

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

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

##### General vehicle requirements

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

##### Vehicle age requirements

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

- 3.1.6 For the purposes of paragraphs 3.1.4 and 3.1.5 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO<sub>2</sub> per kilometre (g/km) from the tail pipe.
- 3.1.7 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 9 years of age.
- 3.1.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.1.9 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

#### Vehicles written off for insurance purposes

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

#### Vehicles licensed by other local authorities

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

#### Documentation required to be submitted

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

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

#### General requirements

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

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

#### Vehicle age requirements

3.2.2 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

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

3.2.4 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.2.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

- 3.2.6 For the purposes of paragraphs 3.2.4 and 3.2.5 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO<sub>2</sub> per kilometre (g/km) from the tail pipe.
- 3.2.7 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 9 years of age.
- 3.2.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.2.9 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

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

Vehicles licensed by other local authorities

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

Documentation required to be submitted

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

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

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

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

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

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

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

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

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

3.3.7 For the purposes of paragraphs 3.3.5 and 3.3.6 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO<sub>2</sub> per kilometre (g/km) from the tail pipe.

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

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

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

#### Vehicles written off for insurance purposes

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

#### Vehicles licensed by other local authorities

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

Documentation to be submitted:

- 3.3.13 Before a licence to use a vehicle as a hackney carriage can be renewed, the applicant must have submitted all of the following:
- Completed application form
  - A current MOT certificate
  - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
  - The V5C certificate for the vehicle.
  - A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.3.14 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.3.15 If an application to renew a licence to use a vehicle as a hackney carriage is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a hackney carriage for the first occasion and will have to meet the stated criteria for such vehicles.

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

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

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

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

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

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

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

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

3.4.7 For the purposes of paragraphs 3.4.5 and 3.4.6 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO<sub>2</sub> per kilometre (g/km) from the tail pipe.

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

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

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

#### Vehicles written off for insurance purposes

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

#### Vehicles licensed by other local authorities

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

Documentation to be submitted:

- 3.4.13 Before a licence to use a vehicle as a private hire vehicle can be renewed, the applicant must have submitted all of the following:
- Completed application form
  - A current MOT certificate
  - Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
  - The V5C certificate for the vehicle.
  - A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.4.14 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.4.15 If an application to renew a licence to use a vehicle as a private hire vehicle is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a private hire vehicle for the first occasion and will have to meet the stated criteria for such vehicles.



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

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

#### Vehicle criteria

3.5.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.1.1 to 3.1.9 of this policy.

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

#### Accident reporting

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

#### Vehicles written off for insurance purposes

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

#### Vehicles licensed by other local authorities

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

#### Documentation to be submitted:

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

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

#### Duration of licence

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

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

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

#### Vehicle criteria

3.6.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.2.1 to 3.2.9 above.

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

#### Accident reporting

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

#### Vehicles written off for insurance purposes

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

#### Vehicles licensed by other local authorities

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

#### Documentation to be submitted:

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

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

#### Duration of licence

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

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

#### Documentation to be submitted:

3.7.1 An applicant for the transfer of a licence to use a vehicle as a hackney carriage must submit:

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

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

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

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

Documentation to be submitted:

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

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

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

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

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

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

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

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

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

#### Delegated Decisions

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



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

#### Referral to Licensing Sub-Committee

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

### **3.13.0 Licence Conditions**

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

### **3.14.0 CCTV cameras in hackney carriage and private hire vehicles**

3.14.1 The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle as well as to drivers, who can also be victims of violence and abuse.

3.14.2 The Council therefore will allow the proprietor of any vehicle that it has authorised to be used as a hackney carriage or private hire vehicle to install CCTV cameras in their vehicle subject to the following requirements:

- No installation of a CCTV system shall take place within a licensed vehicle unless the proprietor of the vehicle has notified the Council in advance.
- All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

### **3.15.0 Inspection of hackney carriage and private hire vehicles**

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

#### Programmed Inspections of Licensed Vehicles

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

#### Other inspections of Licensed Vehicles

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

### **3.16.0 Powers to suspend and revoke vehicle licences**

#### Suspension of a licence on grounds of vehicle condition

- 3.16.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.16.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.16.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- 3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.
- 3.16.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

#### Revocation of a licence on grounds of vehicle condition

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

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

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

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

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

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

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

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

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