

**TO:- Licensing and Regulatory Committee**

Councillor Wendy Sutton , Councillor Michael Lawrence , Councillor Penny Allen , Councillor Meg Barrow , Councillor Gary Burnett , Councillor Nigel Caine , Councillor Rita Heseltine , Councillor Steve Hollis , Councillor Ve Jackson , Councillor Janet Johnson , Councillor John Michell , Councillor Christine Raven , Councillor Bernard Williams , Councillor David Williams , Councillor Henry Williams

Notice is hereby given that a meeting of the Licensing and Regulatory Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Thursday, 19 January 2023

Time: 14:30

Venue: Council Chamber, Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood  
Chief Executive

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**AGENDA****Part I – Public Session**

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Minutes</b><br>To approve the minutes of the Licensing and Regulatory Committee meeting of 29th September 2022 | <b>3 - 4</b>   |
| <b>2</b> | <b>Apologies</b><br>To receive any apologies for non-attendance.  |                |
| <b>3</b> | <b>Declarations of Interest</b><br>To receive any declarations of interest.                                       |                |
| <b>4</b> | <b>Hackney Carriage Fare Increase</b><br>Report of the licensing Manager (City of Wolverhampton Council)          | <b>5 - 10</b>  |
| <b>5</b> | <b>Driver Safety Enclosure Consultation</b><br>Report of the licensing Manager (City of Wolverhampton Council)    | <b>11 - 40</b> |

<b>6</b>	<b>DFT Consultation Report</b> Report of the Licensing Manager (City of Wolverhampton Council)	<b>41 - 100</b>
<b>7</b>	<b>Q3 Update</b> Report of the licensing Manager (City of Wolverhampton Council)	<b>101 - 102</b>

#### **RECORDING**

**Please note that this meeting will be recorded.**

#### **PUBLIC ACCESS TO AGENDA AND REPORTS**

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to [www.sstaffs.gov.uk/council-democracy](http://www.sstaffs.gov.uk/council-democracy).

Minutes of the meeting of the **Licensing and Regulatory Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Thursday, 29 September 2022 at 14:30

**Present:-**

Councillor Penny Allen, Councillor Meg Barrow, Councillor Nigel Caine, Councillor Rita Heseltine, Councillor Ve Jackson, Councillor Janet Johnson, Councillor Christine Raven, Councillor Wendy Sutton, Councillor Bernard Williams, Councillor David Williams, Councillor Henry Williams

**15 MINUTES**

**RESOLVED:** That the minutes of the Licensing and Regulatory Committee held on 21 July 2022 were approved subject to the inclusion of Councillor Janet Johnson and Councillor Rita Heseltine on the list of apologies.

**16 APOLOGIES**

Apologies were received for Councillors G Burnett, M Lawrence

**17 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**18 PUBLIC HEALTH LICENSING UPDATE**

**RESOLVED:** Members noted the contents of the report.

The Meeting ended at: 15:08

**CHAIRMAN**



**SOUTH STAFFORDSHIRE COUNCIL**

**LICENSING & REGULATORY COMMITTEE – 19 January 2023**

**HACKNEY CARRIAGE FARE INCREASE**

**REPORT OF GREG BICKERDIKE, LICENSING MANAGER, CITY OF WOLVERHAMPTON COUNCIL**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

- 1.1 To seek approval from the Licensing Committee for a public consultation on an increase in Hackney Carriage fares.

**2. RECOMMENDATIONS**

- 2.1 Authorise the required publishing of a notice in a local newspaper detailing the proposed fare increase and stating a consultation period during which objections regarding the increase can be made.
- 2.2 Subject to no objection following consultation, approve the proposed increases in Hackney Carriage fares.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	No	
	Has an Equality Impact Assessment (EqIA) been completed?	
	Yes	Elderly people and people with disabilities will be disproportionately and adversely affected by this change. As such, their needs will need to be balanced with hackney carriage drivers.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	Summer 2023	
FINANCIAL IMPACT	Yes	The cost of the advertisement in the local newspaper and the production of new fare cards is likely to be in the region of £1,200. These costs will be met from within existing revenue budgets.

		Any charges for meter calibration will be at the Hackney Carriage Vehicle licence holder's own expense.
LEGAL ISSUES	No	<p>Section 65 of Local Government (Miscellaneous Provisions) Act 1976 provides:</p> <p>(1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.</p> <p>(2) (a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.</p> <p>(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.</p> <p>(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.</p> <p>(4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **4.1 BACKGROUND**

- 4.2 On 1 April 2022, South Staffordshire District Council (SSDC) delegated its taxi licensing function to City of Wolverhampton Council.
- 4.3 Due to the cost-of-living crisis, the Hackney Carriage trade has requested a fare increase.
- 4.4 South Staffordshire Council's fares have not increased for twelve years, since 2010, with a two-mile journey on tariff one (the industry benchmark) costing £5.10. Every other licensing authority, apart from Pendle, has increased their fees more recently.
- 4.5 Engagement and consultation with the trade has been ongoing, with consideration given to inflation, labour shortages in the taxi industry, future anticipated costs, fares set by other authorities.
- 4.6 The trade has requested price parity with City of Wolverhampton Council's fares (Appendix 1). For the benchmark, this is an increase of 33%. However, Retail Price Index (RPI) inflation over the same period is 57.7%, meaning that if the fare was to increase at that rate it would be £8.04, whereas the proposed increase would be to £6.80. As such, this is a below inflation increase for the trade.
- 4.7 A comparison of the county's other authorities' fares, as well as Wolverhampton's, are below:

<b>National Rank</b>	<b>Council</b>	<b>Typical fare</b>	<b>Increased</b>
110	Tamworth	£7.14	2022
175	Wolverhampton	£6.80	2022
192	Cannock Chase	£6.50	2022
218	Stafford	£6.50	2022
227	East Staffordshire	£6.00	2021
302	Lichfield	£5.80	2020
324	Newcastle-Under-Lyme	£5.55	2019
336	Staffordshire Moorlands	£5.20	2015
338	South Staffordshire Council	£5.10	2010

- 4.8 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the maximum fares charged by Hackney Carriage services can be set by the Local

Authority in which they are licensed to trade. The Local Authority has no legal power to control the fares charged by Private Hire Vehicles.

- 4.9 There have been no increases to the fares since 2010, however double time over Christmas and New Year was approved following a report to the Non-Statutory Licensing Committee on 10 July 2019.
- 4.10 In accordance with the Act, a notice must be published in a local newspaper, stating the proposed fare increase and provide details of the route for objections. The notice must specify a date, which must not be less than 14 days from the date on which the notice is first published, by which date any objection regarding the fare increase must be made to the Council.
- 4.11 A copy of the notice must be available at the Council offices for inspection, free of charge, at all reasonable hours. Once the consultation period (in this instance 14 days) has expired, if there have been no objections received, or any received have been subsequently withdrawn, then the new fares take effect, either at the end of the consultation period or when the last objection is withdrawn. However, if objections are made and are not withdrawn, then Councillors must consider the objections and a further report will be presented to the Licensing Committee.
- 4.12 All meters will need to be calibrated with the new fares at the proprietors' expense.

#### **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

Not applicable

#### **PREVIOUS MINUTES**

#### **BACKGROUND PAPERS**

##### **Relevant Legislation**

None

Report prepared by: Greg Bickerdike, Licensing Manager, City of Wolverhampton Council

# Hackney Carriage Table of Fares

Tariff No.	Day	Time	First ¼ mile	Additional miles (10p increments)
<b>1</b>	Monday to Friday	06.00 - 22.00	£3.30	£2.00
<b>2</b>	Monday to Thursday	22.00 - 06.00 following day	£3.50	£2.20
	Saturday and Sunday Bank holidays	06.00 - 22.00		
<b>3</b>	Friday to Sunday Nights before a bank holiday Bank holidays	22.00 - 06.00 following day	£3.50	£2.60
	06:00 24 December until 06:00 27 December 18:00 31 December until 06:00 2 January			

## Other Charges

Waiting time (every 30 seconds) = £0.10

Soiling charge = Up to £50

CITY OF  
WOLVERHAMPTON  
COUNCIL



**SOUTH STAFFORDSHIRE COUNCIL**

**LICENSING & REGULATORY COMMITTEE – 19 January 2022**

**DRIVER SAFETY ENCLOSURES CONSULTATION**

**REPORT OF GREG BICKERDIKE**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

- 1.1 Approval is sought from the Licensing Committee for a six-week consultation on Driver Safety Enclosures.

**2. RECOMMENDATIONS**

- 2.1 Approve a six-week consultation on the regulation of driver safety enclosures in licensed vehicles.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	No	
	Has an Equality Impact Assessment (EqIA) been completed?	
	Yes	Equalities Analysis in Appendix 2
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	March 2023	
FINANCIAL IMPACT	No	There are no financial implications associated with this report. The consultation will be run via City of Wolverhampton Council's consultation hub. Driver safety enclosures will be purchased by licence holders and not the Council.
LEGAL ISSUES	No	The policy requires that enclosures: <ul style="list-style-type: none"><li>• Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.</li></ul>

		<ul style="list-style-type: none"> <li>• Must not be modified from the original manufactured design, without the manufacturer's confirmation that this will not cause any safety issues or non-compliance with the relevant UK and/or EC safety legislation.</li> <li>• Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.</li> <li>• Must be notified to the vehicle insurer as a modification to the vehicle. Proof of insurance cover including the enclosure is required at all times.</li> </ul>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The production of solid plastic Driver Safety Enclosures will have a negative contribution to climate change; however this is accepted as reasonable given the benefits of the safety equipment.
IMPACT ON SPECIFIC WARDS	No	

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **4.1 BACKGROUND**

4.2 Following the killing of a Private Hire Driver, Wolverhampton's Private Hire Trade Working Group expressed a desire for Driver Safety Enclosures (DSE).

4.3 This novel equipment is not covered by Licensing Services' current policies. These are typically rigid plastic enclosures which are installed in a vehicle, to segregate the driver from the passengers.

4.4 The Council acknowledges the protective features of these products but recognises that amateur installation and/or unapproved products result in increased risks, particularly in relation to road traffic collisions.

4.5 City of Wolverhampton Council has approved a consultation on this and South Staffordshire Council are cordially invited to jointly participate in this change.

#### **Progress**

4.6 The Vehicle Licence Requirements Policy (Appendix 1) has been updated with draft amendments in sections 2.1 and 5. These amendments seeks to regulate the installation of DSE in licensed vehicles.

#### **Consultation**

- 4.7 Due to the profile of this issue in the media and trade, a shortened six-week consultation is requested.
- 4.8 The following will be consulted:
- A. Service users (licence holders and applicants)
  - B. Other licensing authorities
  - C. National Association of Licensing Enforcement Officers (NALEO)
  - D. Institute of Licensing (IoL)
  - E. Black Country Magistrates' Court
  - F. Department for Transport (DfT)
  - G. West Midlands Police
  - H. Disabled groups
  - I. Equality Diversity and Inclusion Team

#### **Appendices**

- 4.9 Appendix 1: Draft Vehicle Licence Requirements Policy for Consultation
- 4.10 Appendix 2: Equality Analysis

#### **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

Not applicable

#### **PREVIOUS MINUTES**

#### **BACKGROUND PAPERS**

##### **Relevant Legislation**

None

Report prepared by: Greg Bickerdike, Licensing Manager, City of Wolverhampton Council



# Vehicle Licence Requirements Policy

Licensing Services

Version 1.2

Created: 29 July 2021

Revised: 5 December 2022

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# 1. Hackney Carriage Vehicle Licence Requirements

A Hackney Carriage Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

New applications can only be made for new vehicles, with no more than 500 delivery miles.

## 1.1 Currently Approved Hackney Carriage Vehicle Model

### Citroen

- Dispatch Combi
- Dispatch HDI 120 9-S
- Dispatch L2 H1 Level 2
- Euro
- L7
- Relay L3 H2
- SVA Taxi

### Fiat

- Eurocab
- Scudo
- TW200

### Ford

- Procab
- Tourneo Custom
- Voyager VTC8

### LTi

- TX1
- TX2
- TX4

### Mercedes

- MX7
- Vito

### Nissan

- Dynamos
- Primastar
- Voyager

### Peugeot

- Boxer 290
- E7
- E7 SE
- LC7

### Volkswagen

- T5 Shuttle SE SWB 10

Every application must be made using the Hackney Carriage Vehicle licence [application form](#) and must be supplied with the following documents:

- (a) Vehicle registration document (V5C) or bill of sale
- (b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate)
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton approved MOT station](#)
- (d) Calibration certificate for new or replacement vehicles by the meter supplier
- (e) Current [licence fee](#) – dependant on the age of the vehicle.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

## 1.2 Hackney Carriage Vehicle Standards

1. All internal fittings and fixtures i.e. carpets, seats, trims and seat cover should be clean and in good condition. Rips/tears in seat and broken trims should be replaced or repaired to a high standard before submitting the vehicle for inspection.
2. Seating within the vehicle must be conference type seating and not all forward facing. The access for wheelchair users must be from the left hand side of the vehicle.
3. All external fitting i.e. wheel caps/discs, bumpers and trims should be fitted, clean and in good condition. Rusty/damaged metal bumpers or damaged plastic bumpers are not acceptable. An illuminated 'taxi' roof sign indicating when the taxi is for hire must be installed and kept in working condition.
4. The paintwork should be maintained to a high gloss finish and of a uniform colour free from scratches which expose the under primer or metal. It is advisable that if any paintwork is undertaken on the vehicle that it is done by a reputable garage to a high standard.
5. The body panels should be free of dents and all body panels should fit correctly. The excessive use of body filler and repairs that are of a poor standard are not acceptable.
6. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle except as may be required by any statutory provision (including byelaws). This includes the display of unauthorised transfers/stickers to the body or windows of the vehicle.

A Hackney Carriage Vehicle must also meet all the conditions of licence. You are advised to contact Licensing Services prior to making a new application to ensure all of those requirements are met.

## 1.3 Hackney Carriage Licence Replacements

If you have a Hackney Carriage Vehicle Licence and you want to replace the vehicle on the licence, the replacement vehicle must be newer. You cannot replace the vehicle with an older one.

## 2. Private Hire Vehicle Licence Requirements

A Private Hire Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

Each Private Hire Vehicle [application must be made online](#) and supplied with the following documents:

- (a) Vehicle registration document (V5C) or bill of sale.
- (b) Valid certificate of insurance or cover note showing cover for private hire purposes.
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton approved MOT station](#).
- (e) Current licence fee – dependant on age of the vehicle.
- (f) From 1 April 2021, if the applicant is not a driver or operator licensed by City of Wolverhampton Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the applicant is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to application. These can be completed before you apply and the certificate uploaded as part of this application or you can apply after submitting the application. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the licence being granted.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

### 2.1 Private Hire Vehicle Requirements

- The vehicle must be no older than 11 years and 6 months (vehicles are not plated past 12 years).
- The vehicle must have no more than 9 seats, including the driver's seat.
- The vehicle must have passenger opening doors on both sides.
- All seats must be forward facing.
- The vehicle must not have a partition between the driver and passengers, unless it is a driver safety enclosure authorised by Licensing Services.

- Only manufacturers' factory fitted privacy glass will be permitted.
- The vehicle must display a legal registration number as shown of the logbook, which adheres to the official DVLA format of 11mm between each of the character and 33mm between the age identifier.



- Both internal and external facing cameras are permitted, however you must comply with the Taxi CCTV Policy available in the ['Downloads' section here](#).

## 2.2 Private Hire Vehicle Signage Requirements

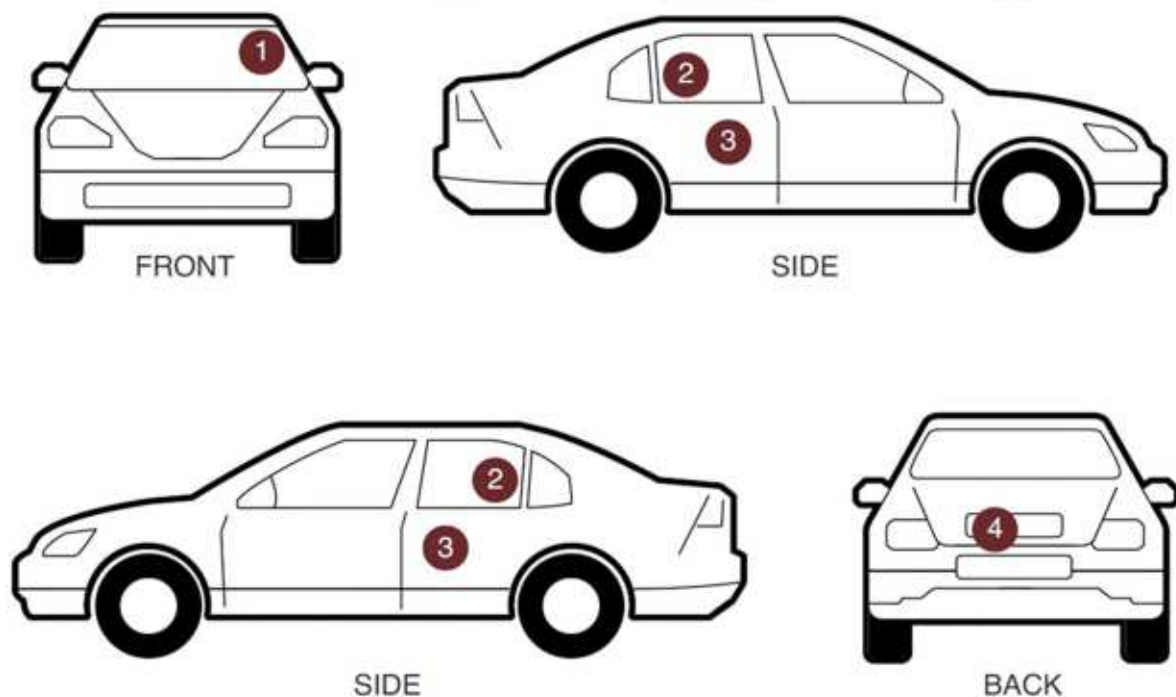
All approved signage must:

- Be clearly visible and on display at all times.

Operator Signage requirements:

- Must be the design approved by City of Wolverhampton Council, which contains the name of the operator along with a form of contact (phone number and/or app details).
- Be a sticker (magnetic signage is **not** allowed).
- Must be the operator that the driver is partnered with.
- Roof signage is prohibited.

**Diagram of Private Hire Vehicle Signage**



1. Badge and internal plate
2. Approved passenger information stickers
3. Approved operator door sticker on each side of the vehicle, fitted towards the top of the door panel.
4. Licence plate

## 2.3 Private Hire Vehicle Licence Replacements

If you have purchased a new vehicle and wish to keep the Private Hire Vehicle Licence number that you currently have, you can submit a renewal application for that licence number, with the details of the new vehicle that you wish to licence.

There will be no reduction in the cost and you cannot transfer any of the life of the previous licence to the new vehicle. However, if you have six months or more remaining on the current Private Hire Vehicle Licence, you will qualify for a free fast-track of your application and it will be processed within two working days.

Upon application, the existing Private Hire Vehicle Licence number must be submitted, so we can identify it is a replacement application. The applicant must be the same as the existing proprietor of the current vehicle licence. If you wish to transfer the vehicle to a new proprietor, see Section 3 below.

The application will be subject to the normal requirements details in Section 2.1 and the old Private Hire Vehicle Licence plate will need to be returned, before the new licence plate is issued.

### 3. Vehicle Licence Proprietor Transfers

A Wolverhampton licensed Hackney Carriage Vehicle or Private Hire Vehicle can be sold and transferred, providing the vehicle complies with the conditions of licence.

The vehicle proprietor must request to transfer within fourteen days of the sale, specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

The transfer form can be downloaded from our website

<https://www.wolverhampton.gov.uk/licences/taxi-licences/taxi-licence-faqs>

The completed form will need to be returned to us via email to

[Vehicle.lic@wolverhampton.gov.uk](mailto:Vehicle.lic@wolverhampton.gov.uk) along with

(a) Vehicle registration document (V5C) in the new proprietor's name, or the bill of sale to the new proprietor.

(b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate to the vehicle licence) in the new proprietor's name.

(c) From 1 April 2021, if the new proprietor is not a driver or operator licensed by City of Wolverhampton Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the new proprietor is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to transfer. The licence will not be transferred without a valid certificate being provided. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the transfer of licence.

We will then contact the new keeper to make payment (currently £25) and receive their licence.

## 4. Wheelchair Accessible Vehicles

On 6 April 2017, section 165 and section 167 of the Equality Act 2010 came into effect.

Section 165 imposes legal duties on the driver of a designated Hackney Carriage and Private Hire Vehicle which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The key components of Section 165 are summarized below:

- Hackney carriage/private hire drivers will be required to carry the passenger while in the wheelchair
- Hackney carriage/private hire drivers are prohibited from charging wheelchair-users an additional fare for a journey
- Hackney carriage/private hire drivers will be required to carry the passenger's wheelchair if the wheelchair-user chooses to sit in a passenger seat during the journey
- Hackney carriage/private hire drivers will be obliged to take such steps as are necessary to ensure that the wheelchair-user is carried in safe and reasonable comfort
- Hackney carriage/private hire drivers must provide reasonable levels of mobility-assistance to the disabled passenger
- Hackney carriage/private hire drivers cannot refuse hires from wheelchair users

Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- Where if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger doesn't wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

Failure to comply with the duties listed under section 165 of the Act is a criminal offence.

Section 167 of the act permits local authorities to maintain a list of designated wheelchair-accessible hackney carriage and private hire vehicles.

## 5. Driver Safety Enclosures (DSE)

No material alteration or change in the specification, design, condition or appearance of vehicles shall be made without the prior approval of Licensing Services.

Aftermarket driver safety enclosures may reduce the risk of attack from passengers. However, there are risks which arise from these products, particularly those which are not approved or correctly installed. Changing or adding to the interior of the vehicle can alter the 'type approval' of the vehicle and have consequences as to what might happen inside the vehicle in the event of a collision.

If you are a manufacturer or supplier of a product and wish for it to be considered on this approved list, please visit <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.

The enclosure:

- Must be professionally installed by a competent person in accordance with the manufacturer's instructions.
- Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.
- Must not be modified from the original manufactured design, without the manufacturer's confirmation that this will not cause any safety issues or non-compliance with the relevant UK and/or EC safety legislation.
- Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.
- Must be maintained to a high standard of cleanliness, be 100% transparent and free of marks, graffiti or stickers.
- Must permit clear conversation between the driver and passengers.
- Must be notified to the vehicle insurer as a modification to the vehicle. Proof of insurance cover including the enclosure is required at all times.

If you wish to install a driver safety enclosure:

1. Notify your insurer of your intention to install a driver safety enclosure.
2. Choose a product from the approved list available at <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.
3. Check that the product will meet the requirements in the section above, relevant to your vehicle.
4. Contact [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk), advising which product you intend to purchase, your vehicle licence number and your availability for a vehicle inspection.
5. Once you have received confirmation from Vehicle Licensing, purchase the product and arrange for it to be professionally installed. Please note that you should arrange for installation shortly before your vehicle inspection as you are not permitted to conduct any paid-for journeys in-between installation and inspection.
6. Attend your inspection, bringing proof of updated insurance and professional

- installation.
7. The vehicle must contain the written authorisation from Licensing Services that the enclosure is permitted, as well as proof that the insurance policy covers this modification.

## 5.6. Private Hire Executive Vehicle Policy

When a vehicle is deemed as an 'executive' type, the licence holder can apply for an exemption from displaying the main licence plate externally, internal windscreen licence plate nor Private Hire Vehicle Operator signage.

Applications for exemptions from may be considered where the following requirements are met:

- Applications may only be made by a person holding a Private Hire Vehicle Operators licence issued by City of Wolverhampton Council.
- Vehicle must be a 4-door saloon.
- Vehicles must be under 6 years old when first licensed and cannot be older than the current maximum age criteria for Private Hire Vehicles.  
(There may be exceptions to age criteria due to the type of vehicle i.e. Vintage Rolls Royce, Bentley etc however a full service history would be required)
- Vehicles may be any colour.
- Deemed as luxury and the highest model specification.
- The vehicle must be in pristine condition with no visible defects, dents or blemishes to the external body work internal trim and furnishings.

The type of work undertaken in this vehicle must be of an executive nature. This means that the vehicle is used specifically to provide transport under written contract to a company or person, or by the type of client who for security reasons would not want the vehicle identifiable.

Where an application for an exemption is granted, an exemption notice will be issued. The exemption notice must always be carried in the vehicle and the external licence plate affixed to the inside of the boot lid.

Exemptions are to be renewed annually subject to the vehicle undergoing a re-inspection.

The current fee for an exemption is £75.00.

### 5-16.1 Exemption Requirements

(a) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed **must** be readily visible when that boot lid is raised.

(b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.

(c) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.

(d) When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate, door or roof signs) which the Council may at any time require private hire vehicles to display.

(e) The proprietor will not display in, on or form the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

(f) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.

(g) During the period of the exemption notice the driver of the vehicle, whilst engaged on private hire work, will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.

(h) The proprietor shall, within 2 days notify the Council of any change in the use of the vehicle.

(i) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for daily private hire use or regular pick-ups from pubs and clubs).

(j) The glass of the driver and passenger's front side window and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.

(k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership within 2 days and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.

DRAFT

## 6.7. Stretched Limousine Licensing

Stretched limousines are considered for licensing on an individual basis and on their individual merit. You are advised to contact Licensing Service prior to making an application.

DRAFT

## 7.8. Advertising Policy

Advertisements shall not be permitted without the written prior approval of Licensing Services.

Consideration of requests, including a draft of the artwork, will only be considered when the following is met.

Any advertisement must not obscure or detract from the Council's vehicle identification and public safety messages, required by the conditions of licence.

Artwork must be of a suitable standard to ensure its durability on the vehicle in constant use.

Any advertisement must not contain text or images depicting the following:

- Political, ethnic or religious messages or content which is contrary to the Council's Equal Opportunity Policy
- Sexual content
- Indecent material or content likely to offend public taste
- The promotion of the sale or consumption of tobacco products
- The promotion of the sale or consumption of alcohol
- Any words or images that may indicate the vehicle is a Hackney Carriage.
- Encouragement of anti-social behaviour
- Advertising must in no way adversely affect the safety of the public

All advertising applications will be dealt with on a case by case basis in accordance with the scheme of delegation.

## 8.9. Private Registration Numbers

In order to change the registration number associated with the vehicle licensed by the Council, you must contact [Vehicle.lic@wolverhampton.gov.uk](mailto:Vehicle.lic@wolverhampton.gov.uk)

You must supply:

- Vehicle Registration Document (V5C) showing your new registration number, DVLA Authorisation Certificate or DVLA Certificate of Entitlement (V750)
- Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate) for the new registration number.

You will be contacted to collect your new licence plate from our ~~Hickman Avenue~~ offices, which will be issued after the payment of £37.

## 9.10.Approved MOT Testing Stations

All Hackney Carriage and Private Hire Vehicles licensed by City of Wolverhampton Council must undertake a MOT test by an approved testing station.

To become an approved station, your garage must meet the following criteria:

- Registered by DVSA as an approved test centre for at least 3 years
- Considered a 'green' rated garage by DVSA
- No associated links to any City of Wolverhampton Council Hackney Carriage or Private Hire licence holder.

To download an application to become an approved station:

<https://www.wolverhampton.gov.uk/licences/taxi-licences/approved-mot-testing-station>

## Equality Analysis

<b>Directorate:</b> City Environment and Housing <b>Service Area:</b> Licensing Services	<b>Lead Officer:</b> Greg Bickerdike, Licensing Manager <b>Date completed:</b> 5 December 2022
<b>Service / Function / Policy / Procedure to be assessed:</b> Driver Safety Enclosures	
<b>Is this:</b> New / Proposed <input checked="" type="checkbox"/> Existing/Review <input type="checkbox"/> Changing <input type="checkbox"/>  (Please tick appropriate box)	<b>Review date:</b>  28 February 2023.

### Part A – Initial Equality Analysis to determine if a full Equality Analysis is required.

**What are the aims and objectives/purpose of this service, function, policy or procedure?**

To reduce violence against hackney carriage and private hire drivers licensed by the Council.

**Please indicate its relevance to any of the equality duties (below) by selecting Yes or No?**

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment	Yes	
Advancing equality of opportunity	No	
Fostering good community relations	No	

**If not relevant to any of the three equality duties and this is agreed by your Head of Service**, the Equality Analysis is now complete - please send a copy to the Equality & Diversity Team. **If any of the three equality duties are relevant**, a Full Equality Analysis will need to be undertaken (PART B below).

## PART B: Full Equality Analysis.

### Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

What outcomes are sought and for whom?	A reduction in violence against licensed drivers.
Are there any associated policies, functions, services or procedures?	Vehicle Licence Requirements Policy Taxi CCTV Policy
If partners (including external partners) are involved in delivering the service, who are they?	External suppliers will be required to manufacture and install the enclosures.

### Step 2 – What does the information you have collected, or that you have available, tell you?

**What evidence/data already exists about the service and its users?** (in terms of its impact on the ‘equality strands’, i.e. race, disability, gender, gender re-assignment, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

Nationally, the majority of drivers were male (97%) in 2022. The average age of a driver is 48 years old, with 17% of drivers being aged under 40. The two main ethnic groups of drivers were White and Asian or Asian British in 2022, making up 41% and 42% of drivers respectively. This compares to 63% and 29% respectively in 2010. There was an increase in the proportion of non-UK nationals working as drivers in England, rising from 13% in 2010 to 23% in 2022. Therefore, these groups are more likely to be victims of violent crime from passengers.

**Has there been any consultation with, or input from, customers / service users or other stakeholders?** If so, with whom, how were they consulted and what did they say? If you haven’t consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

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Yes, the matter was discussed at the Private Hire Trade Working Group. The enclosures have been proposed by the trade and this policy seeks to mitigate the risks of sub-standard equipment by introducing a list of approved suppliers.

**Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?**

A licensed driver was killed in October 2022 and there is significant anecdotal evidence of assaults on drivers, often involving racial or religious hatred.

### Step 3 – Identifying the negative impact.

#### a. Is there any negative impact on individuals or groups in the community?

	<p><b>Barriers:</b></p> <p>What are the potential or known barriers/impacts for the different 'equality strands' set out below? Consider:</p> <ul style="list-style-type: none"> <li>• <b>Where</b> you provide your service, e.g. the facilities/premises;</li> <li>• <b>Who</b> provides it, e.g. are staff trained and representative of the local population/users?</li> <li>• <b>How</b> it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?</li> <li>• <b>When</b> it is provided, e.g. opening hours?</li> <li>• <b>What</b> is provided, e.g. does the service meet everyone's needs? How do you know?</li> </ul> <p>* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.</p>
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		<b>Solutions:</b>  What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider: <ul style="list-style-type: none"> <li>• Other arrangements that can be made to ensure people's diverse needs are met;</li> <li>• How your actions might help to promote good relations between communities;</li> <li>• How you might prevent any unintentional future discrimination.</li> </ul>	
Equality Themes	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
<b>Age</b> (including children, young people and older people)		Elderly people are more likely to suffer serious injury in an accident from unapproved or ill-fitted enclosures.	The enclosure: <ul style="list-style-type: none"> <li>• Must be professionally installed by a competent person in accordance with the manufacturer's instructions.</li> <li>• Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.</li> <li>• Must not be modified from the original manufactured design, without the manufacturer's confirmation that this will not cause any safety issues or non-compliance with the</li> </ul>

			<p>relevant UK and/or EC safety legislation.</p> <ul style="list-style-type: none"> <li>• Must not negatively affect any safety equipment, such as airbags, or escape from the vehicle.</li> </ul>
<b>Disability</b> (including carers)		People with disabilities are more likely to suffer serious injury in an accident from unapproved or ill-fitted enclosures.	As above.
		People who have hearing difficulties may struggle to hear what the driver is saying.	Enclosure must permit clear conversation between the driver and passengers.
		People with sight issues might not be able to see the driver as clearly.	Enclosure must be maintained to a high standard of cleanliness, be 100% transparent and free of marks, graffiti or stickers.
<b>Gender</b> (men and women)	<p>Nationally, the majority of drivers were male (97%) in 2022. As such, additional protection will disproportionately benefit this group.</p> <p>Increased protection from passengers might also encourage greater representation from females as drivers.</p>		
<b>Race</b> (including Gypsies & Travelers and Asylum Seekers)	Asian or Asian British drivers make up 42%, compared to 6.9% of the population. Asian drivers		

	are disproportionately represented in the trade and as such, additional protection will benefit these group, particularly from violence motivated by race.		
<b>Religion or belief</b> (including people of no religion or belief)	Additional protection will benefit these group, particularly from violence motivated by religious hatred.		
<b>Gender Re-assignment</b> (those that are going or have gone through a transition: male to female or female to male)			
<b>Pregnancy and Maternity</b>			
<b>Sexual orientation</b> (including gay, lesbian, bisexual and heterosexual)			
<b>Marriage and Civil Partnership</b>			
<b>Human Rights</b>	This measure supports Article 2 of the Human Rights Act.		

### Step 4 – Changes or mitigating actions proposed or adopted

**Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure?  
What changes or mitigating actions are proposed?**

Policy has been updated to include the solutions identified.

### Step 5 – Monitoring


How are you going to monitor the existing service, function, policy or procedure?

A six-week consultation on the draft policy is proposed, which will inform the final policy which will be regularly reviewed.

### Part C - Action Plan

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale
Issues not anticipated may result from the policy.	Approval for consultation to be sought from Regulatory Committee.	Greg Bickerdike	By 11 January 2023.

### Equality Analysis approved by:

Head of Service: 	Date: 06 December 2022
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Please send an electronic copy of the Equality Analysis to the Equality & Diversity Team:

**SOUTH STAFFORDSHIRE COUNCIL**

**LICENSING & REGULATORY COMMITTEE – 19 JANUARY 2022**

**CONSULTATION ON TAXI LICENSING CONDITIONS AND GUIDELINES**

**REPORT OF GREG BICKERDIKE**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

- 1.1 To seek approval for consultation on updated taxi and private hire licence conditions, guidelines and policy, following the publication of the Department for Transport's 'Taxi and private hire vehicle best practice guidance'.

**2. RECOMMENDATIONS**

- 2.1 Approve a 12-week consultation on the taxi and private hire licence conditions, guidelines and policy.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Full assessment to be completed following consultation. New conditions highlight duties to disabled people.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	September 2023	
FINANCIAL IMPACT	No	There are no financial implications associated with this report. The consultation will be run via City of Wolverhampton Council's consultation hub.
LEGAL ISSUES	Yes	Detailed below.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	

IMPACT ON SPECIFIC WARDS	No	
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## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **4.1 BACKGROUND**

- 4.2 The Department for Transport consulted on its latest 'Best Practice Guidance'. This consultation ran from 28 March 2022 to 20 June 2022.
- 4.3 In anticipation of the final guidance's publication, pre-emptive approval is sought for a consultation on updated licence conditions, guidelines and vehicle policy.
- 4.4 City of Wolverhampton Council has approved a consultation on this and South Staffordshire Council are cordially invited to jointly participate.

#### **GUIDELINES RELATING TO FITNESS AND PROPRIETY**

- 4.5 The Council has a duty to protect the general public from harm when using Hackney Carriage or Private Hire Vehicles. In order to do this, the Council must satisfy itself that licence holders are 'fit and proper' persons.
- 4.6 Guidelines on Fitness and Propriety (the Guidelines) are used to provide the Council with a written framework which allows employees and Councillors to make fair and consistent decisions when assessing the suitability of applicants for hackney carriage or private hire licences.
- 4.7 The Guidelines are also applicable for existing drivers, proprietors and operators when they breach conditions, are convicted/cautioned for relevant offences or behave in a manner that is inconsistent with that expected from a licence holder.
- 4.8 The Guidelines are reviewed on a periodic basis to ensure that they take into account revised and current legislation along with local and national licensing proprietors and technological advancements. The last review of these Guidelines was undertaken in 2019.
- 4.9 A draft copy of the Guidelines is included as Appendix 1. A summary of major changes is:
- A. Clarity regarding DBS certificate requirements for vehicle proprietors.
  - B. Clarity regarding those on barred lists.
  - C. Clarity on English standards expected.

- D. Clarity on offences relevant to driving whilst under the influence of drink and/or drugs.
- E. Updates as a result of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

## **CONDITIONS**

- 4.10 The Council may attach conditions of licence as it sees reasonably necessary. Where legislation does not specify a timescale within which the licensing authority must be notified of information, this has now been standardised to 48 hours.
- 4.11 A draft copy of the Hackney Carriage Vehicle Licence conditions is included as Appendix 2. It should be noted that the draft conditions presume approval of the contactless payment conditions at today's committee. A summary of major changes is:
  - A. Training requirements for drivers of wheelchair accessible vehicles.
  - B. Prohibition of child locks and disablement of airbags.
  - C. Inclusion of requirements to notify of police involvement and road traffic accidents.
- 4.12 A draft copy of the Private Hire Vehicle Licence conditions is included as Appendix 3. A summary of major changes is:
  - A. Training requirements for drivers of wheelchair accessible vehicles.
  - B. Prohibition of child locks and disablement of airbags.
  - C. Updates relating to signage when the vehicle is being used for school transport contracts.
  - D. Requirements to notify the Council if the licence holder is interviewed by police, intended to be prosecuted by the police or the vehicle is seized by police.
- 4.13 A draft copy of the Private Hire Driver Licence conditions is included as Appendix 4. A summary of major changes is:
  - A. Proposals on the requirements regarding operators, including provision to support drivers working on school transport contracts.
  - B. Requirement to notify Licensing Services if the driver becomes licensed, reviewed, suspended or revoked by another licensing authority, as well as being added to a barred list.
  - C. Clarity on drivers' obligations under The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

- 4.14 A draft copy of the Private Hire Vehicle Operator Licence conditions is included as Appendix 5. A summary of major changes is:
- A. Clarity on operators' obligations under The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.
  - B. Enhanced checks on driver licence verification.
  - C. Requirement to notify Licensing Services of school transport contract work contracted to non-partnered drivers, in addition to reporting drivers banned by schools.
  - D. Requirement to notify Licensing Services if the operator becomes licensed, reviewed, suspended or revoked by another licensing authority.

#### **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY**

- 4.15 This policy outlines the normal vehicle licence requirements. The primary changes are to the vehicle signage exemption policy, at the request of the trade. Other changes include clarification on common questions asked of Licensing Services, as well as the proposed Driver Safety Enclosure regulation. A draft copy is included as Appendix 6.

#### **CONSULTATION**

- 4.17 It is proposed that the Committee approves a consultation on the draft guidelines and licence conditions, in anticipation of the Department for Transport publishing its Best Practice Guidance.
- 4.18 The draft documents will be updated to reflect the final guidance.
- 4.19 It is proposed to publish the consultation document on City of Wolverhampton Council's website for 12 weeks. The following will be consulted:
- A. Service users (licence holders and applicants)
  - B. Other licensing authorities
  - C. National Association of Licensing Enforcement Officers (NALEO)
  - D. Institute of Licensing (IoL)
  - E. Black Country Magistrates' Court
  - F. Department for Transport (DfT)
  - G. Disabled groups
  - H. Equality Diversity and Inclusion Team
  - I. Police forces

## **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

This consultation will inform a full equalities impact assessment.

### **PREVIOUS MINUTES**

### **BACKGROUND PAPERS**

#### **Relevant Legislation**

- 5.1 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence of a hackney carriage under the Town and Policies Causes Act of 1847 such conditions as the district council may consider reasonably necessary and section 47 (3) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the licence.
- 5.2 Section 48 (2) of the Act provides a district Council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary and section 48 (7) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the licence.
- 5.3 Section 51 (2) of the Act provides that the Council may attach such conditions to a private hire driver's licence as the Council considers are reasonably necessary and section 52 provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the licence.
- 5.4 Section 55 (3) of the Act provides that the Council may attach such conditions to an operator's licence as the Council considers are reasonably necessary and section 55(4) provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the licence
- 5.5 Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence.
- "Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence".
- 5.6 Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that a Council, before granting a Hackney Carriage Driver's Licence must be satisfied that an applicant is a fit and proper person to hold such a licence and that the applicant has for at least 12 months prior to the date of the application, been authorised to drive a motor car.
- 5.7 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states a district council may suspend or revoke or on application, refuse to renew a licence of

a driver of a Hackney Carriage or a Private Hire Vehicle on any of the following grounds:

That since the grant of the licence he/she has been convicted of an offence involving dishonesty, indecency or violence;

or

That since the grant of the licence he/she has been convicted of an offence under, or has failed to comply with the provisions of the Town & Police Clauses Act 1847 or this part of the Act;

or

Any other reasonable cause

- 5.8 Section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate Private Hire Vehicles grant to that person an operator's licence.
- 5.9 Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.
- 5.10 Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew a vehicle if:
- The Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle
  - An offence has been committed under the Town, Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976
  - Any other reasonable cause
- 5.11 What constitutes fit and proper is not defined in legislation however, case law states Councils are entitled to have their own policy (Guidelines) to specify how it determines whether a person is fit and proper. In addition, there is a legal requirement to ensure all applicants/licence holders are given a fair hearing and guidelines help to ensure consistency in decision making.
- 5.12 Although there are no legal requirements to review the Guidelines, it is good practice to do so particularly when there have been changes in legislation.

Report prepared by: Greg Bickerdike, Licensing Manager, City of Wolverhampton Council

## Hackney Carriage and Private Hire Vehicle Proprietors, Drivers, and Private Hire Vehicle Operators

### Guidelines on Fitness and Propriety

1.0	<b>Purpose of Guidelines</b>
1.1	Licensing issues are dealt with by both Councillors and employees. Employee is defined to include Commercial Regulation Manager, Licensing Services Manager, Service Managers from within Governance Services, Section Leaders from Licensing Services.
1.2	<p>This document provides guidance outlining how drivers/proprietors of hackney carriage and private hire vehicles and operators can expect to be treated. In particular, but not exclusively it will affect:</p> <ul style="list-style-type: none"> <li>• Applicants for driver's licences.</li> <li>• Applicants for operator's licences.</li> <li>• Applicants for vehicle licences</li> <li>• Existing licensed drivers, operators and vehicle proprietors whose licences are being renewed or reviewed.</li> <li>• Magistrates hearing appeals against Local Authority decisions.</li> </ul>
1.3	Whilst employees and Councillors will have regard to the guidelines, each case will be considered on its individual merits, and where reasonable, the Employees/Committee may depart from the guidelines.
1.4	Any decision to suspend, revoke, refuse to grant or renew a licence will be applied to an applicant/licence holder who is considered not to be a 'fit and proper' person to drive hackney carriages or private hire vehicles. The application of the Human Rights Act will be considered carefully <b><u>and balanced against the overriding consideration to protect the public.</u></b>
1.5	<p>The Licensing Committee is concerned to ensure:</p> <ul style="list-style-type: none"> <li>• That a person is a fit and proper person.</li> <li>• That a person does not pose a threat to the public.</li> <li>• That the public are safeguarded from dishonest persons.</li> <li>• The safeguarding of children, young and vulnerable persons.</li> </ul>
1.6	Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to

hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

- 1.7 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the local authority to suspend, revoke or refuse to renew a licence for failure by the licence holder to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause to include where an applicant/licence holder has any convictions, warnings, cautions or charges awaiting trial for offences or behaviour outlined in the guidance and matters referred to in the list above at 1.6 can be considered.
- 1.8 In determining whether a person is fit and proper the licensing authority is entitled to take into account all matters concerning that applicant or licensee. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 1.9 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the local authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the local authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 1.10 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 1.11 In this policy the term 'imprisonment' or prison sentence refers to any period of detention resulting in loss of liberty.
- 1.12 In appropriate circumstances a suspension, refusal to renew or revocation may be abated by the licence holder demonstrating to the satisfaction of the Council that they have successfully completed and passed appropriate training which should be evidenced in writing to the Council.
- 1.13 A caution is regarded in exactly the same way as a conviction. This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed

penalty indicates acceptance of guilt and a community resolution can only be imposed following an admission of guilt.

- 1.14 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. We are able to do this because the processes in which the applications are determined are a civil process and decisions are based on the balance of probability.
- 1.15 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination **may** be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 1.16 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 1.17 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references or failure to disclose in full information requested by the licensing authority, to include on the application for a licence) will normally result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 1.18 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 1.19 A driver has responsibility for the safety of their passengers, and significant control over passengers who are in the vehicle. As those passengers may be alone and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 1.20 Suspensions and revocations may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the individual's own expense. Individuals may also be required to undergo training in addition to a suspension, to assist with their reflection on the relevant incident(s).

### **Private Hire Vehicle Operators**

- 1.20 A private hire vehicle operator ("an operator") in performing their duties obtains and holds considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

- 1.21 Operators shall ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that may lead to the operator's licence being revoked.

### **Vehicle Proprietors**

- 1.22 Vehicle proprietors must ensure that the vehicle is maintained to an acceptable standard at all times and they must ensure that the vehicle is not used for illegal or illicit purposes.
- 1.23 Vehicle licence applicants and proprietors are required to undergo an annual basic DBS disclosure, which will be used to consider whether an applicant or licence holder with a conviction for offences, other than those relating to driving, meet the 'fit and proper' threshold.

### **Safeguarding Vulnerable Groups Act Barred Lists**

- 1.24 A licence will not normally be granted to an applicant included on the DBS Children's or Adults' Barred List. Applicants may be reported to the police, as may licence holders who knowingly fail to notify Licensing Services immediately of their addition to a barred list.

<b>2.0</b>	<b>Relevant Convictions, Cautions/Fixed Penalties/Community Resolutions / Offence(s) and all relevant information received</b>
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### **2.1 New Applicants**

- 2.1.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in a new applicant for a hackney carriage or private hire vehicle driver's/operator's licence being referred to the employees to determine the application.

### **2.2 Existing Licence Holders**

- 2.2.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in an existing hackney carriage or private hire driver's/proprietor's/operator's licence being referred to employees to determine a course of action detailed in Section 5.0 below. (In the event of a serious breach or allegation in respect of a licensed operator, the matter will be referred to Licensing Committee for consideration).
- 2.2.2 In cases where it is in the interests of public safety, the employees or Councillors may suspend, or revoke a driver's licence with immediate effect following a review. In such cases a statement that this is so and an explanation will be given as to why it is in the interests of public safety to suspend, or revoke immediately and suspension/revocation takes effect when the notice is given to the driver.

<b>3.0</b>	<b>Complaints</b>
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- 3.1 A complaint relating to the conduct of a licence holder may, depending on the severity of the allegations, result in a written warning, suspension or revocation of the licence.

<b>4.0</b>	<b>Further Guidance</b>
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- 4.1 Where an application is made for a new licence, and the applicant has previously held a hackney carriage or private hire drivers, proprietors or operator's licence or on review of an existing licence and relevant convictions have previously been considered in decision making by the Local Authority in connection with any further or existing licence any decision on a new application or on review will normally be made by the employees or Licensing Committee, with reliance only on any relevant convictions or behaviour which have arisen since any previous application or review. However, there will be occasions when previously considered convictions or behaviour will be of value and can be referred to in order to indicate a pattern of behaviour which may result in them again being considered in decision making particularly if the conviction(s) is/are of a similar nature to those which have arisen since any previous application or review.

Patterns of repeated unacceptable behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for unacceptable behaviour.

- 4.2 Normally an applicant or licence holder whose application/licence is subject to a formal review hearing will be advised in writing and/or by email of the date and time of the meeting. They have the right to appear in person at the hearing to give verbal or written information in support of the application/licence and to be represented if required. If the applicant or licence holder fails to attend the review hearing without reasonable excuse, the determination or review may proceed in their absence.
- 4.3 In all cases involving suspension, revocation and refusal to grant or renew the applicant or licence holder has the right to appeal against the decision of the Licensing Committee or the employees through the Magistrates Court.
- 4.4 For the avoidance of doubt where a person is sentenced to a period of imprisonment or detention at a Young Offenders Institution reference to expiry of sentence shall be deemed to mean expiry of the actual term imposed and not any earlier release date.
- 4.5 Any person who has been cautioned for an offence will be dealt with using the criteria relating to convictions.
- 4.6 Decisions will normally be made in accordance with these guidelines; however each case will be decided on its merits. Regard will be had to:-
- (a) The nature of the offence.
  - (b) The age of the individual concerned at the date of the offence.

- (c) Whether the driver was acting as a private hire or hackney carriage driver at the time. In the case of an operator, whether the operator was acting in the course of business as a private hire operator at the time.
- (d) Any other relevant circumstances.

Dependant on the facts and where deemed appropriate the employees may make a decision contrary to that suggested by the guidelines or where appropriate refer a matter to Councillors of the Licensing Sub-Committee for decision. Where decisions are made which are contrary to the guidelines or where the matter is referred to the Licensing Sub-Committee employees will give reasons for this.

- 4.7 Any list of offences outlined in section 5.0 of this report, show examples of the type of offence in a particular category. The lists are not exhaustive and offences outside of these examples may be considered by the employees/Committee.
- 4.8 Hackney carriage and private hire vehicle drivers should be able to communicate satisfactorily in English with customers in order to be considered a fit and proper person to hold a Licence. Not being able to communicate to a satisfactory level may result in refusal to grant or renew, suspension or revocation of a licence.
- 4.9 In order for an applicant or licence holder to be considered a fit and proper person to hold a licence their standard of driving should be at a satisfactory level. This level is to be determined by the Local Authority and in appropriate cases further driver training assessment may be deemed necessary at the applicant's or licence holder's own expense. Evidence of driving ability which is below the satisfactory level required may result in refusal to grant or renew, suspension or revocation of a licence.
- 4.10 Applicants or licence holders may be required to undertake additional medical testing at the request of the Council at their own expense and this may be required at short notice.

<b>5.0</b>	<b>Determination of Action to be Taken</b>
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- 5.1 In determining the course of action to be taken in connection with an application for a hackney carriage, proprietors or drivers licence, private hire vehicle or driver's licence, or private hire vehicle operator's licence or the review of an existing driver's licence or operator's licence, or proprietor's licence the following sanctions will be applied as a guide. In all cases where it is possible to calculate two or more different periods of time, the calculation which results in the longer period shall be used or both periods of time may be considered consecutively or concurrently at the discretion of the employees/Councillors.

<b>5.1.1</b>	<b>Minor Traffic Offences</b>
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The Licensing Committee takes driving offences very seriously, particularly when the applicant displays a pattern of offences.

- (a) Single offences resulting in a maximum of 3 current penalty points relevant for 'Totting Up' purposes as outlined at 5.1.2 – Issued with written warning. A new licence will normally be granted with a warning.

- (b) Repeat offences resulting in a combined total of 6 current penalty points or more relevant for 'Totting Up' purposes as outlined at 5.1.2 – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years. A road risk assessment may have to be satisfactorily completed prior to a licence being granted at the applicant's or licence holder's own expense.

### 5.1.2 "Totting Up" – Section 35 Road Traffic Offenders Act 1988

If the total number of driving licence penalty points reaches 12 or more (6 or more if the licence is less than 2 years old) within 3 years the driver is liable to be disqualified from driving under the "Totting Up" procedure.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of the conviction, caution or in the absence of these the date of the offence or relevant incident and a road risk assessment, at the applicant's or licence holder's own expense, may have to be satisfactorily completed prior to a licence being granted.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

### 5.1.3 Major Traffic Offences (Other than drink driving and drug offences)

A major traffic offence is a road traffic offence (other than for totting and drink driving) that can result in four or more penalty points and/or a period of disqualification and/or imprisonment.

For the purpose of these guidelines the following motor offences are classed as 'Major Traffic offences'. However, this is not an exhaustive list.

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD10	Driving without due care and attention
DD40	Dangerous driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds

MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of the most recent conviction, caution or in the absence of these the date of offence or relevant incident.

#### 5.1.4 Drink Driving Offences and Driving under the Influence of Drugs

Any drink driving or drug related driving offence is treated very seriously by the Local Authority. An offence of this nature is highly relevant to the individual's role as a hackney carriage or private hire driver.

For the purpose of these guidelines the following motor offences are relevant. However, this is not an exhaustive list.

DG10	Driving or attempting to drive with drug level above the specified limit
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR70	Failing to co-operate with a preliminary test
DR80	Driving or attempting to drive when unfit through drugs

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

<b>5.1.5</b>	<b>Anti-Social Behaviour and Public Order Offences</b>
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Drivers of hackney carriages and private hire vehicles should display a measured and calming manner in the face of provocation and difficult situations.

- (a) *First offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 2 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

<b>5.1.6</b>	<b>Drug Related Offences</b>
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Possession of illegal drugs or other drug related offences (excluding in relation to guideline 5.1.7), the applicant will normally be required to satisfy the Local Authority that they are free of addiction subject to a licence being granted.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

<b>5.1.7</b>	<b>Dealing/Manufacture/Supply/Possession with Intent to Supply Drugs</b>
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Due to the nature of work carried out in the hackney carriage and private hire industry, the dealing, manufacture or supply of drugs is treated very seriously and will normally preclude a licence being issued for a considerable time.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution,

expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

#### **5.1.8 Public - Indecency Offences**

Public indecency relates to an act or display which is obscene or disgusting to an extent which outrages minimum standards of public decency in contemporary society and is in a place accessible to or in view of the public.

Indecency offences of a sexual nature will normally be dealt with under the Sexual Offences Guidelines.

The holder of a proprietors, operators and/or private hire or hackney carriage drivers licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society. Therefore, any offence for indecency is treated very seriously.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

#### **5.1.9 Sexual Offences**

The holder of a proprietors, operators and/or private hire or hackney carriage drivers licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society.

The Local Authority seeks to minimise risks associated with these persons and for that reason a more serious view will be taken where sexual offences occur. This includes, but is not limited to, all offences under the Sexual Offences Act 2003. Decisions relating to the determination of an application or review of an existing licence may be informed by discussions with the Police and/or Local Authority Designated Officers.

The licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Any offence(s)/conviction(s)/caution(s) or behaviour of a sexual nature against any person will normally result in revocation or refuse to renew. A new licence will not normally be granted.

<b>5.1.10</b>	<b>Dishonesty</b>
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All applicants and licence holders are expected to be persons of trust. For these reasons a serious view is taken of any offences involving dishonesty.

For the purpose of these guidelines the following offences are classed as 'Dishonesty', however, this is not an exhaustive list:

- Theft.
- Burglary.
- Fraud.
- Benefit fraud (including offences under Section 111A and 112 of the Social Security Administration Act 1992).
- Handling or receiving stolen goods.
- Forgery (e.g. producing false insurance policy).
- Conspiracy to defraud.
- Obtaining money or property by deception.
- Bribery.
- Immigration related offences.
- Other deception.

Failure to declare a hackney carriage or private hire licence issued by another licensing authority, or that licence's suspension/revocation will normally be considered as dishonesty.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

<b>5.1.11</b>	<b>Obstruction of Police Officer/Authorised Officer (to include failure to surrender to bail)</b>
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- (a) *First offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

<b>5.1.12</b>	<b>Violence</b>
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For the purpose of these guidelines the following are classed as 'violent offences', however, this is not an exhaustive list:

- Battery.
  - Common assault.
  - Affray.
  - S5 Public Order Act 1986 offence or distress/harassment, alarm.
  - S4 Public Order Act 1986 (fear of provocation of violence).
  - S4A Public Order Act 1986 (intentional harassment, alarm or distress).
  - Possession of offensive weapon.
  - Criminal damage.
  - Other violent offences.
- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

<b>5.1.13</b>	<b>Violence (Serious)</b>
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For the purpose of these guidelines the following are classed as 'serious violent offences', however, this is not an exhaustive list:

- Arson
  - Malicious wounding or grievous bodily harm
  - Actual bodily harm
  - Racially aggravated
  - Grievous bodily harm with intent
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Violent disorder
  - Resisting arrest
  - Kidnapping
  - False imprisonment
  - Wounding
  - Other serious violence
- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution,

expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

<b>5.1.14</b>	<b>Offences or unlawful act resulting in Loss of Life or with the Intent to Cause Loss of Life</b>
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A conviction or caution for the following offences would normally preclude the applicant / licence holder from holding a licence due to the nature of the work involved. For the purpose of these guidelines, the following are offences resulting in loss of life or intent to cause loss of life, however, this is not an exhaustive list:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Attempted murder
- Corporate manslaughter
- Causing death by dangerous driving
- Causing death by careless driving with drug level above the limit

This is not an exhaustive list.

Any offence(s)/conviction(s) / cautions of a similar nature resulting in loss of life or intent to cause loss of life will normally result in revocation or refusal to renew. A new licence will not normally be granted.

<b>5.1.15</b>	<b>Terrorism</b>
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Terrorism means the use or threat of action where designed to influence the Government or an international governmental organisation or to intimidate the public or a section of the public, for the purpose of advancing a political, religious or ideological cause.

‘Action’ includes serious violence against a person, serious damage to property, endangering a person’s life, other than that of the person committing the action, creating a serious risk to the health or safety of the public or a section of the public, or an act designed to seriously interfere with or seriously to disrupt an electronic system, or the use of firearms or explosives.

This also includes any offence, act or omission linked to a terrorism offence.

Any offence(s)/conviction(s) / cautions relating to terrorism will normally result in revocation or refusal to renew. A new licence will not normally be granted.

<b>5.1.16</b>	<b>Hate Crime</b>
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A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's disability, race, sexual orientation, transgender, religion or belief.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

<b>5.1.17</b>	<b>Plying for Hire</b>
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Convictions for plying for hire and related no insurance offences show that a driver is unable to work within the legal restrictions of a private hire/hackney carriage driver's licence. Offences of this nature generally result in passengers being uninsured during the journey.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew the private hire or hackney carriage driver's licence. A new licence will not normally be granted for 12 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

<b>5.1.18</b>	<b>Non-Disclosure/Late Disclosure of Relevant Information</b>
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Declarations of criminal and motoring convictions, cautions, fixed penalties, arrests and being charged with an offence are vitally important in order for the Local Authority to review the suitability of licence holders. Failure to declare any of the above can result in unsuitable drivers holding a licence.

- (a) *First offence* – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew.

This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the driver's/proprietor's own expense.

- (b) *Second offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.
- (b) *Three or more offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

<b>5.1.19</b>	<b>Breach of Licence Conditions / <i>Byelaws</i></b>
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Licences are issued with conditions and byelaws, applying to them; this is to ensure that the trade operates in a fair and consistent manner. Breaches of conditions/byelaws can result in poor service to customers. Serious breaches of conditions/byelaws will result in a review. A review will also normally be called where a driver/proprietor/operator has persistently breached conditions, in accordance with Regulatory Services enforcement policy.

- (a) *First offence* – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew.

This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the driver's/proprietor's/operator's own expense.

- (b) *Second offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.
- (c) *Three or more offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

<b>5.1.20</b>	<b>Any other relevant offences (including 'touting', using/operating private hire vehicles without a licence, offences under the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847)</b>
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- (a) *First offence* – will normally suspend for up to for 12 months or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

<b>5.1.21</b>	<b>Physical Fitness and Medical Conditions</b>
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Applicants for hackney carriage and/or private hire drivers licences must satisfy the medical fitness standards issued by the Driver and Vehicle Licensing Agency (DVLA). The agreed standard is the Group 2 Standard for vocational drivers.

- (a) In the case of a new application or an application to renew a licence, if the applicant fails to meet the required medical standard the licence will normally be refused. A new licence will not normally be granted for one year after the date of the medical examination or any period advised by an approved medical practitioner.

- (b) In the case of existing licence holders, if a person has a medical condition which falls below the standard outlined in the Group 2 Standard of the published medical standards, the licence may be suspended, revoked, or the renewal of a licence refused, dependent on the nature of the condition along with any recuperation or rehabilitation periods.

<b>5.1.22</b>	<b>Investigation of Serious Offences (involving violence, sexual offences, child sexual exploitation, safeguarding etc.)</b>
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Where information is received in relation to an existing licence holder or a new applicant from the Police or other enforcement bodies that an individual(s) are under investigation or have been under investigation for a matter that relates to any of the offences outlined in sections 5.1.1 – 5.1.29, the Local Authority may consider the information provided and take action in relation to the information provided. This may mean a licence is suspended, revoked, a renewal of a licence or a new licence is refused. The power to suspend or revoke immediately as set out in section 2.2.2 may also be used in these circumstances if it is in the interests of public safety.

<b>5.1.23</b>	<b>Breach of Requirements as to Control of the Vehicle, such as using a Mobile Phone etc</b>
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This type of offence is treated very seriously as it increases the likelihood of an accident.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

<b>5.1.24</b>	<b>Health Act</b>
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

Drivers must not smoke in a licensed vehicle. Any offence under this act can risk the health of both the driver and passengers.

- (a) *First offence* – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

<b>5.1.25</b>	<b>Conduct of Applicants / Licence Holders</b>
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times. This includes when drivers are operating in other areas, where drivers are expected to co-operate with reasonable requests from compliance staff authorised in other areas.

If the applicant or driver/proprietor/operator licence holders behaviour falls below that expected from a licence holder the following will apply;

- (a) *First instance* – will normally suspend for up to 12 months, or refuse to renew. A new licence will not normally be granted for 12 months following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.
- (b) *Repeat instance* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.

It should be noted that conduct is a wide open area and as such there may be occasions where one incident falls so far below the standards expected that a refusal, revocation, suspension or refusal to renew is felt the appropriate course of action, even in the first instance. This may include factors such as improper conduct in other areas, the severity of the conduct, the involvement of passengers or other aggravating factors.

<b>5.1.26</b>	<b>Driving Standards</b>
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Applicants/drivers of hackney carriage and/or private hire driver's licences must satisfy the Local Authority they are able to drive at a standard that meets the National Standard of driving.

If the applicant/driver's standard of driving falls below that expected of a licence holder the following will apply;

- (a) *First instance* – will normally suspend until outcome of occupational competence/road risk assessment, revoke or refuse to renew. A new licence will not normally be granted for 6 months following the outcome of any review hearing in relation to any incident relating to driving standards.
- (b) *Repeat instances* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the outcome of any review hearing in relation to any incidents relating to driving standards.

<b>5.1.27</b>	<b>Immigration Status</b>
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Applicants/licence holders must satisfy the Local Authority that they have a right to work in the UK.

In the case of a new application or an application to renew a licence if the applicant fails to provide satisfactory documentary evidence from the Home Office of a legal right to work in the UK as a Hackney Carriage and or/Private Hire Vehicle driver and failure to do so will result in refusal of any application.

Failure by an existing licence holder to provide satisfactory documentary evidence from the Home Office of a legal right to work in the UK as a Hackney Carriage and or/Private Hire Vehicle driver will result in revocation.

Where an applicant or licence holder has been convicted of an immigration related offence, guideline 5.1.10 will apply.

<b>5.1.28</b>	<b>Duties to Disabled People - Equality Act 2010</b>
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Licence holders have significant duties to disabled people under the Equality Act, as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

Council medical exemption certificates issued in accordance with the Equality Act must be displayed in accordance with the Council's instructions. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such medical condition when they are first employed. Breach of this condition is deemed serious and therefore shall normally result in revocation.

- (a) First instance - A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later. The power to suspend or revoke immediately as set out in 2.2.2 may also be used in these circumstances if it is in the interests of public safety.
- (b) Repeat offences - will normally revoke or refuse to renew. A new licence will not normally be granted.

<b>5.1.29</b>	<b>Environmental Crime Act</b>
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

- (a) *First offence* – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

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## **Hackney Carriage Vehicle Licence Conditions**

### **1.0 Maintenance of Vehicle**

- 1.1 The vehicle and all its fittings and equipment including luggage areas shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, comfortable, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Road Vehicles (Construction and Use) Regulations or any subsequent revision amendment or re-enactment thereof) shall be fully complied with. In particular, but without prejudice to the generality of the foregoing:
- 1.2 the seats of the vehicle shall be properly cushioned and covered
- 1.3 the floor of the vehicle shall be provided with a properly fitted carpet, mat or other suitable covering
- 1.4 all paintwork shall be maintained in a high gloss finish of a uniform colour free from dents, scratches or rust.
- 1.5 there shall be provided the means of carrying and securing luggage in the boot
- 1.6 the vehicle shall at all times carry a spare pneumatic tyre which shall comply with the provisions as to the mixing of and condition and maintenance of tyres contained in the Road Vehicles (Construction and Use) Regulations (or a subsequent revision amendment or re-enactment thereof) as if it were actually fitted as a tyre to the vehicle.
- 1.7 the proprietor of the vehicle must at all times ensure the vehicle is regularly maintained to ensure compliance with these conditions. A policy statement relating to vehicle maintenance shall be devised. (A model policy will be devised by the Local Authority). This will need to include for example details of the frequency of maintenance inspections, maintenance procedures, frequency of servicing and location of servicing garage used etc.

The maintenance policy statement and other maintenance records shall be made available at any time without notice to an Authorised Officer of the Licensing Authority or a Police Constable who shall be empowered to take away the records if required.

### **2.0 Alteration of Vehicle**

- 2.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- 2.2 The licence holder must ensure that all drivers of the vehicle are competently trained in the safe embarkment, transportation and disembarkation of passengers using wheelchairs.
- 2.3 The 'child-lock' feature on doors must not be activated at any time.
- 2.4 Where there is an airbag function in the front passenger seat, this must be activated when carrying passengers and children must not be transported facing forwards in this seat.

### **3.0 Identification Plate**

- 3.1 The plate identifying the vehicle as a Hackney Carriage and required to be exhibited on the vehicle pursuant to section 38 of the Town Police Clauses Act 1847 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a constable. Such plate shall not be wholly or partially concealed from public view. The Council may also specify, from time to time as it sees fit, any other plate, sign or marking, together with the location or manner of fixing, designed to identify it as a Hackney Carriage.
- 3.2 The licence holder must report the loss of their licence plate or signage to Licensing Services within 48 hours and obtain a replacement.

### **4.0 Interior Markings**

- 4.1 The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence. Such plate shall not be wholly or partially concealed from public view.

### **5.0 Signs, Notices etc.**

- 5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a fare meter if fitted to the vehicle or to a sign which:-
- 5.1.1 is displayed in, on or from the vehicle while it is stationary;
  - 5.1.2 contains no words or number other than the name and address of an operator of the vehicle or the name under which he carries on his business and its address and, in either case, the number of passengers to be carried in the vehicle; and
  - 5.1.3 is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign
- 5.2 The proprietor may cause to be displayed on the vehicle in accordance with the directions of the Council such advertisements as the Council may from time to time approve.

### **6.0 Change of Address**

- 6.1 The proprietor must notify the Licensing Services in writing within 48 hours of any change of their name, address, phone number and/or email address during the period of the licence. This must be completed via the My Licence Portal.
- 6.2 The phone number and email address provided by the licence holder will be the primary method of contact. Any blocking of text messages or emails will be a breach of these conditions of licence.

## **7.0 Convictions**

7.1 The holder of this licence shall give full details to Licensing Services via [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk) within 48 hours of:

- a) being released after any arrest;
- b) being charged with any offence;
- c) being convicted of any offence;
- d) being cautioned for any offence;
- e) being issued with a Fixed Penalty Notice;
- f) being interviewed by the Police, including a voluntary interview;
- g) receiving a notice of intended prosecution;
- h) the vehicle being seized by Police;

during the life of this licence. (If the holder of this licence is a company or partnership, full details should be given for any of the above imposed on the company, directors or partners during the period of the licence)

7.2 If the holder of this licence is a company or partnership, details of any changes in directors or partners shall be provided to Licensing Services via [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk) within 48 hours. If the company intends to dissolve, Licensing Services must be notified within 48 hours.

7.3 If the holder of this licence is a company or partnership, when a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to Licensing Services.

## **8.0 Road Traffic Accidents, Licensing and Insurance**

8.1 The vehicle shall be insured at all times. The policy in force must permit the use of the vehicle as a hackney carriage for public hire use. A copy/image of the current valid current certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted, on request, to an Authorised Officer of the Council.

8.2 The proprietor acknowledges receipt of this Hackney Carriage Licence and plates.

8.3 The proprietor must conform to all the conditions of this licence.

8.4 Upon expiry of vehicle licence plates must be returned to the City of Wolverhampton Council Licensing Services within 7 days. Any existing licence plates must be surrendered to the Council before new licence plates for a vehicle will be issued.

8.5 When a Hackney Carriage Vehicle is involved in an accident the Proprietor must report it to Licensing Services within 72 hours as required by Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976. This must be completed via the My Licence Portal.

## **9.0 Contactless Payments**

- 9.1 The proprietor shall ensure that passengers are able to make payment via contactless card payments.
- 9.2 The proprietor shall ensure that all drivers of the vehicle are trained on how to use the contactless card payment device and are aware that passengers must be able to make payment in this manner.
- 9.3 Where a fault in the contactless payment system is identified, the proprietor must notify Licensing Services and arrange repair/replacement within 48 hours.

**NB. Please note that should you feel aggrieved by any of the conditions in this Licence then you have the right of appeal to the Magistrates' Court within 21 days from the date when this licence is issued.**

## **Private Hire Vehicle Licence Conditions**

### **1. Maintenance of Vehicle**

- 1.1 The vehicle and all its fittings and equipment including luggage areas shall at all times when the vehicle is in use or available for hire be kept in a safe, comfortable, tidy and clean condition.

The following must be adhered to:

- a) the seats of the vehicle shall be properly cushioned and covered,
- b) the floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering,
- c) all paintwork shall be maintained to a high standard in a single colour, free from dents, scratches or rust,
- d) all trim, wheel hubs and glass must be secure and free from damage,
- e) only manufacturers factory fitted privacy glass (tinted) will be permitted,
- f) The boot must be able to carry luggage securely.
- g) all tyres including the spare/kit must comply with the vehicle manufacturer's specification and the requirements of the Road Vehicles (Construction and Use) Regulations 1986, as amended.
- h) the proprietor of the vehicle must at all times ensure the vehicle is regularly maintained to ensure compliance with these conditions.

### **2. Alteration of Vehicle**

- 2.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of Licensing Services.
- 2.2 The licence holder must ensure that all drivers of the vehicle are competently trained in the safe embarkment, transportation and disembarkation of passengers using wheelchairs.
- 2.3 The 'child-lock' feature on doors must not be activated at any time.
- 2.4 Where there is an airbag function in the front passenger seat, this must be activated when carrying passengers and children must not be transported facing forwards in this seat.

### **3. Identification Plate/Exterior Markings**

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle must be securely and permanently fixed to the rear exterior of the vehicle:

- a) immediately adjacent to the number plate area of the vehicle, but must not obscure any part of the vehicle registration plate,
- b) in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Police Officer,
- c) the plate must not be wholly or partially concealed from public view,
- d) at no time should the licence plate be removed from the licensed vehicle during the lifetime of the Private Hire Vehicle Licence unless exempted in law.

3.2 The vehicle must display the door signage approved by Licensing Services for the operator that the vehicle's driver is undertaking work for, bearing the name, telephone number and/or 'app' on both sides of the vehicle. The only exception is where the driver is undertaking a school transport contract for another operator, who they are not ordinarily partnered with. Door signage must be removed or replaced when the driver of the vehicle ceases to be partnered with the operator.

3.3 The use of magnetic door stickers is prohibited.

3.4 No modification or trimming of the approved door stickers is permitted. The door sticker must be fitted towards the top of the door panel.

3.5 The licence holder must report the loss of their licence plate or signage to Licensing Services within 48 hours and obtain a replacement.

#### **4. Interior Markings**

4.1 The proprietor must display the interior plate detailing the licence number of the vehicle and the number of passengers permitted to be carried. This must be located on the upper left-hand corner of the front windscreen and must be clearly visible to persons both inside and outside of the vehicle.

4.2 The proprietor must display the 'warning to all passengers' notices provided by Licensing Services informing passengers that the vehicle must be pre-booked or insurance covering the vehicle may be invalidated. These must be positioned clearly and be visible to persons outside of the vehicle at all times.

4.3 'No smoking' signs must be displayed at all times.

#### **5. Signs, Notices, Advertisements**

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle without the express written permission of Licensing Services.

#### **6. Change of Details**

- 6.1 The proprietor must notify the Licensing Services in writing within 48 hours of any change of their name, address, phone number or email address during the period of the licence. This must be completed via the My Licence Portal.
- 6.2 The phone number and email address provided by the licence holder will be the primary method of contact. Any blocking of text messages or emails will be a breach of these conditions of licence.

## **7. Notification of Convictions, Cautions and Fixed Penalties**

- 7.1 The holder of this licence shall give full details to Licensing Services via [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk) **within 48 hours** of:

- a) being released after any arrest;
- b) being charged with any offence;
- c) being convicted of any offence;
- d) being cautioned for any offence;
- e) being issued with a Fixed Penalty Notice;
- f) being interviewed by the Police, including a voluntary interview;
- g) receiving a notice of intended prosecution;
- h) the vehicle being seized by Police;

during the life of this licence. (If the holder of this licence is a company or partnership, full details should be given for any of the above imposed on the company, directors or partners during the period of the licence)

- 7.2 If the holder of this licence is a company or partnership, details of any changes in directors or partners shall be provided to Licensing Services via [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk) within 48 hours. If the company intends to dissolve, Licensing Services must be notified within 48 hours.
- 7.3 If the holder of this licence is a company or partnership, when a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to Licensing Services.

## **8. Insurance**

- 8.1 The vehicle must be insured at all times. The policy in force must permit the use of the vehicle as a private hire vehicle for hire or reward use.

- 8.2 A copy/image of the current valid current certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted by the holder of the licence to their operator and, on request, to an Authorised Officer of the Council.

## **9. Reporting of Road Traffic Accidents**

When a Private Hire Vehicle is involved in an accident the Private Hire Vehicle Proprietor must report it to Licensing Services within 72 hours as required by Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976. This must be completed via the My Licence Portal.

## **10. Licensing**

- 10.1 The licence holder must inform Licensing Services of the driver of the vehicle at the time of plating and thereafter, when a change of driver occurs. This must be done via the My Licence Portal and must be done prior to the new driver using the vehicle. The vehicle must have the correct livery of the Private Hire Vehicle Operator, that the driver and vehicle are partnered with, at all times.
- 10.2 In the event of the holder of this licence ceasing to operate a licensed Private Hire Vehicle, the holder must surrender their private hire vehicle licence and plates to Licensing Services within 7 days.
- 10.3 Upon expiry of vehicle licence, plates must be returned to the City of Wolverhampton Council Licensing Services within 7 days. Any existing licence plates must be surrendered to the Council before new licence plates for a vehicle will be issued.
- 10.4 The holder of this licence must inform Licensing Services of the Operator the vehicle shall be working for at the time of plating and thereafter, when a change of Operator occurs. This must be completed via the My Licence Portal.
- 10.5 The private hire vehicle may only be driven by a private hire driver licensed by the Council.

**Please note that should you feel aggrieved by any of the conditions in this Licence then you have the right of appeal to the Magistrates' Court within 21 days from the date when this licence is issued.**

## **Private Hire Driver Licence Conditions**

### **1. Issue of Licences**

- 1.1 The holder of this licence shall notify Licensing Services via the My Licence Portal within 48 hours of any change of their name, address, phone number or email address during the period of the licence.
- 1.2 The phone number and email address provided by the licence holder will be the primary method of contact. Any blocking of text messages or emails will be a breach of these conditions of licence.
- 1.3 The holder of this licence must notify Licensing Services via the My Licence Portal not less than 12 hours prior to commencing work with a new private hire vehicle operator (operator).
- 1.4 The holder of this licence may not change their operator more than once within a 48-hour period.
- 1.5 The private hire driver may only fulfil bookings from a private hire vehicle operator licensed by the Council when using a private hire vehicle licensed by the Council.
- 1.6 This licence does not permit the holder to drive a hackney carriage.
- 1.7 The holder of this licence can only receive bookings from the operator notified to the Council for whom they are currently working.
- 1.8 The holder of this licence may only be partnered with one operator at any time, unless the other operator(s) solely provides the licence holder with bookings as part of a school transport contract. The licence holder does not need to notify Licensing Services of partnership with an operator that solely provides the licence holder with bookings as part of a school transport contract. The driver does not need to display vehicle signage of an operator that solely provides the licence holder with bookings as part of a school transport contract.
- 1.9 The holder of this licence must notify Licensing Services within 48 hours if they are granted a hackney carriage or private hire licence with any other licensing authority during the course of this licence. They must also notify Licensing Services within 48 hours if that licence is reviewed, suspended or revoked. If the other licence is suspended or revoked immediately, Licensing Services must be notified immediately.
- 1.10 The holder of this licence must notify Licensing Services immediately if they are added to the DBS Children's or Adult's Barred List. The driver must not undertake any bookings if they are on a Barred List.

### **2. Plying for Hire (taking a fare without it being pre-booked via the Operator)**

- 2.1 The holder of this licence shall not whilst driving or in charge of a private hire vehicle:

- a) Take or agree to take a fare without it being pre-booked via the Operator,
- b) stand or ply for hire or solicit on a road or other public place, any person to hire or to be carried for hire in any private hire vehicle,
- c) cause or procure any other persons to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle,
- d) accept an offer for the minimum hire of any private hire vehicle while the holder or that vehicle is on the road or other public place except where such an offer is first communicated to the holder by a licensed operator or his duly authorised servant.

### **3. General Conduct**

- 3.1 The driver must not allow more than the stated maximum number of people in the vehicle at any time. Passengers must be permitted to sit in any licensed seat in the vehicle.
- 3.2. The driver shall not eat or smoke in the vehicle. This includes E-Cigarettes and Vaping.
- 3.3 The driver shall not play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 3.4 The driver shall not sound the vehicle's horn to alert passengers of the vehicle's arrival.
- 3.5 The driver shall, when requested by any person hiring or seeking to hire the Private Hire Vehicle:
  - a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading; and
  - c) afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down such person.
- 3.6 The driver shall attend punctually when hired.
- 3.7 The holder of this licence shall not use any offensive, abusive, profane or insulting language or behaviour but shall at all times behave in a civil and orderly manner.
- 3.8 The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from a private hire vehicle driven, by hire or in their charge.
- 3.9 A private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour

and level of trust expected should be demonstrated in the conduct of those licensed at all times. This includes when drivers are operating in other areas, where drivers are expected to co-operate with reasonable requests from compliance staff authorised in other areas.

- 3.10 The holder of this licence shall, unless otherwise requested by the hirer, proceed to the destination by the most direct route.
- 3.11 A driver may be required to undergo drug and/or alcohol testing at any time. Failure to attend the appointment may result in this licence being suspended or revoked.

#### **4. Standard of Dress**

- 4.1 The holder of this licence shall maintain a high standard of personal hygiene and they shall wear freshly laundered respectable clothing, with the upper part of the arms being covered.
- 4.2 The holder of this licence must wear suitable footwear whilst driving, with the feet covered wholly to the ankle.
- 4.3 The holder of this licence must ensure that their face is clearly visible to passengers, to allow for verification against the photograph on the holder's private hire driver badge.
- 4.4 Should the Council require drivers to wear a face mask or face covering, the holder of this licence must comply with that instruction, unless medically exempt.

#### **5. Lost Property**

- 5.1 The holder of this licence shall, at the termination of each hiring, search the vehicle for any property, which may have been left. Any property found in the vehicle must be handed in to the base operator.

#### **6. Display of Badge**

- 6.1 The holder of this licence shall wear their Private Hire Vehicle Driver's badge so as to be clearly and distinctly visible at all times whilst they are acting as a private hire vehicle driver (e.g. on the upper part of the body).
- 6.2 The additional badge must also be displayed internally at the top left-hand side of the windscreen of any private hire vehicle being driven by him/her at any time.
- 6.3 The holder of this licence must ensure that they are recognisable from the picture on their driver licence badge by customers and authorised officers. Where the driver's appearance changes substantially, a new photograph must be provided to Licensing Services.

#### **7. Information to Operator**

- 7.1 The holder of this licence shall submit to their operator:
  - a. A copy/image of their current Private Hire Vehicle Driver's Licence

- b. A copy/image of their current DVLA Drivers Licence

## **8. Return of Licence/Badge**

- 8.1 In the event of the holder of this licence ceasing to operate as a licensed Private Hire Vehicle Driver, the holder must surrender their private hire vehicle driver's licence and badges to Licensing Services within 7 days.
- 8.2 The holder must, at the request of an Authorised Officer of the Licensing Authority, return their private hire driver licence and badges.

## **9. Loss of Badge**

- 9.1 The licence holder must report the loss of their badge to Licensing Services as soon as reasonably practicable and obtain a replacement.

## **10. Notification of Convictions, Cautions and Fixed Penalties**

- 10.1 The holder of this licence shall give full details to Licensing Services via the My Licence Portal within 48 hours of:
  - a) being released after any arrest;
  - b) being charged with any offence;
  - c) being convicted of any offence;
  - d) being cautioned for any offence;
  - e) being issued with a Fixed Penalty Notice;
  - f) being interviewed by the Police, including a voluntary interview;
  - g) receiving a notice of intended prosecution;during the life of this licence.
- 10.2 The holder of this licence is required to evidence continuous registration with the DBS Update Service and have Licensing Services nominated as an authority to view their DBS certificate status during the life of this licence. Where a driver is unable to subscribe to the Update Service, a new enhanced DBS certificate must be provided every six months.
- 10.3 Should the licence holder's certificate status on the DBS Update Service change, or the holder change their name, the holder is required to apply for a new DBS certificate within 48 hours.
- 10.4 The holder of this licence is required to provide any DBS certificates, issued during the life of this licence, to Licensing Services within 7 days of the date printed on the certificate.

## **11. Carriage of Disabled Passengers and Assistance Dogs**

- 11.1 The licence holder must accept the carriage of any disabled passenger, taking such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort, provide them with mobility assistance as is reasonably required, and carry any mobility aids and wheelchair(s) all without charging any more than they would for a non-disabled passenger.
- 11.2 The licence holder must provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- 11.3 The licence holder must carry guide or other assistance dogs accompanying passengers, free of charge, unless the driver has a medical condition and has obtained a medical exemption certificate from Licensing Services.
- 11.2 The Council medical exemption certificate issued in accordance with Section 37A of Disability and Discrimination Act 1995 must be displayed at all times and face outwards from the front windscreen of the Private Hire Vehicle.
- 11.3 Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of any such medical condition.
- 11.4 The licence holder shall allow the assistance dog to be accommodated within the passenger compartment of the vehicle. The dog shall be allowed to be positioned as per the passenger's request.

## **12. Medical Circumstances**

- 12.1 The licence holder must, within 24 hours, notify Licensing Services via the My Licence Portal of any changes to their medical circumstances.

These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which affects their ability or entitlement to drive.

## **13. Traffic Regulations**

- 13.1 The licence holder shall comply with all traffic regulations and in addition, in accordance with these conditions, shall not wait on double yellow lines.
- 13.2 The licence holder shall not obstruct any road, pavement, or thoroughfare at any time.

**Please note that should you feel aggrieved by any of the conditions in this licence then you have the right of appeal to the Magistrates Court within 21 days from the date when this licence is issued.**



## CONDITIONS RELATING TO A LICENCE TO OPERATE PRIVATE HIRE VEHICLES

### 1. ISSUE OF LICENCES

- 1.1 The Licensed Operator/Company Director(s) shall notify the Licensing Services in writing within 48 hours of any change of their name, and/or address, phone number and/or email address during the period of the licence. This must be completed via [operator.lic@wolverhampton.gov.uk](mailto:operator.lic@wolverhampton.gov.uk)
- 1.2 If the licence holder is a limited company and the limited company intends to dissolve, Licensing Services must be notified within 48 hours.

### 2. KEEPING OF RECORDS

- 2.1 The holder of this licence shall keep a full and accurate record of every booking of a Private Hire Vehicle in a register, to include:
  - time and date the booking was made
  - method of receipt
  - time and date required for journey to commence
  - customers name
  - particulars of the journey (from and to)
  - the individual that dispatched the vehicle (if not dispatched by a computer)
  - the driver of the vehicle and the vehicle used
  - the other drivers that responded to the booking request, including those that were unsuccessful in being allocated the fare
  - call sign and plate number
  - area in which the booking was made and details of operator who accepted the booking
  - the area and operator to whom the job is sub-contracted (*if applicable*)
  - details of sub-contracted jobs to include the time and date the job was sub-contracted and accepted (*if applicable*)

These registers must be maintained in a bound book with consecutively numbered pages or an appropriate computerised booking system.

Each record is to be completed prior to the dispatch of any vehicle or the undertaking of any part of the journey.

The operator is exempted from the requirement to record destinations details prior to passing a booking to a driver, but only in respect of those bookings made using IVR technology and online apps. The destination must be completed following completion of the fare.

- 2.2 Where an operator accepts a sub-contracted fare from an operator licensed in another Licensing Authority area, then within reason, the operator must comply with requests for records of that fare from authorised officers of the Licensing Authority from the area in which the original booking was taken.
- 2.3 At all times that an operator is actively dispatching vehicles there shall be an identified phone number on which the operator (or their nominee) is available for contact by authorised officers of the Licensing Authority and the operators shall provide any information requested regarding journeys that have been dispatched and/or booked through the operator.

- 2.4 The register must be maintained up to date at all times and shall be accessible from at the address from which the business is conducted as specified in the operator's licence. All records must be kept for a period of not less than 12 months from the date of the last entry in the register or computer record.
- 2.5 The licence holder shall provide a police constable or authorised officer with such copies of records from the register as they may request.
- 2.6 Before commencing trading, the operator shall provide the Council with an emergency contact telephone number that will be available at all times to the licensing services management team. The purpose of this telephone number will be to advise the operator that they need to attend at the satellite office to provide information that has not been supplied as requested in accordance with condition 2.7. If the operator is unable to attend they shall make arrangements for an authorised officer to gain access to the location of the computer and a log in and password shall be provided to access the computerised register(s) required to be kept by the operator in accordance with conditions 2.1, 3.1 and 3.2 or to urgently obtain information pursuant to a Data Protection Act 1998 (as amended) request.
- 2.7 All requests to provide information by authorised officers shall be prioritised due to their urgency
- Priority A – These are for matters of a serious nature where there is significant risk to public safety. Within 1 hour of the request being received
  - Priority B – These are for matters that require further investigation and have potential to be of a serious matter. Within 4 hours of the request being received
  - Priority C – These are for requests for information pertaining to general complaints. Within 24 hours of the request being received
  - General request, none prioritised. Within 1 week of the request being received.

Priorities A & B, significant risk to public safety or serious matters, will be determined on a case by case basis by the Licensing Manager or Compliance Lead Officer.

A named person shall be supplied to be the liaison with the Licensing Authority.

- 2.8 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

### **3. SPECIFIED VEHICLES**

- 3.1 The holder of the licence shall provide the council on request a schedule of all vehicles which they operate to include the following:
- the registration number of the vehicle
  - council licence plate number of the vehicle
  - base call sign
  - make/model of vehicle
- 3.2 The holder of this licence shall ensure that at all times, full and current records for each vehicle operated are kept. To include the following:
- a copy/image of the current Private Hire Vehicle Licence
  - a digital record of when the current Private Hire Vehicle Licence expires

- a copy/image of the current valid MOT Certificate
- a digital record of when the current valid MOT Certificate expires
- a copy/image of a current valid Private Hire Insurance Certificate or cover note
- a digital record of when the current valid Private Hire Insurance Certificate expires

3.3 The holder of this licence shall ensure that at all times the vehicles operated are duly licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

3.4 The use of Public Service Vehicle (PSV) driven by a 'Passenger Carrying Vehicle' licensed driver to fulfil a fare, without the informed consent of the booker, is prohibited. The booker must be informed that the driver is subject to different checks and not required to have an enhanced DBS check.

3.5 The holder of this licence must accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.

#### **4. MAINTENANCE OF VEHICLES**

4.1 Each Private Hire Vehicle operated by the licence holder must be regularly maintained and inspected for defects to ensure compliance with the Council's conditions in relation to the licensing of such vehicles.

4.2 The holder of this licence shall initially provide and thereafter ensure that Private Hire Vehicles working for them shall at all times display their unique Private Hire Vehicle Operators door sign, which has been approved by Licensing Services, bearing the name telephone number and/or 'App' on each side of the vehicle. The use of magnetic door stickers is prohibited.

#### **5. SPECIFIED DRIVERS**

5.1 Individual records for each licensed driver are required to be stored by the licence holder and be accessible from their premises and kept fully up to date at all times. To include the following:

- a copy/image of their current Private Hire Vehicle Drivers Licence,
- a digital record of when the current Private Hire Vehicle Drivers Licence expires,
- a copy/image of their current DVLA Driving Licence,
- a digital record of when the current DVLA Driving Licence expires,
- their full name, address, email address and contact telephone number.

5.2 The holder of this licence shall ensure that at all times drivers used by them on private hire business are duly licensed by the Council to drive such vehicles.

5.3 When the holder of the licence ceases to use any licensed Private Hire Vehicle Driver, the operator shall notify Licensing Services, via the My Licence Portal, within 72 hours.

5.4 Private Hire Vehicle Driver licences shall be available for inspection at all times by any Authorised Officer of the Council or Police Constable who may take the licence(s) away from the premises if so required.

5.5 When the licence holder is provided with a copy of a Private Hire Vehicle Driver's licence, the licence holder must check the signature against the driver's Driving Licence and validate the driver licence using the online register at <https://iapply.co.uk/wdp/user/public-register-search>

- 5.6 When the licence holder partners with a driver, the licence holder shall notify Licensing Services, via the My Licence Portal, prior to the driver commencing work.
- 5.7 The licence holder must notify Licensing Services 48 hours in advance of contracting a driver, who is not primarily partnered with the licence holder, to undertake a school transport contract.
- 5.8 The licence holder must notify Licensing Services if a school transport provider excludes a driver from undertaking contract work due to a complaint.

## **6. STANDARD OF SERVICE**

- 6.1 The holder of this licence shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 6.2 Ensure that when a Private Hire Vehicle has been hired, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- 6.3 Ensure that any premises which the licence holder provides and to which the public have access, whether for the purpose of booking or waiting, are kept clean and adequately heated, ventilated and lit. They shall also ensure that any waiting area which they provide has adequate seating facilities.

## **PUBLIC COMPLAINTS**

- 6.4 Private Hire Operators must have a policy for dealing with complaints by the public.

If that policy requires the recording of complaints the records should be kept and maintained for at least 12 months and shall be available for inspection by authorised officers. The records should contain, as a minimum, the complainants name, contact information and the complaint details.

Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Council, Operators must report the complainants name, contact information and the full details of the complaint. This shall be reported immediately when the licensing office is open or in any other event by email within 48 hours to [Licn\\_comp@wolverhampton.gov.uk](mailto:Licn_comp@wolverhampton.gov.uk)

The specified complaints or allegations are:

- Of indecency or of a sexual nature
- Hate crimes
- Terrorism
- Extremism
- Violence
- Drug dealing
- Dishonesty

These categories of offences are detailed within the Council's Guidelines on Fitness and Propriety.

In straight forward terms, allegations of criminal behaviour whilst licensed as a Private Hire Vehicle Driver.

All complaint records shall be immediately available at the request of an Authorised Officer or Police Officer at all reasonable times, this includes any and all details relating to the complaint and the driver.

## **7. CONVICTIONS, CAUTIONS AND FIXED PENALTIES**

7.1 The holder of this licence shall give full details to Licensing Services via [operator.lic@wolverhampton.gov.uk](mailto:operator.lic@wolverhampton.gov.uk) **within 48 hours** of:

- a) being released after any arrest;
- b) being charged with any offence;
- c) being convicted of any offence;
- d) being cautioned for any offence;
- e) being issued with a Fixed Penalty Notice;
- f) being interviewed by the Police, including a voluntary interview;
- g) receiving a notice of intended prosecution;

during the life of this licence. (If the holder of this licence is a company or partnership, full details should be given for any of the above imposed on the company, directors or partners during the period of the licence)

- 7.2 If the holder of this licence is a company or partnership, details of any changes in directors or partners shall be provided to Licensing Services via [operator.lic@wolverhampton.gov.uk](mailto:operator.lic@wolverhampton.gov.uk) within 7 days.
- 7.3 If the holder of this licence is a company or partnership, when a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to Licensing Services.
- 7.4 The holder of this licence shall provide a basic DBS certificate to Licensing Services on every anniversary of the date of licence grant, during the life of the licence. The certificate shall be dated no older than 3 months prior to submission. (If the holder of this licence is a company or partnership, a certificate must be provided for each director and partner)
- 7.5 The holder of this licence must notify Licensing Services within 48 hours if they are granted a private hire vehicle operator licence with any other licensing authority during the course of this licence. They must also notify Licensing Services within 48 hours if that licence is reviewed, suspended or revoked.

## **8. INSURANCE**

- 8.1 The holder of this licence shall ensure at all times, that every private hire vehicle so operated shall be covered by a Certificate of Insurance or cover note indemnifying the proprietor of the said vehicle within the provisions of Part VI of the Road Traffic Act 1988.

- 8.2 All vehicle insurance documents must state that the insurance covers the driver for the carriage of passengers for hire or reward whether or not the operator is the owner/proprietor of the vehicle.
- 8.3 In relation to vehicles owned/licensed by the operator (fleet):  
A copy/image of the current valid certificate of insurance or cover note(s) relating to each vehicle which shows those persons entitled to drive the vehicle must be retained by the operator on the premises specified on the licence.

## **9. PLANNING PERMISSION AND LICENCE FOR RADIO EQUIPMENT**

- 9.1 The holder of this licence shall not conduct their business from any premises unless the necessary planning permission under the Town and Country Act 1990, as amended, has been obtained, where applicable, for the premises from which the business will operate.
- 9.2 If applicable an Operator must obtain a licence for radio equipment under the wireless Telegraphy Act 1949 or any other relevant statutory provision.
- 9.3 Permission is to be obtained from any landlord or lender that may contractually prohibit the use of the premises for business purposes.

## **10. OPERATIONAL MATTERS**

- 10.1 The Operator shall apply a fit and proper test to all of their staff. This shall include a basic DBS check, or equivalent criminal record check if staff are not UK-based, for all staff and records kept showing the recruitment and decision-making processes. Failure to undertake these checks or to keep adequate records shall deem that the Operator may not be a fit and proper person to hold an Operator's licence.
- 10.2 All staff who are in a role where they interact with members of the public shall undergo Child Sexual Exploitation (CSE) and Safeguarding training within 3 months of commencing work for an Operator. Training dates will be provided by the council on a quarterly basis and it is up to the Operator to ensure their staff attend.
- 10.3 The holder of this licence shall provide a video conferencing facility (e.g. Skype) and an appropriate room in order to facilitate driver reviews. A driver has the right to be accompanied by a solicitor or representative, if they wish, and this must be accommodated.

## **11. LICENSING**

- 11.1 Regular trade working groups are held throughout the year and all Operators are encouraged to attend or send a suitable representative.

**Please note that should you feel aggrieved by any of the conditions in this licence then you have the right of appeal to the Magistrates Court within 21 days from the date when this licence is issued.**

# Hackney Carriage and Private Hire Vehicle Licensing Policy

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# 1. Hackney Carriage Vehicle Licence Requirements

A Hackney Carriage Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

New applications can only be made for new vehicles, with no more than 500 delivery miles.

The vehicle must be no older than 15 years and 6 months unless it is a zero-tailpipe emission vehicle. Vehicles aged 10 years and over will require a second MOT certificate after 6 months and another compliance check. Vehicles aged 16 years and over will require an exceptional condition assessment (see website for current cost).

The vehicle must have been built to have no more than 9 seats, including the driver's seat. Left-hand drive vehicles registered in the UK are permitted.

## 1.1 Currently Approved Hackney Carriage Vehicle Model

### Citroen

- Dispatch Combi
- Dispatch HDI 120 9-S
- Dispatch L2 H1 Level 2
- Euro
- L7
- Relay L3 H2
- SVA Taxi

### Fiat

- Eurocab
- Scudo
- TW200

### Ford

- Procab
- Tourneo Custom
- Voyager VTC8

### LTI

- TX1
- TX2
- TX4
- LEVC TX

### Mercedes

- MX7
- Vito

### Nissan

- Dynamos
- Primastar
- Voyager

### Peugeot

- Boxer 290
- E7
- E7 SE
- LC7

### Volkswagen

- T5 Shuttle SE SWB 10

Every application must be made using the Hackney Carriage Vehicle licence [application form](#) and must be supplied with the following documents:

(a) One of the following, as proof of proprietorship:

- a. Vehicle registration document (all pages of the V5C)
- b. new keeper's supplement with a bill of sale
- c. vehicle lease agreement permitting public hire

- (b) Valid certificate of insurance or cover note showing cover for public hire purposes (as appropriate)
- (c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton Council approved MOT station](#)
- (d) Calibration certificate for new or replacement vehicles by the meter supplier
- (e) Current [licence fee](#) – dependant on the age of the vehicle.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

## 1.2 Hackney Carriage Vehicle Standards

1. All internal fittings and fixtures i.e. carpets, seats, trims and seat cover should be clean and in good condition. Rips/tears in seat and broken trims should be replaced or repaired to a high standard before submitting the vehicle for inspection.
2. Seating within the vehicle must be conference type seating and not all forward facing. The access for wheelchair users must be from the left hand side of the vehicle.
3. All external fitting i.e. wheel caps/discs, bumpers and trims should be fitted, clean and in good condition. Rusty/damaged metal bumpers or damaged plastic bumpers are not acceptable. An illuminated 'taxi' roof sign indicating when the taxi is for hire must be installed and kept in working condition.
4. The paintwork should be maintained to a high gloss finish and of a uniform colour free from scratches which expose the under primer or metal. It is advisable that if any paintwork is undertaken on the vehicle that it is done by a reputable garage to a high standard.
5. The body panels should be free of dents and all body panels should fit correctly. The excessive use of body filler and repairs that are of a poor standard are not acceptable.
6. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle except as may be required by any statutory provision (including byelaws). This includes the display of unauthorised transfers/stickers to the body or windows of the vehicle.

A Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) certificate must be provided if the vehicle has a relevant tail-lift.

A Hackney Carriage Vehicle must also meet all the conditions of licence. You are advised to contact Licensing Services prior to making a new application to ensure all of those requirements are met.

## 1.3 Hackney Carriage Licence Replacements

If you have a Hackney Carriage Vehicle Licence and you want to replace the vehicle on the licence, the replacement vehicle must be newer. You cannot replace the vehicle with an older one.

## 2. Private Hire Vehicle Licence Requirements

A Private Hire Vehicle Licence will only be granted providing the vehicle meets the following requirements and standards upon inspection.

Each Private Hire Vehicle [application must be made online](#) and supplied with the following documents:

(a) One of the following, as proof of proprietorship:

- a. Vehicle registration document (all pages of the V5C)
- b. new keeper's supplement with a bill of sale
- c. vehicle lease agreement permitting private hire work

(b) Valid certificate of insurance or cover note showing cover for private hire purposes.

(c) Current MOT test certificate issued no earlier than 10 days before the date of application by a [City of Wolverhampton Council approved MOT station](#).

(e) Current licence fee – dependant on age of the vehicle.

(f) If the applicant is not a driver or operator licensed by the Council, you must also provide a Basic DBS certificate through the [UK Government website](#). If the applicant is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to application. These can be completed before you apply and the certificate uploaded as part of this application or you can apply after submitting the application. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the licence being granted.

Once satisfied the vehicle application is complete and the appropriate requirements are met, the licence will be granted upon successful completion of a vehicle compliance inspection to ensure the vehicle complies with the conditions of licence and standards below.

## 2.1 Private Hire Vehicle Requirements

- The vehicle must be no older than 11 years and 6 months (vehicles are not plated past 12 years) unless it is a zero-tailpipe emission vehicle. Vehicles aged 10 years and over will require a second MOT certificate after 6 months and another compliance check.
- The vehicle must have no more than 9 seats, including the driver's seat.
- The vehicle must have passenger opening doors on both sides.
- All seats must be forward facing, unless the vehicle has an exemption.
- The vehicle must not have a partition between the driver and passengers, unless it is a driver safety enclosure authorised by Licensing Services.
- Only manufacturers' factory fitted privacy glass will be permitted.
- The vehicle must display a legal registration number as shown of the logbook, which adheres to the official DVLA format of 11mm between each of the character and 33mm between the age identifier.



- Both internal and external facing cameras are permitted, however you must comply with the Taxi CCTV Policy available in the ['Downloads' section here](#).
- The vehicle may be insurance category C/D/S/N.
- Left-hand drive vehicles registered in the UK are permitted.
- A Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) certificate must be provided if the vehicle has a relevant tail-lift.

## 2.2 Private Hire Vehicle Signage Requirements

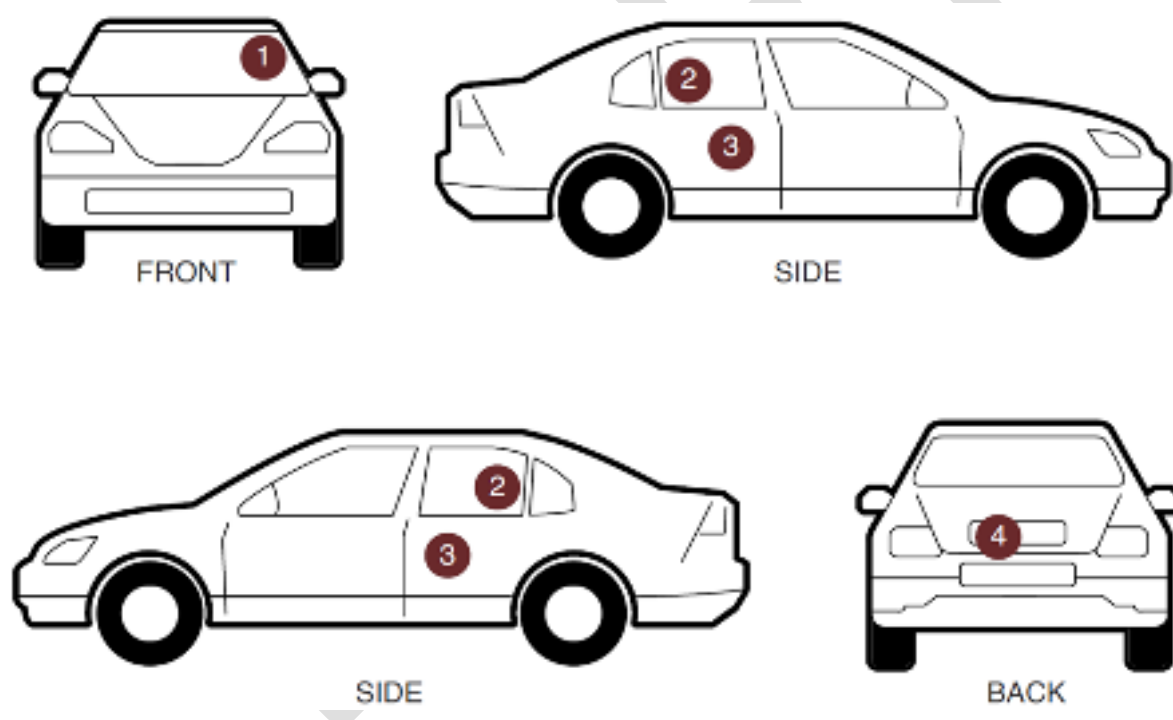
All approved signage must:

- Be clearly visible and on display at all times.

Operator Signage requirements:

- Must be the design approved by the Council, which contains the name of the operator along with a form of contact (phone number and/or app details).
- Be a sticker (magnetic signage is **not** allowed).
- Must be the operator that the driver is partnered with.
- Roof signage is prohibited.

**Diagram of Private Hire Vehicle Signage**



1. Badge and internal plate
2. Approved passenger information stickers
3. Approved operator door sticker on each side of the vehicle, fitted towards the top of the door panel.
4. Licence plate

## 2.3 Private Hire Vehicle Licence Replacements

If you have purchased a new vehicle and wish to keep the Private Hire Vehicle Licence number that you currently have, you can submit a renewal application for that licence number, with the details of the new vehicle that you wish to licence.

There will be no reduction in the cost and you cannot transfer any of the life of the previous licence to the new vehicle. However, if you have six months or more remaining on the current Private Hire Vehicle Licence, you will qualify for a free fast-track of your application and it will be processed within two working days.

Upon application, the existing Private Hire Vehicle Licence number must be submitted, so we can identify it is a replacement application. The applicant must be the same as the existing proprietor of the current vehicle licence. If you wish to transfer the vehicle to a new proprietor, see Section 3 below.

The application will be subject to the normal requirements details in Section 2.1 and the old Private Hire Vehicle Licence plate will need to be returned, before the new licence plate is issued.

## 3. Vehicle Licence Proprietor Transfers

A licensed Hackney Carriage Vehicle or Private Hire Vehicle can be sold and transferred, providing the vehicle complies with the conditions of licence.

The vehicle proprietor must request to transfer within fourteen days of the sale, specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

The transfer form can be downloaded from our website

<https://www.wolverhampton.gov.uk/licences/taxi-licences/taxi-licence-faqs>

The completed form will need to be returned to us via email to

[Vehicle.lic@wolverhampton.gov.uk](mailto:Vehicle.lic@wolverhampton.gov.uk) along with

(a) One of the following, as proof of proprietorship:

- a. Vehicle registration document (all pages of the V5C)
- b. new keeper's supplement with a bill of sale
- c. vehicle lease agreement permitting hire and reward

(b) Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate to the vehicle licence) in the new proprietor's name.

(c) If the new proprietor is not a driver or operator licensed by the Council, you must also provide a Basic DBS certificate through the [UK Government website](https://www.gov.uk/government). If the new

proprietor is a company or partnership, each director and partner must provide a basic DBS certificate. The certificate must be dated within the 12 months prior to transfer. The licence will not be transferred without a valid certificate being provided. If the DBS certificate contains information, a hearing may be required to be held to determine whether the individual is fit and proper to hold a licence, in consideration of the Council's '[Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions](#)', prior to the transfer of licence.

We will then contact the new keeper to make payment (currently £25) and receive their licence.

## 4. Wheelchair Accessible Vehicles

On 6 April 2017, section 165 and section 167 of the Equality Act 2010 came into effect.

Section 165 imposes legal duties on the driver of a designated Hackney Carriage and Private Hire Vehicle which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The key components of Section 165 are summarized below:

- Hackney carriage/private hire drivers will be required to carry the passenger while in the wheelchair
- Hackney carriage/private hire drivers are prohibited from charging wheelchair-users an additional fare for a journey
- Hackney carriage/private hire drivers will be required to carry the passenger's wheelchair if the wheelchair-user chooses to sit in a passenger seat during the journey
- Hackney carriage/private hire drivers will be obliged to take such steps as are necessary to ensure that the wheelchair-user is carried in safe and reasonable comfort
- Hackney carriage/private hire drivers must provide reasonable levels of mobility-assistance to the disabled passenger
- Hackney carriage/private hire drivers cannot refuse hires from wheelchair users

Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- Where if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger doesn't wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

Failure to comply with the duties listed under section 165 of the Act is a criminal offence.

Section 167 of the act permits local authorities to maintain a list of designated wheelchair-accessible hackney carriage and private hire vehicles.

## 5. Driver Safety Enclosures (DSE)

No material alteration or change in the specification, design, condition or appearance of vehicles shall be made without the prior approval of Licensing Services.

Aftermarket driver safety enclosures may reduce the risk of attack from passengers. However, there are risks which arise from these products, particularly those which are not approved or correctly installed. Changing or adding to the interior of the vehicle can alter the 'type approval' of the vehicle and have consequences as to what might happen inside the vehicle in the event of a collision.

If you are a manufacturer or supplier of a product and wish for it to be considered on this approved list, please visit [www.wolverhampton.gov.uk/licences/taxi/licences/DSE](http://www.wolverhampton.gov.uk/licences/taxi/licences/DSE).

The enclosure:

- Must be professionally installed by a competent person in accordance with the
- manufacturer's instructions.
- Must be fitted within the vehicle accordance with regulations UN ECE R43.00 and R21.01 and Section 12 of the M1 category DVSA IVA manual.
- Must not be modified from the original manufactured design, without the
- manufacturer's confirmation that this will not cause any safety issues or non-compliance with the relevant UK and/or EC safety legislation.
- Must not negatively affect any safety equipment, such as airbags, or escape
- from the vehicle.
- Must be maintained to a high standard of cleanliness, be 100% transparent
- and free of marks, graffiti or stickers.
- Must permit clear conversation between the driver and passengers.
- Must be notified to the vehicle insurer as a modification to the vehicle. Proof of
- insurance cover including the enclosure is required at all times.

If you wish to install a driver safety enclosure:

1. Notify your insurer of your intention to install a driver safety enclosure.
2. Choose a product from the approved list available at <https://www.wolverhampton.gov.uk/licences/taxi-licences/DSE>.
3. Check that the product will meet the requirements in the section above, relevant to your vehicle.
4. Contact [vehicle.lic@wolverhampton.gov.uk](mailto:vehicle.lic@wolverhampton.gov.uk), advising which product you intend to purchase, your vehicle licence number and your availability for a vehicle inspection.

5. Once you have received confirmation from Vehicle Licensing, purchase the product and arrange for it to be professionally installed. Please note that you should arrange for installation shortly before your vehicle inspection as you are not permitted to conduct any paid-for journeys in-between installation and inspection.
6. Attend your inspection, bringing proof of updated insurance and professional installation.
7. The vehicle must contain the written authorisation from Licensing Services that the enclosure is permitted, as well as proof that the insurance policy covers this modification.

## 6. Private Hire Vehicle Plate and Badge Exemption Policy

When a vehicle is deemed as a luxury type, the licence holder can apply for an exemption from displaying the main licence plate externally, internal windscreen licence plate nor Private Hire Vehicle Operator signage.

Applications for exemptions from may be considered where the following requirements are met:

- Applications may only be made by a person holding a Private Hire Vehicle Operators licence issued by the Council.
- Vehicles may be any colour.

Classed as F-segment (luxury cars), of the European segments for passenger cars. The vehicle must be in pristine condition with no visible defects, dents or blemishes to the external body work internal trim and furnishings. The type of work undertaken in this vehicle must be specifically to provide transport under written contract to a company or person, or by the type of client who for security reasons would not want the vehicle identifiable.

Where an application for an exemption is granted, an exemption notice will be issued. The exemption notice must always be carried in the vehicle and the external licence plate affixed to the inside of the boot lid.

Conference seating is permitted in vehicles with this exemption.

Exemptions are to be renewed annually subject to the vehicle undergoing a re-inspection.

The current fee for an exemption is £75.00.

### 6.1 Exemption Requirements

(a) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the

vehicle affixed to the inside of the boot lid. The plate when so affixed **must** be readily visible when that boot lid is raised.

(b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.

(c) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.

(d) When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate, door or roof signs) which the Council may at any time require private hire vehicles to display.

(e) The proprietor will not display in, on or form the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

(f) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.

(g) During the period of the exemption notice the driver of the vehicle, whilst engaged on private hire work, will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.

(h) The proprietor shall, within 2 days notify the Council of any change in the use of the vehicle.

(i) The proprietor shall not use the vehicle for private hire purposes other than for the use described above (i.e. not for daily private hire use or regular pick-ups from pubs and clubs). Should the proprietor wish for the vehicle to undertake regular private hire work, the normal licence conditions shall apply and requisite signage be displayed.

(j) The glass of the driver and passenger's front side window and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.

(k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership within 2 days and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.

## 7. Stretched Limousine Licensing

Stretched limousines are considered for licensing on an individual basis and on their individual merit. You are advised to contact Licensing Service prior to making an application.

## 8. Advertising Policy

Advertisements shall not be permitted without the written prior approval of Licensing Services.

Consideration of requests, including a draft of the artwork, will only be considered when the following requirements are met.

Any advertisement must not obscure or detract from the Council's vehicle identification and public safety messages, required by the conditions of licence.

Artwork must be of a suitable standard to ensure its durability on the vehicle in constant use.

Any advertisement must not contain text or images depicting the following:

- Political, ethnic or religious messages or content which is contrary to the Council's Equal Opportunity Policy
- Sexual content
- Indecent material or content likely to offend public taste
- The promotion of the sale or consumption of tobacco products
- The promotion of the sale or consumption of alcohol
- Any words or images that may indicate the vehicle is a Hackney Carriage.
- Encouragement of anti-social behaviour
- Advertising must in no way adversely affect the safety of the public

Full vehicle livery wraps will only normally be considered if it is advertising the private hire vehicle operator. The livery needs to be tasteful, not distracting for other motorists and must be maintained in pristine condition.

Advertising should not cover the vehicle's windows, to allow visibility into and out of the vehicle.

All advertising applications will be dealt with on a case by case basis in accordance with the scheme of delegation.

## 9. Private Registration Numbers

In order to change the registration number associated with the vehicle licensed by the Council, you must contact [Vehicle.lic@wolverhampton.gov.uk](mailto:Vehicle.lic@wolverhampton.gov.uk)

You must supply:

- Vehicle Registration Document (V5C) showing your new registration number, DVLA Authorisation Certificate or DVLA Certificate of Entitlement (V750)
- Valid certificate of insurance or cover note showing cover for public or private hire purposes (as appropriate) for the new registration number.

You will be contacted to collect your new licence plate, which will be issued after the payment of £37.

## 10. Approved MOT Testing Stations

All Hackney Carriage and Private Hire Vehicles licensed by the Council must undertake a MOT test by an approved testing station.

To become an approved station, your garage must meet the following criteria:

- Registered by DVSA as an approved test centre for at least 3 years
- Considered a 'green' rated garage by DVSA
- No links to any Hackney Carriage or Private Hire proprietor, driver or operator licensed by the Council

To download an application to become an approved station:

<https://www.wolverhampton.gov.uk/licences/taxi-licences/approved-mot-testing-station>



# Briefing Note

**Title:** 2022-23 Quarter 3 Report to South Staffordshire Council

**Date:** 22 December 2022

**Prepared by:** Greg Bickerdike

**Job Title:** Licensing Manager

**Intended Audience:** Internal ☐ Partner organisation ☒ Public ☒ Confidential ☐

## Purpose

To report to South Staffordshire District Council on the status of taxi licensing.

## Background

On 1 April 2022, South Staffordshire District Council (SSDC) delegated its taxi licensing function to City of Wolverhampton Council. As part of this delegation, quarterly reports were agreed. This report covers quarter three (Q3) of 2022-23: October, November and December (up to 22 December).

## Update

The iApply portal is live, meaning that applicants can apply for a licence online. The Council has also soft-launched its private hire vehicle inspection booking system, allowing proprietors to choose an available appointment convenient to them. This will be available for all licence holders from 1 February 2023.

It is proposed that a trade working group is created, to improve engagement with licence holders. This will be open to hackney carriage drivers, private hire operators and representatives from recognised trade bodies. In addition, representation from West Mercia Police and Staffordshire County Council will be sought.

A procurement exercise is underway to supply new driver badges and vehicle plates. The badges will be contactless, allowing near-field communication (NFC) scanning with any compatible smartphone, allowing customers and authorities to verify driver licences in the field. The licence plates will contain security features which allow the expiry date to be updated without replacing the whole plate, reducing plastic consumption and costs to the trade.

## Statistics for Q3

### Licence Holders

Licence Type	Currently licensed (total)	Received	Granted	Refused
Hackney Carriage Driver	0	0	0	0
Hackney Carriage	1	0	0	0
Dual Driver	1	0	0	0
Private Hire Vehicle Operator	36	0	0	0
Private Hire Driver	150	12	11	0
Private Hire Vehicle	135	21	19	0

### Enforcement Action

Licence Type	Surrendered	Reviewed	Suspended	Revoked
Hackney Carriage Driver	0	0	0	0
Hackney Carriage	0	0	0	0
Dual Driver	0	0	0	0
Private Hire Vehicle Operator	2	0	0	0
Private Hire Driver	0	0	0	0
Private Hire Vehicle	9	0	1	1

The private hire vehicle licence revoked was automatically revoked following two months of being suspended for a road traffic collision. The proprietor replaced this vehicle.

### Compliance Operations

December	Wombourne, Essington, Penkridge, Wombourne, Brewood, Bilbrook
January	Codsall, Penkridge, Cheslyn Hay, Great Wyrley, Coven, Weston
February	To be confirmed.
March	To be confirmed.

Compliance patrols have taken place in Codsall, Cheslyn Hay, Great Wyrley, Penkridge, Brewood, Coven, Essington, Huntington, Weston-under-Lizard, Bilbrook, Wombourne, Himley, Perton and Featherstone.

Two test purchases have been conducted, as part of an ongoing operation with further enforcement activity planned.

Base visits to three private hire vehicle operators have taken place with no issues reported.

In October 2022 there were two high-visibility conducted Penkridge, Codsall, Coven, Wombourne.

In November 2022 there were three high visibility patrols conducted in Penkridge, Codsall, Wombourne, Essington areas, with one driver given advice for failing to display operator signage.

In December 2022 there were high-visibility patrols conducted in Essington, Penkridge, Codsall and Coven. A base audit was conducted on an operator with three vehicles checked and no issues reported.

There have been no safeguarding complaints not actioned within one working day.

### Corporate Complaints

Should any applicants or licence holders be dissatisfied with the service provided, they are entitled to make a corporate complaint to Wolverhampton's Customer Feedback team.

	Upheld at Stage One	Upheld at Stage Two	Upheld by Ombudsman	Not responded to within SLA
Corporate Complaints	0	0	0	0