extinguisher must be kept somewhere where it is easily visible and can be easily reached if there is an emergency. If the vehicle is an estate type, some equipment, such as a safety grill, must be carried and capable of being correctly fitted, to make sure that, items in the luggage section at the rear cannot slide forward into the passenger compartment. This item must be in situ at the time of any mechanical inspection at the test centre.

Insurance

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

Plying for Hire - Private Hire Vehicle

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

Taximeter

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

- (a) The driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare. The fare must be properly illuminated during the hours of darkness or at any other time at the request of the hirer.
- (b) The driver shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, or with the fittings thereof or with the seals affixed thereto.
- (c) Vehicles fitted with a meter may not operate unless the meter is in working condition and has been checked and sealed by an authorised officer.
- (d) All vehicles fitted with a meter must display a current tariff card.

Plying for Hire - Hackney Carriage

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

Fare to be demanded

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

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

Animals

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

Assistance Dogs

You must not refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a

dog whilst in the company of a disabled person or a person training such a dog.

Any driver with a medical reason for not complying with this condition must apply to the Council for a certificate of exemption. Any charge for any necessary medical examination is to be paid by the applicant. Such a certificate of exemption shall be displayed in the vehicle at all times whilst the person holding the exemption is driving the vehicle.

You must comply with the Disability Discrimination Act, and any subsequent relevant legislation, at all times.

Deposit of your licence

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

Copy of conditions

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

Change of circumstances

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

- (a) Change in name or address;
- (b) Change in employer
- (c) Any convictions, motoring or otherwise (including fixed penalty), or any caution you have received.
- (d) Any medical condition that may affect the ability to drive. A medical examination may be required.

Change of ownership

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

DVLA Driving Licence

You must show your DVLA Driving Licence to any authorised Officer of the Council who has asked to see it. You must do this within 5 days of the request being made and the Licence must be shown at The Council House, Burcot Lane, Bromsgrove.

Complaints

Any driver, as directed by the Council's Licensing Committee may be required to undergo a driving skills assessment if his standard or manner of driving leads to a credible complaint.

Renewal of Licence

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

application for renewal is not received by the expiry date, the licence will lapse.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

SECTION B – VEHICLES

HACKNEY CARRIAGE VEHICLES

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

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

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

The Strand – outside Oceans Fish Bar	-	two spaces
The Bus Station	-	five spaces
Hanover Street Car Park (evenings only)	-	six spaces

The first vehicle in line on any rank must take the hirer seeking a Hackney Carriage.

PRIVATE HIRE VEHICLE

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

If you intend to operate a Private Hire business you will require an Operators Licence, a licence for each vehicle operated and a driver's licence for each driver.

A Private Hire Licence is not needed:

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

The Council's advice is that in all other cases of carrying passengers for hire or reward, a licence is needed.

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

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

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

Criteria for type of vehicle

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

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

Special Events Vehicle (limousines with left hand drive)

- a) Seating capacity to be a minimum of 6 and a maximum of 8.
- b) Seat belts to be provided for all passengers.
- c) All vehicles to have full Department of Transport type approval.

- d) Vehicles to be put through a normal M.O.T. test and then to be brought to the Council Depot for checking and testing of items which are in the Council's test, but not in the M.O.T.
- e) These vehicles to be exempt from displaying licence identity plates on the outside, but to display an identity plate inside the driver's compartment and to carry a letter of dispensation.

DO NOT PURCHASE A VEHICLE UNLESS YOU ARE SATISFIED IT CAN BE LICENSED

APPLICATION FOR EITHER A PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE LICENCE

How to make your first application

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

- Full vehicle registration document (V5 Form) or 'new keeper supplement' or 'confirmation of registration details'. In the case of the latter two, a copy of the full vehicle registration document must be forwarded to the Licensing Section as soon as possible. The registration document must be in the name of the applicant and showing the correct address.
- Insurance Certificate. Hackney Carriage vehicles need to be insured for 'Public Hire', whilst Private Hire need to be insured for 'private hire'. Photocopies will not be accepted.
- Licence Fee (Please note no part of the fee is refundable).
- Type approval certificate (where necessary)

MOT and vehicle inspection

All vehicles are inspected before a licence is issued and thereafter on an annual basis when the licence falls due for renewal. Vehicles are inspected at the Council's nominated garage. Before an applicant takes a vehicle for an inspection it is advisable that it is roadworthy and it complies with all of the Council's vehicle conditions which are set out in this handbook.

Having obtained a pass certificate for the vehicle inspection, this should be taken immediately to the Customer Service Centre, where your vehicle Licence, Certificate of Compliance and plates will be issued. The certificate of compliance is the equivalent of an M.O.T. test certificate, and if one has been issued for your vehicle, the vehicle will not need the normal M.O.T. certificate. The Certificate of Compliance remains valid as long as the vehicle is used for Private Hire or Hackney Carriage work. Should the vehicle be disposed of or used for domestic use only, then a normal M.O.T. will need to be obtained.

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

The Council's nominated garage is:
Depot Services, Sherwood Road, Aston Fields, Bromsgrove.

Please contact the Licensing Section on (01527) 881405, to make an appointment. The garage has set time slots that it carries out Taxi MOT's and inspection:

- Monday – Thursday either 10.00 a.m. or 2.00 p.m.
- Friday – 10.00 a.m.

If your vehicle fails the test, then you will be provided with a copy of the failure report. Re-test appointments are booked through the Licensing Section, a fee may be payable.

Retests are carried out Monday – Friday at 11.30 a.m.

Issue of Licence

Completed applications submitted for vehicle licences will be processed within 5 working days of being received by the Licensing Section subject to the vehicle passing its MOT/vehicle inspection. A vehicle may not be used as a hackney carriage or private hire vehicle unless the relevant application has been processed and the licence granted and issued.

Vehicles are licensed to carry up to a specified number of passengers. The licence plate must be fixed internally on the rear back window and each of the 'mini' plates to be fixed on each passenger door window. This specifies the number of passengers that can be carried. It is the responsibility of the driver of any hackney carriage to ensure the safety of children and comply with any relevant legislation with regard to the carriage of children.

Renewal of a Vehicle Licence

Renewal applications and vehicle MOT/inspection bookings for the renewal of the vehicle licences should be made at least 14 working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used.

Late renewals

If a vehicle licence is allowed to expire, and no application is received to renew the licence within 14 days of this expiry, the vehicle will be treated as if it has not been licensed before and will have to meet the criteria for a vehicle being licensed for the first occasion.

Transfer of Ownership

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Officer within 14 days from the date of sale. The application to

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

Change of vehicle

If a change of vehicle is required before expiry of a licence, an application for a new licence should be made but a lower fee will be charged and the licence will be issued for the remaining time of the previous licence.

Taxi Meters in Vehicles

The Council at this time does not require private hire cars to be fitted with a taxi meter, but if such a meter is fitted, it must be correctly calibrated, tested and sealed. All Hackney Carriage vehicles must be fitted with a taxi meter which must be calibrated in accordance with the Council's approved table of fares. The meter will then be tested as part of the vehicle inspection. The table of fares is to be displayed at all times in a Hackney Carriage vehicle.

The table of fares is reviewed annually and all Hackney Carriage owners are consulted.

An authorised officer or Police constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68 LGMPA).

Trailers used for carrying luggage are inspected annually.

Accidents

Any accident causing damage to a hackney carriage or private hire vehicle must be reported by the proprietor to the Council within 72 hours. (This is in addition to any requirement to notify the police).

- If a replacement vehicle is to be licensed, the licence plate and window sticker must be removed from the damaged vehicle and returned to the Council.
- The replacement vehicle must meet the vehicle criteria and be presented to the licensing officer (by appointment) with an application form, new MOT test certificate, confirmation of insurance and licence fee. This is usually organised by the rental company, who pay the change of vehicle fee up-front for the damaged vehicle to be re-licensed after repair.

When the repairs to the vehicle have been completed it will need to be re-licensed, by completing an application form, providing a new MOT, up to date insurance and presenting the vehicle for inspection (by appointment) at the Customer Service Centre.

EXPLANATORY NOTES

A MOT certificates

A new MOT certificate (no more than 1 month old) must be produced for all vehicles requiring a licence

B Vehicle Registration Document (V5)

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

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

C Insurance Certificates

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

D Vehicle Inspection Certificates

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

E Fee

The fee to be paid will be determined each year by the Council. The change will come into effect on the 1 April each year.

F Issuing of Licences

Completed applications submitted for vehicle licences will be processed within 5 working days of being received by the Licensing Section. A vehicle may not be used as a hackney carriage or private hire vehicle unless the relevant application has been processed and the licence granted and issued.

Therefore applications for renewal of vehicle licences should be made at least six working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used.

G Late Renewals

If an applicant applies for renewal of a vehicle licence after their previous licence has expired, even if this licence has only expired by one day, the driver will not be permitted to continue using the vehicle as a hackney

carriage or private hire vehicle until the application has been processed and the new licence granted and issued.

H Transfer

When applying for transfer of a vehicle licence, a Change of Ownership form must be completed and the appropriate fee.

CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE VEHICLE LICENCE

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

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

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

Age of vehicle

The maximum age for which a vehicle licence can be renewed is 9 years from the date of first registration. However, if the vehicle is a wheelchair accessible vehicle, this age is extended to 12 years.

The age of the vehicle is to be taken from the date of registration as shown in the vehicle registration document.

Left hand drive

The vehicle shall not be left hand drive, with the exception of special event vehicles.

Appearance of the vehicle

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

The vehicle must have been issued with a Certificate of Compliance by the Council's nominated garage.

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

- (a) **Paintwork** – all panels on vehicle shall be painted in a manufacturer's standard colour. Panels with unmatched colours or primer should be deemed to be failures.
- (b) **Rust** – any vehicle presented should be free from any significant areas of visible rusting. Minor blemishes will be acceptable.
- (c) **Carpets/floor covering** – all carpets and floor coverings shall be complete and free from cuts, tears or serious staining. The interior must be kept tidy and free from litter.
- (d) **Window operation** – all opening windows must be in good working order. Tinted windows will not be permitted where they conceal the identity of the passenger inside.

- (e) **Interior trim** – all interior trim including the headlining shall be clean, properly fitted and free from serious cuts, tears or major soiling.
- (f) **Boot** – this should be clean, tidy and empty, except for spare wheel, essential tools, which should be in good working order. Means of securing luggage should also be provided. If the vehicle is an estate type, some equipment, such as a safety grill, must be carried and capable of being correctly fitted to make sure that things in the luggage section at the rear cannot slide forward into the passenger compartment. This equipment must be in situ at the time of the vehicle inspection at the test centre.
- (g) **Seats** –
- A distance of 7 inches from the back of the seat in front (when in it's rear-most position) to the front of the seat behind.
 - All seats in any vehicle must have a minimum of 16 inches per person and comply with the Road Vehicles (registration and Licensing) Regulations. Each seat must be fitted with its own seat belt.
 - All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
 - Fitted seat covers may be used.
 - In the case of a vehicle with removable seats, when seats have been removed to make way for wheelchairs, luggage or any other reason, the number of passengers authorised will be need to be reduced to match the total number of seats, including wheelchairs, provided that in no circumstances will the number of passengers authorised be greater than that on the licence.
 - Swivel seats must meet with Disability Discrimination Act requirements.
 - There shall be a nearside and offside door for each row of seats. If the vehicle is licensed for more than five passengers but no more than eight, then there must be fitted two separate uninterrupted access/exit doors and sufficient space fur luggage still leaving gangways clear. It should also not be necessary to have to tilt forward or collapse the seat in front to exit the vehicle. There must be not more than nine seats fitted which includes the driver's seat.

Alterations to Your Vehicle

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

Trailers

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

luggage. You must carry a spare wheel for the trailer and enough tools to enable a wheel to be changed.

Fire Extinguisher

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

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

Change of Address and change of vehicle ownership

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

Identification Plate

The Private Hire Licence Plate which is supplied by the Council must be securely attached to the rear of the vehicle and must be clearly visible at all times. If the plate is attached to the rear screen, the driver's view to the rear must not be blocked or partly blocked. The four mini-plates, which correspond to the Licence Plate and are also supplied by the Council, must be fixed one to each side window of the vehicle, so that all the particulars on them are clearly visible to anyone getting into the vehicle.

Should either the Plate or the mini-plates become damaged in any way, a replacement is available from the Council, at the driver's expense.

Dual Plating

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

Accidents and Damage

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

Insurance Cover

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

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

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

Inspection of vehicle

Your vehicle will be tested by the Council's nominated garage before its licence is granted or renewed.

You are required to have your vehicle tested at least one week prior to the renewal/expiry date of your current licence.

Your vehicle may also be subject to spot checks from time to time.

Advertisements on Private Hire Vehicles

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

Complaints

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

Transporting wheelchair users

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by the Disability Discrimination Act 1995:

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheelchair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn;
- (c) There must be sufficient space for a wheelchair to travel facing forwards or rearwards;
- (d) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
- (e) Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment;
- (f) Wheel ramps must be carried in the vehicle at all times and stowed safely when not in use;
- (g) Any swivel seat fitted must meet the requirements of the Disability Discrimination Act 1995.

Taxi Ranks

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

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

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

Taxi Fares

You must make sure that the fare charged for a journey in the vehicle, when it is hired as a Hackney Carriage, is exactly the fare laid down in the Council's Fares Table.

Signage and Advertising

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

- Signs, letters or numbers required by law;
- Any vehicle licence plate issued by the Council;
- A sign giving the company/operator name and telephone number on the front and rear doors (following approval from the Licensing Section);
- All private hire vehicles must display on the front doors of their vehicle the words "Advance bookings only". Roof signs are not permitted.
- Sign indicating membership of a national motoring organisation;
- Sign requesting passengers not to smoke in the vehicle;
- Tariff card (if a meter is fitted);
- Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts;
- Any sign to indicate that CCTV is in use in the vehicle;
- The display of advertising material is permitted, providing that it is legal and complies with the codes set down by the Advertising Standards Authority and has been approved by the Licensing Section. As a general rule, advertisements for alcohol or tobacco products or are of a sexual nature are not permitted as well as anything that is likely to cause offence are insulting or abusive. The advertisement shall only be permitted on the rear doors of the vehicle.

Liquid Petroleum Gas

If you are converting your licensed vehicle to run on Liquid Petroleum Gas (LPG) you must notify the Council of such a change and comply with the following conditions. These conditions will also apply to new vehicles to be licensed for the first time that already run on LPG:

- (a) That the installation of a LPG tank be fitted by an APG approved installer as recommended by the Liquid Petroleum Gas Association;
- (b) That the proprietor produces a certificate of compliance by an approved LPG installer;
- (c) That the LPG tank fitted must be a multi-value tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere;
- (d) That the vehicle displays on the front and rear screens a round sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident;

- (e) That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space;
- (f) That the proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol;
- (g) That the vehicle be serviced by a person competent in LPG powered vehicles.

Radio transmitters/receivers

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

Renewal of Licence

The driver shall at least 21 days prior to the date of when the licence is due to expiry, make application to the Licensing Section for a renewal. If an application for renewal is not received by the renewal date, the licence will lapse.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE

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

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

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

Age of vehicle

The maximum age for which a vehicle licence can be renewed is 9 years from the date of first registration. However, if the vehicle is a wheelchair accessible vehicle, this age is extended to 12 years.

The age of the vehicle is to be taken from the date of registration as shown in the vehicle registration document.

Left hand drive

The vehicle shall not be left hand drive, with the exception of special event vehicles.

Appearance of the vehicle

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

The vehicle must have been issued with a Certificate of Compliance by the Council's nominated garage.

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

- (h) **Paintwork** – all panels on vehicle shall be painted in a manufacturer's standard colour. Panels with unmatched colours or primer should be deemed to be failures.
- (i) **Rust** – any vehicle presented should be free from any significant areas of visible rusting. Minor blemishes will be acceptable.
- (j) **Carpets/floor covering** – all carpets and floor coverings shall be complete and free from cuts, tears or serious staining. The interior must be kept tidy and free from litter.
- (k) **Window operation** – all opening windows must be in good working order. Tinted windows will not be permitted where they conceal the identity of the passenger inside.

- (l) **Interior trim** – all interior trim including the headlining shall be clean, properly fitted and free from serious cuts, tears or major soiling.
- (m) **Boot** – this should be clean, tidy and empty, except for spare wheel, essential tools, which should be in good working order. Means of securing luggage should also be provided. If the vehicle is an estate type, some equipment, such as a safety grill, must be carried and capable of being correctly fitted to make sure that things in the luggage section at the rear cannot slide forward into the passenger compartment. This equipment must be in situ at the time of the vehicle inspection at the test centre.
- (n) **Seats** –
- A distance of 7 inches from the back of the seat in front (when in it's rear-most position) to the front of the seat behind.
 - All seats in any vehicle must have a minimum of 16 inches per person and comply with the Road Vehicles (registration and Licensing) Regulations. Each seat must be fitted with its own seat belt.
 - All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
 - Fitted seat covers may be used.
 - In the case of a vehicle with removable seats, when seats have been removed to make way for wheelchairs, luggage or any other reason, the number of passengers authorised will be need to be reduced to match the total number of seats, including wheelchairs, provided that in no circumstances will the number of passengers authorised be greater than that on the licence.
 - Swivel seats must meet with Disability Discrimination Act requirements.
 - There shall be a nearside and offside door for each row of seats. If the vehicle is licensed for more than five passengers but no more than eight, then there must be fitted two separate uninterrupted access/exit doors and sufficient space fur luggage still leaving gangways clear. It should also not be necessary to have to tilt forward or collapse the seat in front to exit the vehicle. There must be not more than nine seats fitted which includes the driver's seat.

Alterations to Your Vehicle

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

Trailers

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

luggage. You must carry a spare wheel for the trailer and enough tools to enable a wheel to be changed.

Fire Extinguisher

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

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

Council Car Parks

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

Change of address and change of vehicle ownership

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

Identification Plate

The Hackney Carriage Vehicle Licence Plate which is supplied by the Council must be securely attached to the rear of the vehicle and must be clearly visible at all times. If the plate is attached to the rear screen, the driver's view to the rear must not be blocked or partly blocked. The four mini-plates, which correspond to the Licence Plate and are also supplied by the Council, must be fixed one to each side window of the vehicle, so that all the particulars on them are clearly visible to anyone getting into the vehicle.

Should either the Place or the mini-plates become damaged in any way, a replacement is available from the Council, at the driver's expense.

Dual Plating

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

Accidents and Damage

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

Insurance Cover

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

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

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

Inspection of vehicle

Your vehicle will be tested by the Council's nominated garage before its licence is granted or renewed.

You are required to have your vehicle tested at least one week prior to the renewal/expiry date of your current licence.

Your vehicle may also be subject to spot checks from time to time.

Complaints

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

Transporting wheelchair users

This condition is only applicable to vehicles which comply with the conditions of fitness as prescribed by the Disability Discrimination Act 1995:

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheelchair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn;
- (c) There must be sufficient space for a wheelchair to travel facing forwards or rearwards;
- (d) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
- (e) Anchorage provided for wheelchair access must be either chassis or floor linked. Restraints for wheelchair and occupant must be independent of each other. Anchorage must be provided for the safe stowage of a wheelchair when not in use when folded or otherwise, if carried within the passenger compartment;
- (f) Wheel ramps must be carried in the vehicle at all times and stowed safely when not in use;
- (g) Any swivel seat fitted must meet the requirements of the Disability Discrimination Act 1995.

Taxi Ranks

Your vehicle must not be hired from any taxi rank, unless it is in the front position on the rank.

Signage and Advertising

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

- Signs, letters or numbers required by law;
- Any vehicle licence plate issued by the Council;
- Roof sign;
- A sign giving the company name and telephone number on the front and rear doors (following approval from the Licensing Section);
- Sign indicating membership of a national motoring organisation;
- Sign requesting passengers not to smoke in the vehicle;
- Tariff card;
- Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts;
- Any sign to indicate that CCTV is in use in the vehicle;
- The display of advertising material is permitted, providing that it is legal and complies with the codes set down by the Advertising Standards Authority and has been approved by the Licensing Section. As a general rule, advertisements for alcohol or tobacco products or are of a sexual nature are not permitted as well as anything that is likely to cause offence are insulting or abusive. The advertisement shall only be permitted on the rear doors of the vehicle.

Roof Signs

All vehicles shall be fitted with an illuminated roof sign showing only the words in black lettering 'Taxi'. The sign must be illuminated when the vehicle is plying for hire during the hours of darkness and must comply with any requirements of vehicle lighting regulations at all times.

Taxi Meters

All meters installed must be Public Carriage Office and British Standards Institute approved.

The meter must be brought into action as soon as, and not before the hirer commences his journey and kept in action until the termination of the hiring.

Taxi Fares

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

Liquid Petroleum Gas

If you are converting your licensed vehicle to run on Liquid Petroleum Gas (LPG) you must notify the Council of such a change and comply with the following conditions. These conditions will also apply to new vehicles to be licensed for the first time that already run on LPG:

- (h) That the installation of a LPG tank be fitted by an APG approved installer as recommended by the Liquid Petroleum Gas Association;

- (i) That the proprietor produces a certificate of compliance by an approved LPG installer;
- (j) That the LPG tank fitted must be a multi-value tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere;
- (k) That the vehicle displays on the front and rear screens a round sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident;
- (l) That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space;
- (m) That the proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol;
- (n) That the vehicle be serviced by a person competent in LPG powered vehicles.

Radio transmitters/receivers

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

Renewal of Licence

The driver shall at least 21 days prior to the date of when the licence is due to expiry, make application to the Licensing Section for a renewal. If an application for renewal is not received by the renewal date, the licence will lapse.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

HACKNEY CARRIAGE BYELAWS

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

Interpretation

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

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

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

Provisions regulating how hackney carriages are to be furnished or provided

The proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage; and
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such a carriage and a separate means of ingress and egress for the driver.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Penalties

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

SECTION C – PRIVATE HIRE OPERATOR

APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE

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

As a licensed private hire operator, you would be able to accept bookings for any number of private hire vehicles. But the same Council as the operator must licence all of the drivers and vehicles.

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

The Council has a right to refuse an application if it consider that applicants are not “fit and proper” persons. If an application is refused, there is a right of appeal in the Magistrate’s Court.

The licence, if granted, is valid for a period not exceeding one year and is issued subject to conditions. The Council may take away a licence where conditions are not met.

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

Criteria for a Private Hire Operator’s Licence

1. Applicants must have conversational English.
2. Applicants must be over 21 years of age.
3. Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences. Please refer to guidance on page 6.1.
4. Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences. Please refer to guidance on page 6.1.

Those who do not meet the criteria

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

Making an initial application

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

- A completed application form
- A CRB Disclosure application, if applicable (see explanatory note A).
- The application fee (see explanatory note B).

The completed application form together with the above documents and fee must be submitted to the Customer Service Centre, School Drive, Bromsgrove or posted to BDC.

INCOMPLETE APPLICATIONS WILL BE RETURNED.

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

Applications will if granted, be granted for a period of twelve months and will expire at the end of the month in which the application was made.

Under Section 57 of the Local Government (Miscellaneous Provisions) Act 1967 it is an offence to knowingly or recklessly make a false statement or omit any material particular in giving information.

Applications will be processed within five working days of being received by the Licensing Section (see explanatory note F).

The Council cannot grant a licence unless it is satisfied:-

- (a) that the applicant is a "fit and proper person" (Section 55 LGMPA).
- (b) That there is planning permission for the use of the premises.

RENEWING A PRIVATE HIRE OPERATOR'S LICENCE

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

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

EXPLANATORY NOTES

A Criminal Records Bureau (CRB) Vetting Form

If the applicant for an operator licence is already a licensed hackney carriage/private hire driver with the Council, no CRB Disclosure application form needs to be submitted.

If the applicant is not a licensed hackney carriage/private hire driver, a CRB Disclosure application must be completed and countersigned by a duly authorised person employed by the Council and registered with the CRB. This form will then be sent to the CRB. A licence will not be issued until the CRB have provided a certified reply. It is essential that you submit your CRB vetting form in sufficient time as the period for processing of these forms rests with the CRB.

B Fees

The fee to be paid will be determined each year by the Licensing Committee. The change will come into effect on 1 April each year.

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

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

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

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

Records

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

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

Journeys

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

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

Vehicles and Drivers

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

- (a) the vehicle registration number and any call sign of the driver;
- (b) the name and address of the owner of each vehicle;
- (c) the name and address of each driver;
- (d) details of the Private Hire Vehicle Licence including the expiry date;

- (e) Copy of the current insurance document;
- (f) details of the Private Hire Driver's licence number and date of expiry;
- (g) date the driver started working for that operator;
- (h) date the driver ceased working for that operator;
- (i) details of the drivers DVLA licence.

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

Responsibility for Hirings

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

Standard of Service

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

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

Convictions

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

Change of address or sale of business

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

Avoidance of Nuisance

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

Renewal of Licence

The Operator shall at least 21 days prior to the date of when the licence is due to expiry, make application to the Licensing Section for a renewal. If an application for renewal is not received by the renewal date, the licence will lapse.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

THE LAW RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND DRIVER'S

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

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

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

The Council may also suspend, revoke or refuse to renew a vehicle licence on the following grounds:-

- (a) the vehicle is unfit
- (b) the commission of an offence under the LGMPA or the TPCA;
- (c) any other reasonable cause (Section 68 LGMPA).

A licence may be suspended by an authorised officer or Police Constable if he considers the vehicle unfit (Section 68 LGMPA).

The Council may suspend or revoke or refuse to renew an Operator's licence on the following grounds:-

- (a) the commission of an offence under the LGMPA
- (b) unfitting conduct of the operator
- (c) any material change in the operator's circumstances
- (d) any other reasonable cause (Section 62 LGMPA).

Additionally under Section 50 of the Town Police Clauses Act 1847, the Council can suspend or revoke a driver's or proprietor's licence upon the conviction of a second offence under this act.

Below is a table detailing some of the criminal offences created by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

In this table the following abbreviations are used:-

TPCA – Town Police Clauses Act 1847

LGMPA – Local Government (Miscellaneous Provisions) Act 1976

HC – Hackney Carriage

PH – Private Hire

Table of Offences

HACKNEY CARRIAGE PROVISIONS		
Legislation	Offence	Max. Penalty
s.40 TPCA	Giving false information on an application for HC proprietors licence	£250
s. 44 TPCA	Failure to notify change of address of HC proprietor	£250
s. 45 TPCA	Plying for hire without HC proprietor's licence	£2500
s.47 TPCA	Driving a HC without a HC driver's licence	£1000
s.47 TPCA	Lending or parting with a HC driver's licence	£1000
s.47 TPCA	HC proprietor employing an unlicensed driver	£1000
s.48 TPCA	Failure by HC proprietor to hold a HC driver's licence	£250
s.48 TPCA	Failure by HC proprietor to produce HC driver's licence	£250
s.52 TPCA	Failure to display HC plate	£250
s.53 TPCA	Refusal to take a fare	£500
s.54 TPCA	Charging more than the agreed fare	£250
s.55 TPCA	Obtaining more than the legal fare	£1000 and 1 months' imprisonment until the excess is refunded
s.56 TPCA	Travelling less than the lawful distance for an agreed fare	£250
s.57 TPCA	Failing to wait after a deposit to wait has been paid	£250
s.58 TPCA	Charging more than the legal fare	£1000
s.59 TPCA	Carrying other person than the hirer without consent	£250
s.60 TPCA	Driving a HC without proprietors consent	£250
s.60 TPCA	Person allowing another to drive HC without proprietors consent	£250
s.61 TPCA	Drunken driving of a HC	£250
s.61 TPCA	Wanton or furious driving or wilful misconduct leading to injury or danger	£250
s.62 TPCA	Driver leaving HC unattended	£250

s.64 TPCA	HC driver obstructing other HCs	£250
s.49 LGMPA	Failure to notify transfer of HC proprietor's licence	£1000
s.50(1) LGMPA	Failure to present HC for inspection as required	£1000
s.50(2) LGMPA	Failure to inform local authority where HC is stored if requested	£1000
s.50(3) LGMPA	Failure to report an accident involving a HC to local authority within 72 hours	£1000
s.50(4) LGMPA	Failure to produce HC proprietors licence and insurance certificate	£1000
s.53(3) LGMPA	Failure to produce HC driver's licence	£1000
s.57 LGMPA	Making false statement or withholding information to obtain HC driver's licence	£1000
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	£1000 plus daily fine of £10
s.61(2) LGMPA	Failure to surrender drivers licence after suspension, revocation or refusal to renew	£1000
s.64 LGMPA	Permitting any vehicle other than a HC to wait on a HC stand	£1000
s.66 LGMPA	Charging more than the meter fare for a journey ending outside the district, without prior agreement	£1000
s.67 LGMPA	Charging more than the meter fare when HC used as a private hire vehicle	£1000
s.69 LGMPA	Unnecessarily prolonging a journey	£1000
s.71 LGMPA	Interfering with a taximeter	£1000
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	£1000
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	£1000
s.73(1)(c) LGMPA	Failure to give information or assistance to authorised officer or constable	£1000

PRIVATE HIRE PROVISIONS		
Legislation	Offence	Max. Penalty
s.46(1)(a) LGMPA	Using an unlicensed PH vehicle	£1000
s.46(1)(b) LGMPA	Driving a PH vehicle without a PH driver's licence	£1000

s.46(1)(c) LGMPA	Proprietor of a PH vehicle using an unlicensed driver	£1000
s.46(1)(d) LGMPA	Operating a PH vehicle without a PH operator's licence	£1000
s.46(1)(e) LGMPA	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	£1000
s.48(6) LGMPA	Failure to display PH vehicle plate in prescribed manner	£1000
s.49 LGMPA	Failure to notify transfer of PH vehicle licence	£1000
s.50(1) LGMPA	Failure to present PH vehicle for inspection as required	£1000
s.50(2) LGMPA	Failure to inform local authority where PH vehicle is stored if requested	£1000
s.50(3) LGMPA	Failure to report an accident involving a PH vehicle to local authority within 72 hours	£1000
s.50(4) LGMPA	Failure to produce PH vehicle licence and insurance certificate	£1000
s.53(3) LGMPA	Failure to produce PH driver's licence	£1000
s.54(2) LGMPA	Failure to wear PH driver's badge	£1000
s.56(2) LGMPA	Failure by PH operator to keep a record of bookings	£1000
s.56(3) LGMPA	Failure by PH operator to keep records of PH vehicles operated by him	£1000
s.56(4) LGMPA	Failure to produce PH operator's licence on request	£1000
s.57 LGMPA	Making a false statement or withholding information to obtain a PH driver's or operator's licence	£1000
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	£1000 plus daily fine of £10 per day
s.61(2) LGMPA	Failure to surrender driver's licence after suspension, revocation or refusal to renew	£1000
s.67 LGMPA	Charging more than the meter fare when HC used as a PH vehicle	£1000
s.69 LGMPA	Unnecessarily prolonging a journey	£1000
s.71 LGMPA	Interfering with a taximeter	£1000
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	£1000
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	£1000
s.73(1)(c)	Failure to give information or	£1000

	assistance to authorised officer or constable	
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