



HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY 2019

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Introduction

West Lancashire Borough Council is responsible for licensing the Hackney Carriage and Private Hire regime throughout the Borough. In exercising these responsibilities, the Council recognises both the needs of residents and the travelling public to have access to safe, convenient and effective taxi services and the importance of this provision to the taxi trade and local economy.

First introduced on 1st April 2010, and regularly reviewed since that time, this Policy aims to provide clear guidance as to how the Council will discharge these responsibilities. Accordingly, this Policy explains how regulation is achieved and decisions are taken so as to promote a consistent, transparent and proportionate licensing regime.

1.0 Legal Background and Rationale

- 1.1** The operation of Hackney Carriages and Private Hire Vehicles has a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties. West Lancashire Borough Council, acting as the “Licensing Authority” (hitherto referred to as the Authority), under the Local Government (Miscellaneous Provisions) Act 1976, administers this regime and associated legislation.
- 1.2** This Policy sets out the approach the Authority will take in the licensing of Hackney Carriages and Private Hire Vehicles, drivers and operators when considering, and making decisions on, applications made under this regime. The Authority will aim to apply this Policy in a consistent manner; however, the Authority may depart from this Policy if it has reason to do so, but will give justification for such departure.
- 1.3** Nothing in this Policy will undermine the rights of any person to apply for a variety of authorisations under the licensing regime and have the application considered on its individual merits. However, outside of the legislative framework the Authority has absolute discretion in setting the requirements of this Policy and will expect all applicants and licence holders to abide by its content.
- 1.4** This Policy was approved by the Council’s Licensing and Appeals Committee on the ~~[insert date]~~ 2 April 2019. It shall be effective from the [insert date] and shall remain in effect for five years; therefore this Policy will be reviewed by the [insert date]. Where any changes have been made from the previous version, unless specified otherwise, all new licence applicants will be expected to comply all of the relevant requirements of this Policy; existing licence holders will be expected to comply all of the relevant requirements of this Policy upon the renewal of the relevant licence.
- 1.5** This Policy will also be kept under review during this five year period, and accordingly, the Director of Leisure and Environment will maintain an ‘Issues Log’ in which all issues pertaining to this Policy will be recorded. Therefore the Authority will make revisions to the Policy at such times as it considers appropriate, for example where relevant issues have arisen, or where matters recorded in the ‘Issues Log’ indicate that that such a review is required.

2.0 Scope

2.1 This Policy covers the following licences:

- Private Hire Driver;
- Vehicle Proprietor - Private Hire Vehicle;
- Private Hire Operator;
- Hackney Carriage Driver;
- Vehicle Proprietor - Hackney Carriage.

2.2 In this regard, this Policy covers all permissions provided for by the licensing regime in relation to the authorisations detailed in Paragraph 2.1, including new applications, transfers and (where required) renewals. This Policy also includes the review (where required) of these authorisations, which could lead to a range of sanctions available to the Authority including, where circumstances require, the revocation of the authorisation. A glossary of the key terms used in this Policy is detailed in Appendix A (page 65).

2.3 All relevant application forms and guidance can be obtained from the Licensing Service (Appendix T, page 167).

3.0 Objectives

3.1 In carrying out its functions, the Authority will promote the following objectives:

- The protection of public health and safety;
- The preservation of a professional and responsible Hackney Carriage and Private Hire trade;
- Access to an efficient and effective public transport service;
- The protection of the environment.

3.2 The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. It is the Authority's wish to facilitate well run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

3.3 This Policy recognises the Equality Act 2010 and this is directly addressed in this Policy.

3.4 As part of the application process, all driver, operator and (where necessary) vehicle proprietor licence applicants are required to provide details of all convictions, cautions, fines and charges that they may have accrued over time. All such offences should be disclosed regardless of age. The Authority will verify this information by checking the specific declaration with the details held by the Disclosure and Barring Service (DBS), ~~and~~ the Driver and Vehicle Licensing Agency (DVLA) and the National Anti-Fraud Network (NAFN) database.

3.5 Additional information including ~~r~~ UK or European driving licence, medical examination records and insurance details may also be required. The Authority will handle such data in accordance with the General Data Protection Regulation and the Data Protection Act 2018, the principles laid down by the Information Commissioner's Office and the Council's Data Retention and Disposal Schedule.

3.6 The data is used as part of the statutory application process to determine whether applicants are a 'fit and proper' person to hold the respective licence. (See Sections 12 and 16 for more information). This process may include the information being presented to the Council's Licensing and Appeals Committee for determination. For the purposes of the Data Protection Act, the Council is the Data Controller and the Data Protection Officer can be contacted at dpo@westlancs.gov.uk or 01695 58-5161.

4.0 The Borough of West Lancashire

4.1 4.1 West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east.

4.2 West Lancashire is an attractive area and has a good transport links. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

4.3 The Authority licences approximately 40 Hackney Carriages and 450 Private Hire Vehicles, as well as 20 Private Hire Operators. It also licences approximately 40 drivers to drive Hackney Carriages and 430 for Private Hire.

4.4 The Authority seeks to maintain a balance between the needs of the taxi trade operating in its area and the needs of the travelling public. Full consideration has been given to all these issues in formulating this Policy.

4.5 Accordingly, the Council wants to be ambitious for West Lancashire - our Economy, Environment and for Health and Wellbeing. By engaging and consulting with the community, the Council is seeking to:

- Deliver tangible and visible improvements in the borough;
- Engage and empower our local communities;
- Actively promote the borough as a great place to live, work, visit and invest.

5.0 Development Process / Consultation

- 5.1** This Policy has been developed after proper consultation with all interested parties. A period of consultation operated from the 20 December 2018 until the 14 March 2019. The list of consultees is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix T (page 167).
- 5.2** In determining this Policy, the Authority has given regard to legislation, available guidance and given proper weight to the views of those it has consulted.
- 5.3** This Policy has not been developed in isolation. It has been developed in conjunction with other Lancashire Authorities and takes account of the position in adjoining Authorities, whilst being tailored specifically to the needs of the West Lancashire area.

6.0 Integration Strategies

6.1 Through the exercise of this Policy, the Authority will ensure that the Licensing Service will endeavour to maintain suitable contacts to ensure the licensing objectives laid out in this Policy are met. This will include regular liaison with those that have a direct impact upon the taxi trade, including:

- Lancashire Constabulary;
- Lancashire County Council;
- Department for Transport;
- Vehicle Operator and Services Agency (VOSA);
- Neighbouring Local Authorities;
- The vehicle testing stations contracted to the Council;
- The Hackney Carriage and Private Hire Trade Forum.

7.0 Administration, Exercise and Delegation of Functions

- 7.1** The Authority is involved in a wide range of licensing decisions and functions and the Licensing and Appeals Committee (the Committee) has responsibility for Hackney Carriage and Private Hire licensing. This Committee consists of 10 elected Members and has 1 Chairman and 1 Vice Chairman.
- 7.2** The Committee will sit to determine matters of policy, but will routinely hear applications for licences or issues relating to existing licences. In practice, this will mean those applications or licences that have specific issues or problems raised by Licensing Officers that give rise to serious concern that the granting or the continuation of the licence would undermine this Policy.
- 7.3** Applications and existing licences are determined by Officers under delegation to the Director of Leisure and Environment or by the Committee. Table 1 summarises this delegation procedure.
- 7.4** All decisions will be confirmed in writing to the applicant or licence holder forthwith.

Table 1 - Delegations

Matter to be dealt with	Delegated authority to:	
	Director of Leisure and Environment (DL&E)	The Committee
Application for Private Hire/Hackney Carriage Driver licence	Power to grant, unless applicant fails knowledge test when DL&E can refuse application.	If DL&E mindful of refusal based on the requirements of this Policy.
Application for Private Hire Vehicle/Hackney Carriage licence	Power to grant only unless vehicle fails testing requirements.	If DL&E mindful of refusal based on the requirements of this Policy or for approval of new type of Hackney Carriage.
Application for Private Hire Operator licence	Power to grant only.	If mindful of refusal based on this Policy.
Revocation of Private Hire/Hackney Carriage Driver licence	Urgent circumstances. Undertaken by the Commercial, Safety and Licensing Manager.	All cases, unless urgent circumstances.
Suspension of Private Hire/Hackney Carriage Driver licence	Urgent circumstances. Undertaken by the Commercial, Safety and Licensing Manager.	All cases, unless urgent circumstances.

Table 1 – Delegations continued

Refusal to renew Private Hire/Hackney Carriage Driver licence	Renew “without prejudice” to any action the Committee may take, unless application not accompanied by an appropriate Disclosure and Barring Service disclosure form, when DL&E can refuse to renew the application.	All cases.
Revocation of Private Hire Vehicle/Hackney Carriage licence	Urgent circumstances. Undertaken by the Commercial, Safety and Licensing Manager.	All cases, unless urgent circumstances.
Suspension of Private Hire Vehicle/Hackney Carriage licence	Urgent circumstances. Undertaken by the Commercial, Safety and Licensing Manager.	All cases, unless urgent circumstances.
Refusal to renew Private Hire Vehicle/Hackney Carriage licence	Renew “without prejudice” to any action the Committee may take.	All cases.
Revocation of Private Hire Operator licence	Urgent circumstances. Undertaken by the Commercial, Safety and Licensing Manager.	All cases, unless urgent circumstances.
Suspension of Private Hire Operator licence	Urgent circumstances. Undertaken by the Commercial, Safety and Licensing Manager.	All cases, unless urgent circumstances.
Refusal to renew Private Hire Operator licence	Renew “without prejudice” to any action the Committee may take.	All cases.
Section 68 Suspension (Stop Notice)	All cases.	-
Section 68 Suspension (Stop Notice) – power to suspend for 7 days	All cases.	-
Section 50 Production Notice (insurance certificate)	All cases.	-
Section 50 Production Notice (vehicle licence)	All cases.	-
Section 53 Production Notice (driver licence)	All cases.	-
No vehicle excise licence	All cases.	-
Applications for exemption under Section 166 of the Equality Act 2010 (wheelchair exemptions)	To assess the application and power to grant only.	If DL&E mindful of refusal based on the requirements of this Policy.

Table 1 – Delegations continued

Applications for exemption under Section 169 of the Equality Act 2010 (assistance dogs exemptions in Hackney Carriages)	To assess the application and power to grant only.	If DL&E mindful of refusal based on the requirements of this Policy.
Applications for exemption under Section 171 of the Equality Act 2010 (assistance dogs exemptions in Private Hire Vehicles)	To assess the application and power to grant only.	If DL&E mindful of refusal based on the requirements of this Policy.

8.0 Committee Hearings and Decisions

General

- 8.1** Committee hearings are arranged to determine any applications or existing licences that cannot be dealt with under delegated powers. All matters presented to the Committee will be in the format of a written report, of copy of which will normally be provided to the applicant or licence holder no later than 10 days before the Committee meeting, unless urgent action is required as detailed in Paragraphs 8.9 to 8.11.
- 8.2** Each case will be determined on its individual merits and the Authority will give appropriate weight to:
- The relevant legislation;
 - The information provided by all parties to the hearing;
 - Available guidance;
 - This Policy.
- 8.3** Unless an urgent matter requires determination, hearings will be held at set dates throughout the year and published on westlancs.gov.uk Applicants and licence holders should therefore note that there may be a delay before their application can be determined by Committee. The Committee will conduct a quasi-judicial consideration of the application based upon the evidence presented. The business of the Committee is dictated by the number of matters presented for determination at that time. Accordingly, the duration of each session can vary and a delay may be incurred before each matter can be heard.
- 8.4** A legal advisor, advocate or a friend may represent any applicant or licence holder, where such individuals choose not to represent themselves. Accordingly, in an effort to assist all parties when preparing for and participating in a hearing, the Authority has prepared two hearing procedures (Appendix J, page 97 (applicants) and Appendix K, page 99 (existing licence holders)). These procedures will be adhered to in all hearings, a relevant copy of which will be provided to all parties in advance of the hearing.
- 8.5** Unless determining matters of policy, the Committee will usually meet in private to protect the personal and sensitive information relating to each applicant. To ensure impartiality, all Officers (apart from the Council's legal advisor and the Member Services Officer) are absent during the decision making process.
- 8.6** Applicants and licence holders will normally be informed of the decision of the Committee on the day after the hearing, whereupon a written copy of the decision will be provided. The decision determined by the Committee will be accompanied with clear reasons for the decision.
- 8.7** To make a fair decision, it is important that the Committee is aware of all of the facts relating to any given case. Accordingly, the Committee will need to understand why the applicant feels that they should be granted a licence or why an existing licence holder should keep their licence in context of the matters brought to the Committee's attention. Therefore, the aforementioned hearing procedures ensure that applicants

and licence holders are given every opportunity to present suitable and sufficient evidence to support their case.

Ex-parte hearings

8.8 Where sensitive information is received relating to an applicant or existing holder of a Vehicle Proprietor (Hackney Carriage or Private Hire), Hackney Carriage and/or Private Hire Driver licence or Private Hire Operator licence, an assessment will be made as to whether the hearing will be held ex-parte. This assessment will take account of the nature of the information and balance the right of a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.

Urgent action relating to existing licence holders

8.9 In certain circumstances it may be necessary for the Commercial, Safety & Licensing Manager to take urgent action when it comes to the attention of the Authority that an existing holder of a Vehicle Proprietor (Hackney Carriage or Private Hire), Hackney Carriage and/or Private Hire Driver licence or Private Hire Operator licence has been either accused¹ or convicted² of an offence that may bring into question whether he/she is a fit and proper person to hold such a licence.

8.10 In such cases, the Commercial, Safety & Licensing Manager will follow the Urgent Action Procedure (Appendix L, page 101).

8.11 Similarly, in certain circumstances it may be necessary for the Commercial, Safety & Licensing Manager to take urgent action in relation to a Hackney Carriage licence or Private Hire Vehicle licence. Such circumstances may include where the vehicle is alleged to have been involved in criminal activity. Where such action is needed, this shall follow the principles of the urgent action procedure (Appendix L, page 101).

8.12 In a similar manner to the Committee, it is not the responsibility of the Urgent Hearing Panel to determine the innocence or guilt of an existing licence holder in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the existing licence holder is still a fit and proper person to hold a licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Urgent Hearing Panel will use the following tests [used as relevant] as the basis for its decision:

Drivers

"Would you (as a member of the Urgent Hearing Panel or other person charged with the ability to determine the ongoing status of a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"³

¹ Leeds CC v Hussain CO/1376/2002

² Section 61 of the Local Government Miscellaneous Provisions Act 1976

³ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

Private Hire Operators

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"⁴

Vehicle Proprietors

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"⁵

⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

⁵ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

9.0 Compliance

9.1 Once licensed, it is essential that all drivers, vehicles (including proprietors) and operators comply with the conditions of licence and appropriate legislation. Well directed enforcement activity benefits not only the public, but also the responsible people in the Hackney Carriage and Private Hire trades. Therefore, the Authority will make arrangements to monitor drivers, vehicles (including proprietors) and operators and take appropriate enforcement action. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive targeted initiative.

9.2 It is recognised that a risk-based approach to enforcement benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades. In pursuance of its objective to preserve responsible Hackney Carriage/Private Hire businesses, the Authority shall operate a firm but fair enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in Section 3 of this Policy. However, where issues arise that require immediate action, a significant impact on the licence holder's livelihood is inevitable.

9.3 Where enforcement action becomes necessary, it will be taken in accordance with the Council's Enforcement Policy which is available from the Licensing Service, at the address given in Appendix T (page 167). To this end, the key principles of consistency, transparency and proportionality will be maintained.

9.4 The following options are available to the Authority when considering enforcement issues:

- **Warnings**
In respect of minor breaches of licence conditions the Authority shall issue a written warning as may be appropriate to the circumstances;
- **Production of relevant documentation**
An authorised officer may issue a document production notice to require a Vehicle Proprietor to produce certain documentation upon request, for example, driving licence or proof of insurance. Any failure to produce the requested documentation within the time stipulated on the notice may result in prosecution;
- **Suspension of vehicle licences**
Licensed vehicles shall be kept at all times in a safe, tidy and clean and reasonably efficient condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Authority;
- **Condition Notices**
Where it is found that any vehicle is not being properly maintained, a Condition Notice will be served on the Vehicle Proprietor setting out the defect(s) that need to be rectified and arrangements for the vehicle to be further inspected to check compliance. This notice will be used by authorised officers where the defects are

not deemed serious. However, failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically;

- **Stop Notices**
Where it is found that any vehicle is not being properly maintained and/or defect(s) in the vehicle put public safety at risk, a Stop Notice shall be served on the Vehicle Proprietor who must have the vehicle repaired and then produce to the Authority a Stop Notice Response Form issued by the testing station. The further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense and been passed as fit for use by the Authority;
- **Revocation and suspension of licences**
Unless action is taken under the urgent action procedure (Appendix L, page 101), where a licence holder has been referred to the Committee, the Committee may order the revocation or suspension of the licence. Such action may be taken with immediate effect dependent upon the individual circumstances of the case;
- **Refusal to renew**
Where a properly-made application for renewal has provided evidence which is sufficient for Officers to be mindful to refuse to renew the licence, the application will be renewed by Officers without prejudice and the matter determined by the Committee;
- **Prosecution**
The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own Enforcement Policy.

Complaints

9.5 The Authority has a complaints procedure whereby the general public can submit complaints about licensed drivers, vehicles (including proprietors) and operators and details are included in Appendix M (page 103).

10.0 Appeals

10.1 Following a hearing, the Authority will notify the applicant or licence holder of the decision. This will be done in writing [normally] on the next working day following the Committee meeting.

10.2 There is a right of appeal against the decision. An appeal would normally be lodged with the Justices' Chief Executive of the South West Lancashire Magistrates' Court within a period of 21 days, beginning from the day on which the Authority notified the applicant of the decision (i.e. the day after the hearing).

10.3 On determining an appeal the Magistrates' Court may:

- Dismiss the appeal;
- Substitute for the decision any other decision which could have been made by the Authority;
- Remit the case to the Authority to dispose of it in accordance with the direction of the Court;
- Make such order as to costs as it thinks fit.

10.4 As soon as the decision of the Magistrates' Court has been made, the Authority will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example as a result of a judicial review).

11.0 Fees

- 11.1** Legislation provides that fees charged to applicants should be sufficient to cover the costs of the application process and [where permitted by legislation] administering the regulation of, and provisions for, the Hackney Carriage and Private Hire trades. The Authority cannot make a surplus or deficit from licensing fees.
- 11.2** Fees for any given year are normally set from the 1st April. A schedule of the proposed fees for any given year will be advertised in the local press and any comments received will be presented to the Committee for determination. Details of current licence fees are available at westlancs.gov.uk/licensing
- 11.3** The preferred method of payment is by debit/credit card. (Note: a charge may be levied for some debit/credit card transactions). Payment by cheque or postal order is accepted only in exceptional circumstances. Cash payments are not accepted.

12.0 Private Hire Drivers

12.1 The statutory and practical criteria for a Private Hire Driver are substantively identical to those for a Hackney Carriage Driver. The Authority issues separate Driver licences for Hackney Carriage and Private Hire Vehicles, as well as a dual licence that allows a driver to operate both a Hackney Carriage and Private Hire Vehicle; however this Section specifically details the requirements for Private Hire Drivers. The requirements for Hackney Carriage Drivers are provided in Section 16 (page 42).

Dual licences

12.2 A dual licence has no status in law; a Private Hire Driver licence and a Hackney Carriage Driver licence are issued under separate legislation and are distinct from each other. However, given that the licence requirements for a Private Hire Driver licence and a Hackney Carriage Driver licence are the same, the Authority offers applicants the ability to hold both licences at the same time under a 'dual licence'. The advantage of this is that a dual licence holder need only meet the relevant licence requirements once for [for both Private Hire and Hackney Carriage] and incur one fee and one expiry date. Applicants are still able to apply for both licences separately at any time (with separate licence requirements, fees and expiry dates) if they wish.

Dual licences - existing drivers

12.3 An existing Private Hire Driver or Hackney Carriage Driver may apply to add either to their existing licence (thereby creating a dual licence). This can be done on the renewal date of their current licence or by submitting an application for the additional licence whilst the existing licence is in effect. Where the latter is done, it is important that a procedure is in place to ensure that the relevant licence requirements are applied to both licences and that the expiry dates of both licences coincide, thereby allowing both licences to be renewed (if requested) at the same time.

12.4 This procedure is:

- The applicant must complete the relevant Driver application form;
- The completed form must be accompanied by the administration fee
- The completed form must also be accompanied by a written request from the applicant that the licence to be granted for a period less than 3 years and that no additional supporting licence information is required;
- The relevant licence requirements for the existing licence will apply to the additional licence, but only until the expiry date of the existing licence;
- The additional licence will be granted until the expiry date of the existing licence.

12.5 All applications must be made in the prescribed form and accompanied by the respective fee (see Section 11 for more information on application fees).

Licences

12.6 Licences shall be issued for a maximum period of 3 years. Application procedures are set out in Appendix N (page 104). The following will be required as part of an application:

- Applicant must be at least 21 years of age;

- Applicant must hold a full UK or European driving licence for at least 3 years;
- A completed statutory declaration (see below);
- A Disclosure and Barring Service (DBS) Enhanced Disclosure, required on application. All applicants are required to register for the DBS Update Service, which requires an annual charge to ensure continuation of the service;
- Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every 3 years thereafter if subsequent renewal applications are made;
- A completed medical examination form supplied by the Authority and completed by the applicant's own general practitioner or medical practice. The medical practice is likely to make a charge for this service;
- Completion of the safeguarding and dementia awareness training course, the cost of which is contained within the respective driver licence fee.

Immigration status

12.7 Where relevant, licences will not be issued to applicants or will be removed from existing licence holders by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it; or
- The person's leave to enter or remain in the UK:
 - Is invalid;
 - Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
 - Is subject to a condition preventing the person from doing work of that kind.

12.8 Licences will also not be issued to applicants or will be removed from existing licence holders if they are subject to a condition on their permission to be in the UK preventing them from holding such a licence, for example, they are subject to an immigration restriction that does not permit them to work.

12.9 Specific documentation is required to demonstrate immigration status on application and then on each renewal of the licence. Please contact the Licensing Service using the details provided at Appendix T (page 167) for more information. Further information is also available from the Home Office www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks

Applicants who have lived outside the United Kingdom

12.10 If the applicant has, from the age of 10 years, spent six continuous months or more living outside of the United Kingdom, they are required to provide evidence to the Authority of a criminal record check to a similar standard to the DBS Enhanced Disclosure from the county/countries covering the relevant periods required. Where required, please note that any such information must be produced with an English translation. Please contact the Licensing Service using the details provided at (Appendix T, page 167) for further information.

Driver knowledge tests

12.11 The Authority considers it necessary for Private Hire Drivers to know the area.

12.12 In order to assist the Authority in determining the fitness of an applicant to hold a Private Hire Driver's licence, applicants are required to undertake a knowledge test. The test will challenge the applicant's knowledge of the highway system in West Lancashire as well as their knowledge of:

- The Highway Code (including road signs);
- Basic English language and numeracy;
- This Policy and relevant licence conditions;
- UK motoring law and good practice;
- Customer care;
- Disability awareness;
- Controls required to protect children and vulnerable adults.

12.13 There is a pass mark for each section of the test. A failure in any section will result in a failure of the entire test.

12.14 An applicant must pass the knowledge test within 28 days of the date of the relevant DBS disclosure. If an applicant fails three successive knowledge tests, the application will be refused. Applicants shall be required to wait at least twelve weeks before reapplying. Applicants that fail a test must pay a resit fee prior to the test date.

Driver training

12.15 All drivers will be expected to undertake a safeguarding and dementia awareness training course. Arrangements will be made for all new Applicants to undertake the training as part of a new application and must attend the training course before a licence will be issued. For existing licensed drivers, arrangements will be made to undertake the training course as part of the application renewal process. If an existing driver fails to attend the course, the respective licence will be suspended until such time as the course is completed. The Authority may also require drivers to undertake training on other issues relevant to the objectives contained in this Policy.

Driving proficiency

12.16 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for both Private Hire and Hackney Carriage Drivers. This Authority believes that the standard DVLA driving test provides sufficient evidence of driving competency for drivers of Private Hire and Hackney Carriage vehicles in West Lancashire. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved. However, this matter will be kept under close review.

Driver qualification

12.17 At present there are no additional requirements for driver qualification. The Authority wishes to support drivers so they can offer a high standard of service throughout the Borough. Whilst this matter will be kept under close review, if minded to do so, the Authority would consider the introduction of a requirement for all licensed drivers to hold an approved driver qualification (for example, NVQ and/or BTEC).

Medical examination

- 12.18** The Authority requires Group 2 Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of HGV and bus drivers, as the appropriate standard for licensed Private Hire Drivers.
- 12.19** Applicants are required to undertake a medical examination on application then on the anniversary of the grant of the licence in the year before their 45th birthday and every 5 years until the age of 65 (i.e. to coincide with the driver's 50th, 55th, 60th and 65th birthdays) where upon an annual examination is required on the anniversary of the grant of the licence. Medical examinations must be conducted by the applicant's own general practitioner or medical practice.
- 12.20** Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a medical Doctor appointed by the Authority. Where there remains any doubt about the fitness of any applicant, the Committee will review the medical evidence and make any final decision in light of the medical evidence available. No licence shall be issued until medical clearance (if required) has been established.

Disclosure and Barring Service (DBS) disclosures

- 12.21** A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of convictions, Police Cautions and other relevant information. The Authority uses a third party contractor to handle Enhanced Disclosure applications and results. This information is handled electronically to ensure accuracy, security and to minimise delay for applicants. The third party contractor is an approved DBS body and both it and the Authority are bound by rules of confidentiality and will not divulge information obtained to any third parties unless in accordance with the General Data Protection Regulation and the Data Protection Act 2018. The Authority will process the DBS disclosure application and applicants will be charged an appropriate fee.
- 12.22** Only the applicant for a DBS Enhanced Disclosure will be sent a disclosure report to their home address from the DBS. The Authority or the third party contractor does not receive a copy of the report, but the Authority is informed if any information is contained on the disclosure report. Where necessary, it is the responsibility of the applicant to provide the DBS Enhanced Disclosure report to the Authority. The Authority will not process an application where this report is not provided by the applicant.
- 12.23** Whilst it is the responsibility of the applicant to ensure the DBS Disclosure application form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are submitted to the third party contractor. The DBS places very stringent controls on the accurate completion of Disclosure forms and therefore applicants should be aware that incorrectly completed forms may delay their application as they will not be accepted by the DBS.
- 12.24** No application shall be processed where the DBS Enhanced Disclosure is older than one month. Furthermore, DBS Disclosures are not transferable from one agency to another.

For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

Relevance of convictions, cautions etc. for applicants

12.25 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS enhanced disclosure report, but only in so far as they are relevant to an application for a licence.

12.26 Accordingly, upon receipt of a DBS Enhanced Disclosure result from the applicant, Licensing Officers will assess whether any or all of the conviction(s) and/or any additional information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee where the number and/or nature of the convictions, formal cautions and/or other information relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective Driver licence. Where any applicant has been charged with any offence and is awaiting trial, the Authority will defer the application until the trial has been completed or the charges withdrawn.

12.27 Whilst each case is determined on its merits, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any convictions and/or formal cautions for serious offences, for example theft, burglary etc. within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc. within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for sexual and/or indecency offences;
- Any convictions for serious aggravated offences, for example manslaughter, murder etc.;
- Any convictions and/or formal cautions for drunken and/or disorderly behaviour (including such offences involving a motor vehicle) within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for dealing, possession and/or use of drugs (including such offences involving a motor vehicle) within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for deception and/or fraud within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for serious traffic offences, for example driving without due care and attention, driving without insurance, driving whilst driving licence is disqualified within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for lesser traffic offences, for example speeding and parking offences, where the number of points accrued on the applicant's driving licence is seven or higher at the time of application;

- Any convictions and/or formal cautions where sufficient points have been accrued resulting in a period of disqualification of the applicant's driving licence within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions that demonstrate a pattern of unacceptable behaviour, for example a series of speeding offences;
- Any other conviction and/or formal caution and/or other matter that would suggest that the applicant is not a fit and proper person to hold the respective licence.

12.28 When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 143). When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an applicant in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the Applicant is a fit and proper person to be licensed as a Private Hire Driver and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Licensing and Appeals Committee or other person charged with the ability to grant a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"⁶

12.29 All reports are scrutinised by the Commercial, Safety and Licensing Manager and a representative of the Council's legal service to ensure compliance with this Policy and to ensure a consistent approach is taken.

Statutory declaration

12.30 The Rehabilitation of Offenders Act 1974 does not apply to applicants for Private Hire Drivers' licences. Therefore all applicants are required to disclose all convictions and/or cautions. This means the applicant must disclose each and every conviction and/or caution recorded against them during their lifetime on initial application and then confirmed on every subsequent renewal application.

12.31 Where an applicant fails to declare any convictions and/or cautions this may result in prosecution or referral to the Committee, or both. For renewal applications only: if an applicant fails to declare any convictions and/or cautions that have already been declared on a previous renewal application, they will be issued with a written warning on one occasion only. If the same applicant fails to declare any convictions and/or cautions on any subsequent renewal application following the issue of a written warning, this may result in prosecution or referral to the Committee, or both.

⁶ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

Refusal of applications / revocation of previous driver licences

12.32 All new applicants are required to declare whether they have previously had any application for a driver licence refused by any other local authority and/or whether they have had any previously held driver licence revoked by any other local authority. To this end, the Authority will verify this information with the National Anti-Fraud Network (NAFN) database.

Convictions, formal cautions or other matters during period of licence

12.33 Whilst a full DBS Enhanced Disclosure is required from each licensed driver on application and then maintained through the DBS Update Service, where offences leading to conviction, formal caution and/or charge are committed by licensed drivers, it is important, in the interests of consistency and transparency that a procedure is in place to consider what effect this should have on their licence.

12.34 Accordingly, all licensed drivers will be expected to maintain their Enhanced Disclosures through the DBS Update Service at the time of their first or renewal application [whichever is most appropriate] throughout the currency of the licence. This may require renewal applicants to submit a full DBS Enhanced Disclosure in order to subscribe to the DBS Update Service. The Update Service will allow the Authority to check the criminal status of licensed drivers during the period of licence. In addition to this requirement, drivers who are convicted, cautioned and/or charged for any criminal or motoring offence during the period of their licence, must disclose the conviction, caution and/or charge as well as any penalty imposed in writing to the Authority without delay, and in any event within 7 days. [For these purposes a fixed penalty motoring offence amounts to a conviction].

12.35 If a licensed driver ceases to have a valid DVLA driving licence then their Private Hire driver's licence issued by this Authority shall be deemed invalid.

12.36 Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both.

12.37 The same requirements detailed in Paragraphs 12.22 to 12.25 shall also apply. Where the Authority is made aware of any matter that would question a driver's on going status as a fit and proper person this may result in prosecution or referral to the Committee, or both. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an existing licensed driver in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the existing licensed driver is still a fit and proper person to be licensed as a Private Hire Driver and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Licensing and Appeals Committee or other person charged with the ability to determine the ongoing status of a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"⁷

⁷ Derived from Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

Renewal of licences

- 12.38** The Authority will endeavour to issue a ‘reminder’ to all existing licence holders that their licence(s) are due for renewal – this will normally be 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation (as set out in Appendix N, page 104), shall be produced at the Licensing Office. However, it is the licence holder’s responsibility to ensure that licences are renewed prior to their expiry.
- 12.39** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.
- 12.40** All licence holders must register with the DBS update service, which carries an annual charge to ensure continuation of the service.

Conditions of licence

- 12.41** The Authority is empowered to attach conditions to a Private Hire Driver’s licence as are considered necessary.
- 12.42** The Authority considers that the conditions of licence as set out in Appendix F (page 90) are reasonable, necessary and appropriate for all licensed Private Hire Drivers.

Code of conduct

- 12.43** The standards expected of licensed drivers are set out in the Code of Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this Policy. The code is attached at Appendix G (page 93).
- 12.44** In line with relevant legislation, the Code of Conduct contains a requirement that prohibits drivers from smoking in the vehicle. This legislation applies equally to passengers using the vehicle. In a similar manner, and to protect both the driver and passengers, the use of electronic cigarettes (or similar devices) is also prohibited in licensed vehicles.

Dress code

- 12.45** Anything that serves to enhance the professional image of the Private Hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. Accordingly, the dress code set out in Appendix H (page 95) shall be adhered to by all drivers.

Assistance to passengers in wheelchairs

- 12.46** Section 165 of the Equality Act 2010 places duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire Vehicles.

12.47 The duties under Section 165 are:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required.

12.48 Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire Vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165.

12.49 Section 167 of the Equality Act 2010 gives the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (Page 110) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

12.50 Section 166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

12.51 Section 166 commenced on the 1st October 2010. Drivers of designated wheelchair accessible Hackney Carriages or Private Hire Vehicles can apply for exemption from this date.

12.52 The Authority will assess applications for exemption certificates in line with Regulations and this Policy. As a minimum, such applications will include evidence for the exemption, which would include a letter/report from the applicants own general practitioner. Where a long term exemption is requested, the applicant should also provide similar evidence that includes an assessment by an independent medical assessor. If granted, the Authority will provide the driver with an Exemption Certificate and Exemption Notice. The Notice must be displayed in the vehicle. The form and manner of the Notice must in accordance with relevant regulations. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

Guide dogs and assistance dogs

12.53 Sections 168 to 171 of the Equality Act 2010 address the carriage of guide dogs and other assistance dogs. Under this legislation, Hackney Carriage and Private Hire Vehicle Drivers (and Private Hire Vehicle Operators) have a duty to accept assistance dogs.

12.54 This process is designed to ensure a smooth transition from the assistance dogs provisions in the Disability Discrimination Act 1995 to those contained in the Equality Act 2010. Therefore, the legislation will ensure that:

- The Exemption Notice Regulations (i.e. the Disability Discrimination Act 1995 (Hackney carriages) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 (SI2000/2990) (as amended) and The Disability Discrimination Act 2003 (Private Hire Vehicles) (Carriage of Guide Dogs etc.) (England and Wales) Regulations 2003 (SI 2003/3122) (as amended)) made under Sections 37 and 37A of the Disability Discrimination Act 1995 will continue to have effect – as though they had been made under the Equality Act 2010;
- Hackney Carriage and Private Hire Vehicle Drivers who are already exempt from the duty to carry guide/assistance dogs can continue to rely on their certificate of exemption issued by the Authority even though the certificate refers to the Disability Discrimination Act 1995;
- The Authority will continue to be able to issue certificates to drivers who are exempt from the duty to carry guide/assistance dogs even though the certificates say “issued under Section 37 or 37A of the Disability Discrimination Act 1995” on them. The certificates are now deemed to have been issued under the Equality Act 2010;
- The Authority will continue to be able to issue the yellow Exemption Notices provided by the Department for Transport (DfT) which exempt drivers must display on their vehicles (and exempt drivers will continue to be able to display them), even though the Notices refer to the Disability Discrimination Act 1995.

12.55

The Authority will assess applications for exemption certificates in line with Regulations and this Policy. If granted, the Authority will provide the driver with an Exemption Notice which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

13.0 Vehicle Proprietor Licence - Private Hire Vehicles

Vehicle Proprietors who are not licensed drivers

13.1 In relation to both Hackney Carriages and Private Hire Vehicles, the Authority has an absolute discretion over granting the licence⁸ and it is equally applicable on applications to transfer a vehicle as on grant applications. It considers this discretion to be more involved than considering the vehicle itself, and so any person who owns and/or operates a Hackney Carriage or Private Hire Vehicle (who is not also a licensed Hackney Carriage, Private Hire Driver or Private Hire Operator) must adhere to the requirements of Section 20 and provide the required information as part of an application for the vehicle itself.

Limitation of numbers

13.2 No powers exist for Licensing Authorities to limit the number of Private Hire Vehicles that they licence.

Specifications and conditions

13.3 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Private Hire Vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible and encouraged to make use of the “type approval” rules within any specifications they determine. Accordingly, the Authority will require European Whole Vehicle Type Approval for all new licensed vehicles.

13.4 The Authority shall impose such conditions, as it considers reasonably necessary, on Private Hire Vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.

13.5 Appendix B (page 66) sets out the specification and minimum standards in respect of Private Hire Vehicles.

13.6 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers shall be accepted, provided that there is compliance with the specification applicable to such vehicles.

Accessibility

13.7 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

⁸ Section 37 of the 1847 Act in relation to hackney carriages; Section 48 of the 1976 Act to private hire vehicles.

- 13.8** For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Private Hire Operators and drivers to use vehicles that will assist those passengers with mobility difficulties.
- 13.9** It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire Vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, Private Hire Vehicles can only be booked through a licensed Private Hire Operator. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all Hackney Carriages are accessible achieves that aim.
- 13.10** The Private Hire trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.
- 13.11** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire Vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165 of the Equality Act 2010 see Paragraphs 12.40-12.46.
- 13.12** Section 167 of the Equality Act 2010 gives the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (Page 110) makes reference to the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010. This list is maintained separately from this Policy and can be found at westlancs.gov.uk/licensing

Maximum age of vehicles / environmental considerations

- 13.13** Private Hire Vehicles and Hackney Carriages are an essential form of transport in the West Lancashire area. Many people depend on both for travel that other forms of transport are incapable of making. It is, however, clearly important that emissions from all licensed vehicles are reduced as far as possible.
- 13.14** The Authority shall consider how far this Policy can and should support any local environmental initiatives to reduce emissions. This would include the use of low emission vehicles (and the encouragement of their use), setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles. In making such policy, the Authority has consulted with other councils in Lancashire to ensure its approach is consistent and reasonable.
- 13.15** Current emission requirements for all mass produced new cars sold after September 2015 are contained in the Euro 6 emissions standard. This standard builds on previous versions to reduce harmful pollutants from petrol and diesel vehicle exhausts, with different emissions standards for each fuel, which reflects the different pollutants the two fuels produce.

- 13.16** As the Euro 6 standard only applies to new vehicles sold after September 2015 it is a higher standard than is required for older vehicles which is contained in the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA. The Authority wishes to address this imbalance as a means to continually improve air quality.
- 13.17** Therefore, in the interests of improving air quality, any application for the renewal of a Private Hire Vehicle licence, shall, where the vehicle in question is more than 15 years old, be refused. Furthermore, the Authority will require all licensed vehicles to be compliant with the Euro 6 emissions standard by 1 April 2022. In making this policy requirement, the Authority is mindful that it would be unreasonable to require all drivers to purchase a vehicle that has been manufactured after September 2015. Therefore a more cost effective conversion is available that will allow any vehicle to achieve the Euro 6 emissions standard.
- 13.18** All vehicles licensed under a new application must be a maximum of 6 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 15 years, whereupon the vehicle must be replaced with one of a maximum age of 6 years. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle and be replaced within 28 days from either the date of the incident or the date that notification was provided to the driver that the vehicle must be replaced, whichever is the sooner.
- 13.19** However, to support the Authority's approach to continually improve air pollution, all vehicles licensed under a new application must be a maximum of 5 years old from 1 September 2020.
- 13.20** Furthermore, the Authority will only licence zero emission vehicles under a new application from 1 April 2028.

Vehicle inspection

- 13.21** Private Hire Vehicles shall be granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be inspected at a vehicle testing station approved by the Authority.
- 13.22** As the term implies, Private Hire Vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and inspection regime is required. This Policy considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Private Hire Vehicles. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire Vehicle inspection standards.

- 13.23** All Private Hire Vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial' (as amended) and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111).
- 13.24** The purpose of the Private Hire Vehicle inspection is to confirm vehicles meet the more stringent standards set out in this Policy. Vehicles must be submitted fully prepared for the inspection. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Private Hire drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Authority.
- 13.25** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Authority therefore considers the inspections requirements to be justified by the risks it aims to address.

Damage to vehicle during period of licence

- 13.26** If the vehicle is damaged during the period of licence, the Private Hire Driver in charge of the vehicle at the time the damage occurred must report this to the Licensing Service in writing within seven days.
- 13.27** Any vehicle 'written off' by an insurer as a result of any damage will not be licensed. If the vehicle is to be replaced, this must be done in accordance with paragraph 13.18.

Signage and advertising

- 13.28** It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle. Private Hire Vehicles shall not display roof-mounted signs of any description.
- 13.29** Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those Private Hire Vehicles deemed Prestige Vehicles by the Authority shall display plates on the rear of the vehicle.
- 13.30** Private Hire Vehicles shall display door signs provided to the specification set out in the conditions of licence.
- 13.31** Vehicles shall not be allowed to display any written or other material on any window with the exception of those permitted by the conditions of licence.
- 13.32** Private Hire Vehicles shall generally not be allowed to display or advertise written or other material on its bodywork. However, express permission may be obtained on a case by case basis in accordance with the conditions of licence.

Security/CCTV

- 13.33** The Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 13.34** It is not proposed that such measures such as CCTV should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The Private Hire trade is, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.
- 13.35** In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It is recommended that a minimum of 2 warning signs should be displayed prominently inside vehicles advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

Application procedures

- 13.36** The application procedures for a Private Hire Vehicle licence are not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix N (page 104).

Consideration of applications

- 13.37** The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

Renewal of licences

- 13.38** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – normally 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation, as set out in Appendix N (page 104), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 13.39** It is advised that vehicles should be examined and tested at one of the Authority's approved testing stations at least 7 days prior to the application in case the vehicle examination identifies the need for repair work and re-testing which can then be undertaken prior to the expiry of the licence.
- 13.40** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependent upon the age of the existing vehicle, it may require a change in vehicle to meet the age requirements set out in this Section. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licences prior to

the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

Stretched limousines

13.41 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream Private Hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their use generally includes all Private Hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties.

13.42 Licensing Authorities have generally considered there to be some problems preventing stretched limousines from being licensed including:

- Some of the vehicles are capable of carrying more than eight passengers;
- Many of them are left hand drive;
- Many are fitted with all round darkened glass;
- Many have been converted or modified after manufacture;
- Seating space per passenger is 460mm and could give a greater capacity than eight persons; and
- Due to their origin many parts may not be available making adequate maintenance difficult.

13.43 Most limousines are imported for commercial purposes and are therefore required to take an Individual Vehicle Approval (IVA) test. The IVA test verifies that the converted vehicle is built to a certain safety and environmental standards. When presented for IVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

13.44 The 1976 Act defines a Private Hire Vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the Hackney Carriage or public service vehicle, which is provided for Hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is compliant with its requirements.

13.45 Any stretched limousines, which are offered for Private Hire, do, of course, require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for Private Hire a full policy for Private Hire purposes will, therefore, be required. Applications to licence stretched limousines as Private Hire Vehicles will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles:

- Be granted an exemption from the requirement under the conditions of licence for Private Hire Vehicles to be right hand drive;
- Be authorised as prestige type Private Hire Vehicles;
- Be approved for licensing as Private Hire Vehicles subject to the additional conditions detailed in Appendix O (page 107).

Contract vehicles

13.46 The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire Vehicles. As a general guide this shall include executive Hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

Executive type vehicles

13.47 Proprietors of executive type vehicles licensed as Private Hire Vehicles may seek the permission of the Authority to waive certain conditions of licence. The details of these requirements are provided in Appendix P (page 108). Those wishing to licence an executive vehicle should contact the Licensing Service (Appendix T, page 167), ideally prior to purchasing a vehicle, so as to avoid any unnecessary expense should the vehicle not be appropriate to be licensed as executive type.

Funeral vehicles

13.48 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

Wedding vehicles

13.49 A vehicle does not need to be licensed while it is being used in connection with a wedding.

14.0 Private Hire Operators

- 14.1** Any person who operates a Private Hire service (who is not also a Hackney Carriage proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Authority for a Private Hire Operator's licence. Such licences shall be issued for a maximum of 5 years. Application procedures are set out in Appendix N (page 104). Accordingly, any material but inconsequential changes to the licence are permitted during the currency of the licence.
- 14.2** A Private Hire Vehicle shall only be despatched to a customer by a Private Hire Operator who holds an Operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle. A Private Hire Operator shall ensure that every Private Hire Vehicle is driven by a person who holds a Private Hire Driver's licence.
- 14.3** Applications for Operator's licences shall be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence based on the information below.

Immigration status

- 14.4** Where relevant, licences will not be issued to applicants or will be removed from existing licence holders by reason of their immigration status if:
- The person requires leave to enter or remain in the UK and has not been granted it; or
 - The person's leave to enter or remain in the UK
 - Is invalid;
 - Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
 - Is subject to a condition preventing the person from doing work of that kind.
- 14.5** Licences will also not be issued to applicants or will be removed from existing licence holders if they are subject to a condition on their permission to be in the UK preventing them from holding such a licence, for example, they are subject to an immigration restriction that does not permit them to work.
- 14.6** Specific documentation is required to demonstrate immigration status on application and then on each renewal of the licence. Please contact the Licensing Service using the details provided at Appendix T (page 167) for further information.
- 14.7** Further information is also available from the Home Office www.gov.uk

Disclosure and Barring Service (DBS) disclosures

- 14.8** Similar to licensed drivers, a criminal record check on an Operator is seen as an important safety measure. Whilst Operators do not normally have the same frequency and nature of contact with the travelling public as a licensed driver, the risks and related safeguards for the public are equally important as an Operator, and their employees, have access to large amounts of sensitive information about their customers. To this end, the Authority will adopt the fit and proper test to Operators. However, unlike

Hackney Carriage and Private Hire Drivers, Private Hire Operators are not exempt in respect of the Rehabilitation of Offenders Act 1974 and therefore a Basic (rather than an Enhanced) Disclosure is required as part of the application process. The Authority uses a third party contractor to handle Basic Disclosure applications and results. This information is handled electronically to ensure accuracy, security and to minimise delay for applicants. The third party contractor is an approved DBS body and both it and; therefore, applicants will deal with the DBS through the Authority and will be charged an appropriate fee. The Authority is bound by rules of confidentiality, and will not divulge information obtained to any third parties, unless in accordance with the General Data Protection Regulation and the Data Protection Act 2018.

- 14.9** Only the applicant for a DBS Basic Disclosure will be sent a disclosure report to their home address from the DBS. The Authority or the third party contractor does not receive a copy of the report, but the Authority is informed if any information is contained on the disclosure report. Where necessary, it is the responsibility of the applicant to provide the DBS Basic Disclosure report to the Authority. The Authority will not process an application where this report is not provided by the applicant.
- 14.10** Whilst it is the responsibility of the applicant to ensure the DBS Disclosure form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are submitted to the third party contractor. The DBS places very stringent controls on the Authority with regard to the accurate completion of Disclosure forms and therefore Operators should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.
- 14.11** No application shall be processed where the DBS Basic Disclosure is older than one month. Furthermore, DBS Disclosures are not transferable from one agency to another. For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

Relevance of convictions, cautions etc. for applicants

- 14.12** In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS Basic Disclosure report, but only in so far as they are relevant to an application for a licence. When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 143). The Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'.
- 14.13** Accordingly, upon receipt of a DBS Basic Disclosure report from the applicant, Licensing Officers will assess whether any or all of the conviction(s) is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee were the number and/or nature of the convictions relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective licence.

14.14 Whilst each case is determined on its merits, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any unspent convictions for serious offences, for example theft, burglary etc.;
- Any unspent convictions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc.;
- Any unspent convictions for sexual and/or indecency offences;
- Any unspent convictions for serious aggravated offences, for example manslaughter, murder etc.;
- Any unspent convictions related to the supply of drugs;
- Any unspent convictions for deception and/or fraud;
- Any other unspent conviction that would suggest that the applicant is not a fit and proper person to hold the respective licence.

14.15 When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 143). When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an applicant in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the Applicant is a fit and proper person to be licensed as a Private Hire Operator and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"⁹

14.16 All reports are scrutinised by the Commercial, Safety and Licensing Manager and a representative of the Council's legal service to ensure compliance with this Policy and to ensure a consistent approach is taken.

Convictions during period of licence

14.17 Where offences leading to conviction are committed by licensed Operators, it is important, in the interests of consistency and transparency that a procedure is in place to consider what effect this should have on their licence.

14.18 Accordingly, Operators who are convicted for any criminal offence during the period of their licence, must disclose the conviction as well as any penalty imposed in writing to the Authority without delay, and in any event within 7 days. As criminal records are not being checked upon renewal.

⁹ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

14.19 Where any Operator fails to notify the Authority of any convictions this may result in prosecution or referral to the Committee, or both.

14.20 The same requirements detailed in Paragraphs 14.12 to 14.15 shall apply. Where the Authority is made aware of any matter that would question an Operator's on going status as a fit and proper person this may result in prosecution or referral to the Committee, or both. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an existing licensed Operator in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the existing licensed driver is still a fit and proper person to be licensed as a Private Hire Driver and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"¹⁰

Persons employed or otherwise used by Operators

14.21 Given the amount of sensitive information Operators hold about their customers it is appropriate that any person employed or otherwise used by the Operator in the conduct of their business is also subject to scrutiny. To this end, all Operators shall provide to the Authority [in a prescribed form] an up to date list of the names of persons employed or otherwise used by them in the operation of their business. This list must be accompanied by a signed declaration from the Operator that he/she is satisfied that they have taken the appropriate steps to ensure those persons named on the list are safe and suitable to undertake work for the Operator, taking account of the potential risks to the travelling public outlined above.

14.22 In providing this list, the Operator takes responsibility to ensure his/her employees are safe and suitable to undertake the duties of the Operator in ensuring the safety of the travelling public. The Operator will remain ultimately accountable in this regard. It is not the responsibility of the Authority to undertake any checks and/or attest to the safety and suitability of any persons employed or otherwise used by an Operator.

14.23 The list must be provided on application and then constantly updated when any changes to the list occur. Notification of such changes must be given to the Authority within 7 days of such change. If the list is not provided on application, a licence will not be issued. If the list is found to be out of date and/or or inaccurate at any time during the period of licence, the Operator will be issued with a written warning on one occasion only. If the Operator subsequently fails to provide an accurate and/or up to date list, the matter will be referred to the Committee for determination.

14.24 If any person named on the list is found not be safe or suitable to carry out the work of the Operator, the matter will be referred to the Committee for determination. The Operator will held accountable in this regard and be required demonstrate that they undertook all reasonable steps to ensure the person was safe and suitable to carry out

¹⁰ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

the work of the Operator. Whether a person is deemed safe and/or suitable will be determined on its merits taking account of the principles contained in Paragraphs 14.9 to 14.12. In addition, the Authority considers appropriate training for such persons as an important factor in demonstrating their safety and suitability. Such training should include safeguarding issues and customer care.

Conditions

14.25 The Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix E Appendix E (page 86).

Insurance

14.26 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. The minimum value of the cover provide by the insurance must be £5 million.

Planning permission

14.27 Private Hire Operator's licences will not be granted without proof of the appropriate planning permission being granted for the proposed business.

Renewal of licences

14.28 The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence is due for renewal – normally 28 days prior to expiry. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

14.29 Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

15.0 Fares – Private Hire

15.1 A Table of Fares (“the tariff”) is set by the Authority for Hackney Carriages, but this control does not apply to fares set by Private Hire Vehicle operators.

15.2 Hires that end outside of the Borough boundary can be negotiated prior to the commencement of the journey.

Table of fares

15.3 Private Hire Operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each Private Hire Vehicle so that it is easily visible to all Hirers.

Receipts

15.4 Drivers shall, if requested by the passenger, provide written receipts for fares paid.

Electronic payments

15.5 Vehicles may be fitted with means to accept electronic payments. However, such systems must be approved by the Authority on an individual basis.

16.0 Hackney Carriage Drivers

16.1 The statutory and practical criteria for a Hackney Carriage Driver are substantively identical to those for a Private Hire Driver. The Authority issues separate Driver licences for Hackney Carriage and Private Hire Vehicles, as well as a dual licence that allows a driver to operate both a Hackney Carriage and Private Hire Vehicle; however this Section specifically details the requirements for Hackney Carriage Drivers. The requirements for Private Hire Drivers are provided in Section 12 (page 19).

Dual licences

16.2 A dual licence has no status in law; a Hackney Carriage Driver licence and a Private Hire Driver licence are issued under separate legislation and are distinct from each other. However, given that the licence requirements for a Hackney Carriage Driver licence and a Private Hire Driver licence are the same, the Authority offers applicants the ability to hold both licences at the same time under a 'dual licence'. The advantage of this is that a dual licence holder need only meet the relevant licence requirements once for [for both Hackney Carriage and Private Hire] and incur one fee and one expiry date. Applicants are still able to apply for both licences separately at any time (with separate licence requirements, fees and expiry dates) if they wish.

Dual licences - existing drivers

16.3 An existing Hackney Carriage Driver or Private Hire Driver may apply to add either to their existing licence (thereby creating a dual licence). This can be done on the renewal date of their current licence or by submitting an application for the additional licence whilst the existing licence is in effect. Where the latter is done, it is important that a procedure is in place to ensure that the relevant licence requirements are applied to both licences and that the expiry dates of both licences coincide, thereby allowing both licences to be renewed (if requested) at the same time.

16.4 This procedure is:

- The applicant must complete the relevant Driver application form;
- The completed form must be accompanied by the administration fee
- The completed form must also be accompanied by a written request from the applicant that the licence to be granted for a period less than 3 years and that no additional supporting licence information is required;
- The relevant licence requirements for the existing licence will apply to the additional licence, but only until the expiry date of the existing licence;
- The additional licence will be granted until the expiry date of the existing licence.

16.5 All applications must be made in the prescribed form and accompanied by the respective fee (see Section 11 for more information on application fees).

Licences

16.6 Licences shall be issued for a maximum period of 3 years. Application procedures are set out in Appendix N (page 104). The following will be required as part of an application:

- Applicant must be at least 21 years of age;

- Applicant must hold a full UK or European driving licence for at least 3 years;
- A completed statutory declaration (see below);
- A Disclosure and Barring Service (DBS) Enhanced Disclosure, required on application. All applicants are required to register for the DBS Update Service;
- Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every 3 years thereafter if subsequent renewal applications are made;
- A completed medical examination form supplied by the Authority and completed by the applicant's own general practitioner or medical practice. The medical practice is likely to make a charge for this service;
- Completion of the safeguarding and dementia awareness training course, the cost of which is contained within the respective driver licence fee.

Immigration status

16.7 Where relevant, licences will not be issued to applicants or will be removed from existing licence holders by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it; or
- The person's leave to enter or remain in the UK:
 - Is invalid;
 - Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
 - Is subject to a condition preventing the person from doing work of that kind.

16.8 Licences will also not be issued to applicants or will be removed from existing licence holders if they are subject to a condition on their permission to be in the UK preventing them from holding such a licence, for example, they are subject to an immigration restriction that does not permit them to work.

16.9 Specific documentation is required to demonstrate immigration status on application and then on each renewal of the licence. Please contact the Licensing Service using the details provided at Appendix T (page 167) for more information. Further information is also available from the Home Office www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks

Applicants who have lived outside the United Kingdom

16.10 If the applicant has, from the age of 10 years, spent six continuous months or more living outside of the United Kingdom, they are required to provide evidence to the Authority of a criminal record check to a similar standard to the DBS Enhanced Disclosure from the country/countries covering the relevant periods required. Where required, please note that any such information must be produced with an English translation. Please contact the Licensing Service using the details provided at (Appendix T, page 167) for further information.

Driver knowledge tests

16.11 The Authority considers it necessary for Hackney Carriage Drivers to possess a good working knowledge of the area for which they are licensed, because they can be hired directly, at ranks or on the street.

16.12 In order to assist the Authority in determining the fitness of an applicant to hold a Hackney Carriage Driver's licence, applicants are required to undertake a knowledge test. The test will challenge the applicant's knowledge of the highway system in West Lancashire as well as their knowledge of:

- The Highway Code (including road signs);
- Basic English language and numeracy;
- This Policy and relevant licence conditions;
- UK motoring law and good practice;
- Customer care;
- Disability awareness;
- Controls required to protect children and vulnerable adults.

16.13 There is a pass mark for each section of the test. A failure in any section will result in a failure of the entire test.

16.14 An applicant must pass the knowledge test within 28 days of the date of the relevant DBS disclosure. If an applicant fails three successive knowledge tests, the application will be refused. Applicants shall be required to wait at least twelve weeks before reapplying. Applicants that fail a test must pay a resit fee prior to the test date.

Driver Training

16.15 All drivers will be expected to undertake a safeguarding and dementia awareness training course. Arrangements will be made for all new Applicants to undertake the training as part of a new application and must attend the training course before a licence will be issued. For existing licensed drivers, arrangements will be made to undertake the training course as part of the application renewal process. If an existing driver fails to attend the course, the respective licence will be suspended until such time as the course is completed. The Authority may also require drivers to undertake training on other issues relevant to the objectives contained in this Policy.

Driving proficiency

16.16 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for Hackney Carriage and Private Hire Drivers. This Authority believes that the standard DVLA driving test provides sufficient evidence of driving competency for drivers of Hackney Carriage and Private Hire Vehicles in West Lancashire. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved. However, this matter will be kept under close review.

Driver qualification

16.17 At present there are no additional requirements for driver qualification. The Authority wishes to support drivers so they can offer a high standard of service throughout the Borough. Whilst this matter will be kept under close review, if minded to do so, the Authority would consider the introduction of a requirement for all licensed drivers to hold an approved driver qualification (for example, NVQ and/or BTEC).

Medical examination

- 16.18** The Authority requires Group 2 Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage Drivers.
- 16.19** Applicants are required to undertake a medical examination on application then on the anniversary of the grant of the licence in the year before their 45th birthday and every 5 years until the age of 65 (i.e. to coincide with the driver's 50th, 55th, 60th and 65th birthdays) where upon an annual examination is required on the anniversary of the grant of the licence. Medical examinations must be conducted by the applicant's own general practitioner or medical practice.
- 16.20** Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a medical Doctor appointed by the Authority. Where there remains any doubt about the fitness of any applicant, the Committee will review the medical evidence and make any final decision in light of the medical evidence available. No licence shall be issued until medical clearance (if required) has been established.

Disclosure and Barring Service (DBS) disclosures

- 16.21** A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of convictions, Police Cautions and other relevant information. The Authority used a third party contractor to handle Enhanced Disclosure applications and results. This information is handled electronically to ensure accuracy, security and to minimise delay for applicants. The third party contractor is an approved DBS body and both it and the Authority are bound by rules of confidentiality and will not divulge information obtained to any third parties unless in accordance with the General Data Protection Regulation and the Data Protection Act 2018. The Authority will process the DBS disclosure application and applicants will be charged an appropriate fee.
- 16.22** Only the applicant for a DBS Enhanced Disclosure will be sent a disclosure report to their home address from the DBS. The Authority or the third party contractor does not receive a copy of the report, but the Authority is informed if any information is contained on the disclosure report. Where, necessary, it is the responsibility of the applicant to provide the DBS Enhanced Disclosure report to the Authority. The Authority will not process an application where this report is not provided by the applicant.
- 16.23** Whilst it is the responsibility of the applicant to ensure the DBS Disclosure form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are sent to the DBS for processing. The DBS places very stringent controls on the Authority with regard to the accurate completion of Disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.
- 16.24** No application shall be processed where the DBS Enhanced Disclosure is older than one month. Furthermore, DBS Disclosures are not transferable from one agency to another.

For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

Relevance of convictions, cautions etc. for applicants

16.25 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS enhanced disclosure report, but only in so far as they are relevant to an application for a licence.

16.26 Accordingly, upon receipt of a DBS Enhanced Disclosure report from the applicant, Licensing Officers will assess whether any or all of the conviction(s) and/or any additional information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee were the number and/or nature of the convictions and/or formal cautions and/or other information relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence. Where any applicant has been charged with any offence and is awaiting trial, the Authority will defer the application until the trial has been completed or the charges withdrawn.

16.27 Whilst each case is determined on its merits, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any convictions and/or formal cautions for serious offences, for example theft, burglary etc. within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc. within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for sexual and/or indecency offences;
- Any convictions for serious aggravated offences, for example manslaughter, murder etc.;
- Any convictions and/or formal cautions for drunken and/or disorderly behaviour (including such offences involving a motor vehicle) within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for dealing, possession and/or use of drugs (including such offences involving a motor vehicle) within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for deception and/or fraud within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for serious traffic offences, for example driving without due care and attention, driving without insurance, driving whilst driving licence is disqualified within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions for lesser traffic offences, for example speeding and parking offences, were the number of points accrued on the applicant's driving licence is seven or higher at the time of application;

- Any convictions and/or formal cautions where sufficient points have been accrued resulting in a period of disqualification of the applicant's driving licence within the 20 year period prior to the date of application;
- Any convictions and/or formal cautions that demonstrate a pattern of unacceptable behaviour, for example a series of speeding offences;
- Any other conviction and/or formal caution and/or other matter that would suggest that the applicant is not a fit and proper person to hold the respective licence.

16.28 When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 143). When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an applicant in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the Applicant is a fit and proper person to be licensed as a Hackney Carriage Driver and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Licensing and Appeals Committee or other person charged with the ability to grant a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"¹¹

16.29 All reports are scrutinised by the Commercial, Safety and Licensing Manager and a representative of the Council's legal service to ensure compliance with this Policy and to ensure a consistent approach is taken.

Statutory declaration

16.30 The Rehabilitation of Offenders Act 1974 does not apply to applicants for Hackney Carriage Drivers' licences. Therefore all applicants are required to disclose all convictions and/or cautions. This means the applicant must disclose each and every conviction and/or caution recorded against them during their lifetime on initial application and then confirmed on every subsequent renewal application.

16.31 Where an applicant fails to declare any convictions and/or cautions this may result in prosecution or referral to the Committee, or both. For renewal applications only: if an applicant fails to declare any convictions and/or cautions that have already been declared on a previous renewal application, they will be issued with a written warning on one occasion only. If the same applicant fails to declare any convictions and/or cautions on any subsequent renewal application following the issue of a written warning, this may result in prosecution or referral to the Committee, or both.

¹¹ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

Refusal of applications / revocation of previous driver licences

16.32 All new applicants are required to declare whether they have previously had any application for a driver licence refused by any other local authority and/or whether they have had any previously held driver licence revoked by any other local authority. To this end, the Authority will verify this information with the National Anti-Fraud Network (NAFN) database.

Convictions, formal cautions or other matters during period of licence

16.33 Whilst a full DBS Enhanced Disclosure is required from each licensed driver on application and then maintained through the DBS Update Service, where offences leading to conviction, formal caution and/or charge are committed by licensed drivers, it is important, in the interests of consistency and transparency that a procedure is in place to consider what effect this should have on their licence.

16.34 Accordingly, all licensed drivers will be expected to maintain their Enhanced Disclosures through the DBS Update Service at the time of their first or renewal application [whichever is most appropriate] throughout the currency of the licence. This may require renewal applicants to submit a full DBS Enhanced Disclosure in order to subscribe to the DBS Update Service. The Update Service will allow the Authority to check the criminal status of licensed drivers during the period of licence. In addition to this requirement, drivers who are convicted, cautioned and/or charged for any criminal or motoring offence during the period of their licence, must disclose the conviction, caution and/or charge as well as any penalty imposed in writing to the Authority without delay, and in any event within 7 days. [For these purposes a fixed penalty motoring offence amounts to a conviction].

16.35 If a licensed driver ceases to have a valid DVLA driving licence then their Hackney Carriage Driver's licence issued by this Authority shall be deemed invalid.

16.36 Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both.

16.37 The requirements detailed in Paragraphs 16.22 to 16.25 shall also apply. Where the Authority is made aware of any matter that would question a driver's on going status as a fit and proper person this may result in prosecution or referral to the Committee, or both. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an existing licensed driver in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the existing licensed driver is still a fit and proper person to be licensed as a Hackney Carriage Driver and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Licensing and Appeals Committee or other person charged with the ability to determine the ongoing status of a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father,

grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"¹²

Renewal of licences

- 16.38** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – this will normally be 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation (as set out in Appendix N, page 104), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 16.39** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.
- 16.40** All licence holders must register with the DBS update service, which carries an annual charge to ensure continuation of the service.

Conditions of licence

- 16.41** The Authority is not permitted to attach conditions to a Hackney Carriage Driver's licence.
- 16.42** It could be argued that many of the requirements prescribed within the Hackney Carriage byelaws are effectively Hackney Carriage Driver licence conditions. These are included at Appendix D, page 82).
- 16.43** A Hackney Carriage Driver, once licensed, if he is in the possession of a Hackney Carriage vehicle under a hiring agreement becomes the proprietor of the vehicle and must adhere to the vehicle conditions of licence details in Appendix C (page 74).

Code of conduct

- 16.44** The standards expected of licensed drivers are set out in the Code of Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this Policy. The code is attached at Appendix G (page 93).
- 16.45** In line with relevant legislation, the Code of Conduct contains a requirement that prohibits drivers from smoking in the vehicle. This legislation applies equally to passengers using the vehicle. In a similar manner, and to protect both the driver and passengers, the use of electronic cigarettes (or similar devices) is also prohibited in licensed vehicles.

¹² Derived from Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

Dress code

16.46 Anything that serves to enhance the professional image of the Hackney Carriage trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. Accordingly, the dress code set out in Appendix H (page 95) shall be adhered to by all drivers.

Assistance to passengers in wheelchairs

16.47 Section 165 of the Equality Act 2010 places duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire Vehicles.

16.48 The duties under Section 165 are:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required.

16.49 Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire Vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165.

16.50 Section 167 of the Equality Act 2010 gives the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (Page 110) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

16.51 Section 166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

16.52 Section 166 commenced on the 1st October 2010. Drivers of designated wheelchair accessible Hackney Carriages or Private Hire Vehicles can apply for exemption from this date.

16.53 The Authority will assess applications for exemption certificates in line with Regulations and this Policy. As a minimum, such applications will include evidence for the exemption, which would include a letter/report from the applicants own general practitioner. Where a long term exemption is requested, the applicant should also provide similar evidence that includes an assessment by an independent medical assessor. If granted, the Authority will provide the driver with an Exemption Certificate and Exemption Notice. The Notice must be displayed in the vehicle. The form and manner of the Notice must in accordance with relevant regulations. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

Guide dogs and assistance dogs

16.54 Sections 168 to 171 of the Equality Act 2010 address the carriage of guide dogs and other assistance dogs. Under this legislation, Hackney Carriage and Private Hire Vehicle Drivers (and Private Hire Vehicle Operators) have a duty to accept assistance dogs.

16.55 This process is designed to ensure a smooth transition from the assistance dogs provisions in the Disability Discrimination Act 1995 to those contained in the Equality Act 2010. Therefore, the legislation will ensure that:

- The Exemption Notice Regulations (i.e. the Disability Discrimination Act 1995 (Hackney carriages) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 (SI2000/2990) (as amended) and The Disability Discrimination Act 2003 (Private Hire Vehicles) (Carriage of Guide Dogs etc.) (England and Wales) Regulations 2003 (SI 2003/3122) (as amended)) made under Sections 37 and 37A of the Disability Discrimination Act 1995 will continue to have effect – as though they had been made under the Equality Act 2010;
- Hackney Carriage and Private Hire Vehicle Drivers who are already exempt from the duty to carry guide/assistance dogs can continue to rely on their certificate of exemption issued by the Authority even though the certificate refers to the Disability Discrimination Act 1995;
- The Authority will continue to be able to issue certificates to drivers who are exempt from the duty to carry guide/assistance dogs even though the certificates say “issued under Section 37 or 37A of the Disability Discrimination Act 1995” on them. The certificates are now deemed to have been issued under the Equality Act 2010;
- The Authority will continue to be able to issue the yellow Exemption Notices provided by the DfT which exempt drivers must display on their vehicles (and exempt drivers will continue to be able to display them), even though the Notices refer to the Disability Discrimination Act 1995.

16.56 The Authority will assess applications for exemption certificates in line with Regulations and this Policy. If granted, the Authority will provide the driver with an Exemption Notice which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

17.0 Vehicle Proprietor Licence - Hackney Carriages

Vehicle Proprietors who are not licensed drivers

17.1 In relation to both Hackney Carriages and Private Hire Vehicles, the Authority has an absolute discretion over granting the licence¹³ and it is equally applicable on applications to transfer a vehicle as on grant applications. It considers this discretion to be more involved than considering the vehicle itself, and so any person who owns and/or operates a Hackney Carriage or Private Hire Vehicle (who is not also a licensed Hackney Carriage, Private Hire Driver or Private Hire Operator) must adhere to the requirements of Section 20 and provide the required information as part of an application for the vehicle itself.

Limitation of numbers

17.2 The Authority does not currently impose any restriction as to the number of Hackney Carriage vehicle licences it will grant, which is deemed as best practice by the Department for Transport.

Specifications and conditions

17.3 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible and encouraged to make use of the “type approval” rules within any specifications they determine. Accordingly, the Authority will require European Whole Vehicle Type Approval for all new licensed vehicles.

17.4 The Authority generally licences a purpose built vehicle [i.e. a “London type cab” or similar which is easily recognisable as being distinct from a Private Hire Vehicle] with suitable and sufficient wheelchair access as a Hackney Carriage. Applications for new vehicles will be made on a case by case basis. Where necessary, the driver will be required to provide documentary evidence of European Whole Vehicle Type Approval. The Authority shall impose such conditions, as it considers reasonably necessary, on Hackney Carriage vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.

17.5 Appendix C (page 74) sets out the specification and minimum standards for Hackney Carriages.

17.6 Vehicles will, in general, be licensed for the carriage of up to four or five passengers provided that there is compliance with the specification applicable to such vehicles. Once licensed, vehicles cannot be used to ply for hire outside of the Borough.

Accessibility

17.7 All licensed Hackney Carriages shall be wheelchair accessible.

17.8 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high

¹³ Section 37 of the 1847 Act in relation to hackney carriages; Section 48 of the 1976 Act to private hire vehicles.

quality of life. It fully supports the view of the Equality and Human Rights Commission that,

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

- 17.9** For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation.
- 17.10** In addition to the general conditions, accessibility for people with disabilities (including - but not only people who need to travel in a wheelchair) is, therefore, an important consideration in respect of vehicles licensed as Hackney Carriages.
- 17.11** It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire Vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, Private Hire Vehicles can only be booked through a licensed Private Hire Operator, normally by telephone or by visiting a Private Hire Operator office. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all Hackney Carriages are accessible achieves that aim.
- 17.12** The Hackney Carriage trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.
- 17.13** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire Vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165 of the Equality Act 2010 see Paragraphs 16.41 – 16.47.
- 17.14** Section 167 of the Equality Act 2010 gives the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (page 108) makes reference to the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010. This list is maintained separately from this Policy and can be found at westlancs.gov.uk/licensing

Maximum age of vehicles / environmental considerations

- 17.15** Hackney Carriages and Private Hire Vehicles are an essential form of transport in the West Lancashire area. Many people depend on both Carriages for travel that other forms of transport are incapable of making. It is, however, clearly important that emissions from all licensed vehicles are reduced as far as possible.
- 17.16** The Authority shall consider how far this Policy can and should support any local environmental initiatives. This would include the use of low emission vehicles (and the

encouragement of their use), setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles. In making such policy, the Authority has consulted with other councils in Lancashire to ensure its approach is consistent and reasonable.

- 17.17** Current emission requirements for all mass produced new cars sold after September 2015 are contained in the Euro 6 emissions standard. This standard builds on previous versions to reduce harmful pollutants from petrol and diesel vehicle exhausts, with different emissions standards for each fuel, which reflects the different pollutants the two fuels produce.
- 17.18** As the Euro 6 standard only applies to new vehicles sold after September 2015 it is a higher standard than is required for older vehicles which is contained in the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA. The Authority wishes to address this imbalance as a means to continually improve air quality.
- 17.19** Therefore, in the interests of improving air quality, any application for the renewal of a Hackney Carriage vehicle licence, shall, where the vehicle in question is more than 18 years old, be refused. Furthermore, the Authority will require all licensed vehicles to be compliant with the Euro 6 emission standard by 1 April 2022. In making this policy requirement, the Authority is mindful that it would be unreasonable to require all drivers to purchase a vehicle that has been manufactured after September 2015. Therefore a more cost effective conversion is available that will allow any vehicle to achieve the Euro 6 emission standard.
- 17.20** All vehicles licensed under a new application be a maximum of 4 years old and, if compliant with the requirements for licence, shall be granted a vehicle licence until the age of 18 years, whereupon the vehicle must be replaced with one of a minimum of 3 years younger. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle and be replaced within 28 days from either the date of the incident or the date that notification was provided to the driver that the vehicle must be replaced, whichever is the sooner.
- 17.21** Furthermore, the Authority will only licence zero emission vehicles under a new application from 1 April 2028.
- 17.22** To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can finance and maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage in the Borough.

Vehicle inspection

- 17.23** Hackney Carriages shall be granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be inspected at a vehicle testing station approved by the Authority.

- 17.24** As the term implies, Hackney Carriages are used for hire or reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and inspection regime is required. This Policy considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Hackney Carriages. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire Vehicle inspection standards.
- 17.25** All Hackney Carriages must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial' (as amended) and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111).
- 17.26** The purpose of the Hackney Carriage inspection is to confirm vehicles meet the more stringent standards set out in this Policy. Vehicles must be submitted fully prepared for the inspection. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Hackney Carriage Drivers/Operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Authority.
- 17.27** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Authority therefore considers the inspections requirements to be justified by the risks it aims to address.

Damage to vehicle during period of licence

- 17.28** If the vehicle is damaged during the period of licence, the Hackney Carriage Driver in charge of the vehicle at the time the damage occurred must report this to the Licensing Service in writing within seven days.
- 17.29** Any vehicle 'written off' by an insurer as a result of any damage will not be licensed. If the vehicle is to be replaced, this must be done in accordance with paragraph 17.20.

Signage and advertising

- 17.30** It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle.
- 17.31** Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for Hire.
- 17.32** Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles shall display plates on the rear of the vehicle.

- 17.33** Vehicles shall not be allowed to display any written or other material on any window with the exception of those permitted by the conditions of licence.
- 17.34** Hackney Carriage vehicles are permitted to have advertising on their bodywork with the approval of the Authority subject to restrictions included in the conditions of licence.

Security/CCTV

- 17.35** The Hackney Carriage trades provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 17.36** It is not proposed that such measures such as CCTV should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The Hackney Carriage trade is, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.
- 17.37** In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It is recommended that a minimum of 2 warning signs should be displayed prominently inside vehicles advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

Application procedures

- 17.38** The application procedures for a Hackney Carriage vehicle licence are not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix N (page 104).

Consideration of applications

- 17.39** The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

Renewal of licences

- 17.40** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – normally 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation (as set out in Appendix N, page 104), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 17.41** It is advised that vehicles should be examined and tested at one of the Authority's approved testing stations at least 7 days prior to the application in case the vehicle examination identifies the need for repair work and re-testing which can then be undertaken prior to the expiry of the licence.

17.42 Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependent upon the age of the existing vehicle, it may require a change in vehicle to meet the age requirements set out in this Section. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

Contract vehicles

17.43 The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire Vehicles. As a general guide this shall include executive Hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

18.0 Fares – Hackney Carriages

18.1 The Hackney Carriage Table of Fares (“the tariff”) is set by the Authority and stipulates the maximum fare that can be charged by Hackney Carriage Drivers which can be negotiated downwards by the Hirer.

18.2 The Authority shall review the tariff upon request from the trade.

18.3 Hires that end outside of the Borough boundary can be negotiated prior to the commencement of the journey.

Table of fares

18.4 A table of authorised maximum fares shall be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all Hirers. The Table of Fares is also displayed at westlancs.gov.uk/licensing

Receipts

18.5 Drivers shall, if requested by the passenger, provide written receipts for fares paid.

Electronic payments

18.6 Vehicles may be fitted with means to accept electronic payments. However, such systems must be approved by the Authority on an individual basis.

19.0 Hackney Carriage Ranks

19.1 The Authority shall work with the Hackney Carriage trade and other stakeholders to keep taxi ranks under constant review. Details of the locations of all taxi ranks in the Borough are provided at Appendix I (page 96).

20.0 Vehicle Proprietors (Hackney Carriage and Private Hire)

20.1 In relation to both Hackney Carriages and Private Hire Vehicles, the Authority has an absolute discretion over granting the licence¹⁴ and it is equally applicable on applications to transfer a vehicle as on grant applications. It considers this discretion to be more involved than considering the vehicle itself, and so any person who owns and/or operates a Hackney Carriage or Private Hire Vehicle (who is not also a licensed Hackney Carriage, Private Hire Driver or Private Hire Operator) must adhere to the requirements of this Section and provide the required information as part of an application for the vehicle itself.

20.2 Applications for vehicle licences shall be made on the prescribed form, together with the appropriate fee. The requirements for vehicles are detailed in Sections 13 and 17 and application procedures are set out in Appendix N (page 104).

Immigration status

20.3 Where relevant, licences will not be issued to applicants or will be removed from existing licence holders by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it; or
- The person's leave to enter or remain in the UK
 - Is invalid;
 - Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
 - Is subject to a condition preventing the person from doing work of that kind.

20.4 Licences will also not be issued to applicants or will be removed from existing licence holders if they are subject to a condition on their permission to be in the UK preventing them from holding such a licence, for example, they are subject to an immigration restriction that does not permit them to work.

20.5 Specific documentation is required to demonstrate immigration status on application and then on each renewal of the licence. Please contact the Licensing Service using the details provided at Appendix T (page 167) for further information.

20.6 Further information is also available from the Home Office www.gov.uk

Disclosure and Barring Service (DBS) disclosures

20.7 Similar to licensed Private Hire Operators, a criminal record check on a Vehicle Proprietor is seen as an important safety measure. Whilst Vehicle Proprietors do not have the same contact with the travelling public as a licensed driver or Operator, similar considerations apply. Although the Vehicle Proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

¹⁴ Section 37 of the 1847 Act in relation to hackney carriages; Section 48 of the 1976 Act to private hire vehicles.

- 20.8** Hackney Carriages and Private Hire Vehicles are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide [and the Authority has seen evidence of] a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 20.9** To this end, the Authority will adopt the fit and proper test to Vehicle Proprietors. However, unlike Hackney Carriage and Private Hire Drivers, Vehicle Proprietors are not exempt in respect of the Rehabilitation of Offenders Act 1974 and therefore a Basic (rather than an Enhanced) Disclosure is required as part of the application process. The Authority uses a third party contractor to handle Basic Disclosure applications and results. This information is handled electronically to ensure accuracy, security and to minimise delay for applicants. The third party contractor is an approved DBS body and both it and; therefore, applicants will deal with the DBS through the Authority and will be charged an appropriate fee. The Authority are is bound by rules of confidentiality, and will not divulge information obtained to any third parties, unless in accordance with the General Data Protection Regulation and the Data Protection Act 2018 Data Protection Act 1998.
- 20.10** Only the applicant for a DBS Basic Disclosure will be sent a disclosure report to their home address from the DBS. The Authority or the third party contractor does not receive a copy of the report, but the Authority is informed if any information is contained on the disclosure report. Where necessary, it is the responsibility of the applicant to provide the DBS Basic Disclosure report to the Authority. The Authority will not process an application where this report is not provided by the applicant.
- 20.11** Whilst it is the responsibility of the applicant to ensure the DBS Disclosure form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are submitted to the third party contractor. The DBS places very stringent controls on the Authority with regard to the accurate completion of Disclosure forms and therefore Operators should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.
- 20.12** No application shall be processed where the DBS Basic Disclosure is older than one month. Furthermore, DBS Disclosures are not transferable from one agency to another. For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

Relevance of convictions, cautions etc. for applicants

- 20.13** In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS Basic Disclosure report, but only in so far as they are relevant to an application for a licence. When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 143) The Committee need only consider an evidential argument that the applicant is not a fit and proper person on the ‘balance of probabilities’, rather than ‘beyond reasonable doubt’.

20.14 Accordingly, upon receipt of a DBS Basic Disclosure report from the applicant, Licensing Officers will assess whether any or all of the conviction(s) is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee were the number and/or nature of the convictions relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective licence.

20.15 Whilst each case is determined on its merits, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any unspent convictions for serious offences, for example theft, burglary etc.;
- Any unspent convictions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc.;
- Any unspent convictions for sexual and/or indecency offences;
- Any unspent convictions for serious aggravated offences, for example manslaughter, murder etc.;
- Any unspent convictions related to the supply of drugs;
- Any unspent convictions for deception and/or fraud;
- Any other unspent conviction that would suggest that the applicant is not a fit and proper person to hold the respective licence.

20.16 When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 143). When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an applicant in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the Applicant is a fit and proper person to hold a Vehicle Proprietor licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"¹⁵

20.17 All reports are scrutinised by the Commercial, Safety and Licensing Manager and a representative of the Council's legal service to ensure compliance with this Policy and to ensure a consistent approach is taken.

¹⁵ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Convictions during period of licence

- 20.18** Where offences leading to conviction are committed by licensed Vehicle Proprietors, it is important, in the interests of consistency and transparency that a procedure is in place to consider what effect this should have on their licence.
- 20.19** Accordingly, Vehicle Proprietors who are convicted for any criminal offence during the period of their licence, must disclose the conviction as well as any penalty imposed in writing to the Authority without delay, and in any event within 7 days. As criminal records are not being checked upon renewal.
- 20.20** Where any Vehicle Proprietors fails to notify the Authority of any convictions this may result in prosecution or referral to the Committee, or both.
- 20.21** The same requirements detailed in Paragraphs 20.13 to 20.15 shall apply. Where the Authority is made aware of any matter that would question a Vehicle Proprietor's on going status as a fit and proper person this may result in prosecution or referral to the Committee, or both. Furthermore, it is not the responsibility of the Committee to determine the innocence or guilt of an existing licensed Vehicle Proprietor in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the existing licensed Vehicle Proprietors is still a fit and proper person to hold a licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"¹⁶

Conditions

- 20.22** The Authority has power to impose such conditions on a Vehicle Proprietor's as it considers reasonably necessary. Those relating solely to vehicles are detailed in Sections 13 and 17.

Renewal of licences

- 20.23** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence is due for renewal – normally 28 days prior to expiry. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 20.24** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason

¹⁶ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

Appendix A Glossary of Terminology

The following terms are used throughout this document:

Private Hire Vehicle	A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, or a London cab, which is provided for Hire with the services of a driver for the purpose of carrying passengers.
Hackney Carriage	The same meaning as in the Town Police Clauses Act 1847 and is the same meaning as "Taxi".
Private Hire Driver licence	A licensed issued under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 permitting the holder to drive a Private Hire Vehicle.
Hackney Carriage Driver licence	A licensed issued under Section 46 of the Town and Police Clauses Act 1847 permitting the holder to drive a Hackney Carriage.
Private Hire Driver badge	A badge issued by a district council under Section 64 of the Local Government (Miscellaneous Provisions) Act 1976.
Hackney Carriage Driver badge	A badge issued by a district council under byelaws made under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
Operator licence	A licence issued under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976
To 'operate' (in the context of the above licence)	In the course of business to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.
Private Hire Vehicle licence	A licence issued under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 permitting a specific vehicle to be operated as a Private Hire Vehicle.
Hackney Carriage licence	A licence issued under Sections 37 to 45 of the Town and Police Clauses Act 1847 permitting a specific vehicle to be operated as a Hackney Carriage.
Vehicle maintained in a "clean condition"	All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free both inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining.

Appendix B Private Hire Vehicle Specification and Conditions of Licence

SPECIFICATION

1 General

- 1.1 All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.
- 1.3 A Private Hire Vehicle shall be capable of carrying no more than 4 passengers when manufactured, however the capacity will be determined on a case by case basis for vehicles such as minibuses.
- 1.4 Vehicles which could lead the public to believe that such a vehicle is a Hackney Carriage, shall not be licensed as a Private Hire Vehicle.
- 1.5 All vehicles shall be less than FIFTEEN years old from the date of manufacture.
- 1.6 All Private Hire Vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial' (as amended) and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111).
- 1.7 The following Sections provide the outline requirements of the specification for Private Hire Vehicles prior to examination and testing by a vehicle testing station approved by the Authority. The exact mechanical requirements for inspection and testing are contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111).

2 Dimensions

- 2.1 Whilst minimum standards of interior space are dictated in this specification (see Section 6), no maximum dimensions are dictated for any given Private Hire Vehicle. The size of any given vehicle will be assessed on a case by case basis relevant to the suitability of the vehicle for purpose.

3 Body

- 3.1 The vehicle shall have no exterior visible signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle’s bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only be permitted where they are fitted by manufacturers.

4 Wheels

- 4.1 The vehicle shall have four road wheels and tyres of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel unless exempted below.
- 4.2 Any spare wheel and tyre shall conform to construction and use regulations. A full size spare wheel and tyre should be of the same standard and size as the existing road wheels

and tyres, unless otherwise supplied by the manufacturer for temporary use only as a spare wheel. Any space-saver spare wheel and tyre should be appropriate for the vehicle. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test. A space saver spare wheel is permitted for temporary use only and must be clearly marked with a maximum speed limit. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.

4.3 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where Paragraph 4.4 applies.

4.4 Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided. If the vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Vehicles manufactured without a spare wheel well must carry suitable tyre sealant (or similar) and air pump.

5 Steering

5.1 All vehicles shall be right-hand drive and shall have been so since the date of first registration.

6 Interior

6.1 The minimum leg room available to any passenger shall be 200mm. The rear leg room measurement will be taken from the base of the rear seat to the centre of the rear of the driver seat in front when the driver seat is positioned in the driver's normal seated position. The front passenger seat must be able to be positioned so as to provide a minimum leg room of 200mm to any passenger. Where there is no seat in front of the rear seats, the measurement will be taken from the base of the rear seat to the nearest obstruction in front.

6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 889mm.

7 Doors

7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etc., to gain access to them. Access to and from vehicles such as minibuses will be determined on a case by case basis.

7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.

7.3 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.

7.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

8 Seats

8.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.

- 8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 8.3 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat must be capable of being operated as such and shall not be less than 1218mm in order to accommodate 3 passengers.
- 8.5 The seating configuration of the vehicle shall be as its factory manufactured state. Should any amendments to seating configuration be made, these should be done only with the permission of this Authority and in line with this Policy.
- 8.6 Each row of seats shall have door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:
- All seats shall be fixed and permanent (i.e. not flexible configuration seating designed for family use);
 - At least one principle means of access/egress must be provided from the main passenger compartment which is immediately adjacent to a door;
 - Where additional secondary means of access/egress are fitted from the main passenger compartment, these should be clearly identified as such for use in cases of emergency;
 - A break glass hammer should be fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and be clearly labelled “EMERGENCY EXIT – break glass with hammer”.

9 Windows

- 9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 9.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.
- 9.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.
- 9.4 A serviceable device for demisting the rear window shall be fitted.

10 Heating and ventilation

- 10.1 Vehicles shall have an efficient heating and ventilation system.

11 Facilities for wheelchair users

- 11.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:
- Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or

otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.

- A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) immediately prior to being first licensed and at each subsequent renewal and be so certified and produced to the Council approved testing station.

12 Fuel systems

12.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought from the Council.

13 CCTV

13.1 CCTV monitoring devices, for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall maintained in working order, be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

14 Tyres

14.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification notwithstanding condition 4.2 in this specification.

14.2 Remoulded tyres will only be permitted where they are manufactured to British Standard BS AU 144e.

14.3 All tyres fitted to the vehicle shall meet current legal requirements.

15 Electrical equipment

15.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

CONDITIONS

1. Maintenance of Vehicle

- a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for Hire be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

*Clean condition is defined as follows:

“All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining”.

- b) Without prejudice to the obligations imposed by (a) above, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that:
- i) The vehicle is inspected every week for such matters as may be prescribed by the Council;
 - ii) A written record of such weekly inspections, and any additional inspections or service undertaken on the vehicle (in respect of such matters) is made at the time in the form prescribed by the Council; and
 - iii) Such written records are retained and kept in the vehicle at all times and are available for immediate production to an Authorised Officer of the Council or Police Officer on request.

Please note that the requirement to inspect the vehicle every week imposed by Condition 1(b) does not release the proprietor of the vehicle from his obligations to carry out further inspections to ensure compliance with Condition 1(a).

2. Alteration of Vehicle

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.

3. Identification Plate

The plate identifying the vehicle as a Private Hire Vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed on the outside 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 Police Constable.

4. Interior Markings

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.

5. Signs, notices and advertising

- a) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed upon the interior, exterior or from the vehicle except as may be required by any statutory provision (including byelaws), required or permitted by these conditions or the form, contents and details of such have been approved in writing by the Commercial, Safety and Licensing Manager. This condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:
- i) Contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carried on his/her business and its address and, in either case, the name of a passenger to be carried in the vehicle; and
 - ii) Is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- b) The proprietor shall cause to be affixed and maintained on the outside front doors of the vehicle a ~~sign n advertisement~~ which contains only the name, telephone number and/or online booking method of the operator of the vehicle and the words "Private Hire Only – West Lancs BC". ~~in All~~ letters and/or figures must be clearly legible. The door sign must be at least 300mm in height and 600mm in length, between 2" (51mm) and 4" (102mm) in height and is on a notice not exceeding 12" (305mm) in height and 24" (610mm) in length, or is an The form, contents and details any all over ~~company vehicle~~ livery ~~the form, contents and details of which have been~~ must approved in writing by the Commercial, Safety and Licensing Manager before such advertisement is displayed. ~~Such advertisement shall also contain the words "PRIVATE HIRE ONLY – WEST LANCS B.C." also in letters figures between 2" (51mm) and 4" (102mm) in height. All lettering must be a minimum of 1/4" (6mm) in thickness.~~ This specification is for saloon cars or similar. Variations applicable to larger vehicles will be approved on a case by case basis, where it is recognised that a larger sign may be more appropriate. ~~The letters or figures on such signage must not be any smaller than stipulated above.~~
- c) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to Private Hire Vehicle which the Council may from time to time require.
- d) Any sign, notice, advertisement, plate, mark, number, letter, figure, symbol, emblem, or device that contains any of the following shall not be permitted:
- i) Tobacco, tobacco products (including e-cigarettes)
 - ii) Alcohol or drugs
 - iii) Politics
 - iv) Gambling
 - v) Sex (including articles or products associated with birth control)
 - vi) Nudity (partially or otherwise)
 - vii) Religion or ethnicity
 - viii) Payday loans (or similar)
 - ix) Violence or threat of violence

- x) An advertisement that has been prohibited by the Advertising Standards Agency
- xi) A contravention of the Road Traffic Acts
- xii) A subject that is deemed by the Commercial, Safety and Licensing Manager to be illegal, controversial, indecent, offensive, dishonest or untruthful

6. Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

7. Convictions, cautions, charges etc.

The Proprietor shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

8. Damage to vehicle during period of licence

If the vehicle is damaged during the period of licence, the Private Hire Driver in charge of the vehicle at the time the damage occurred must report this to the Licensing Service in writing within seven days.

9. Deposit of Driving Licence

If the proprietor permits or employs any other person to drive the vehicle as a Private Hire Vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his Private Hire Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

10. Permitted Drivers of the Vehicle

The proprietor or any other person permitted or employed to drive the vehicle as a Private Hire Vehicle, must be the holder of a current Private Hire Driver's licence granted by the West Lancashire Borough council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

11. Deposit of Vehicle Licence

The proprietor shall, upon the vehicle commencing work with an operator, deposit with the operator this licence for retention by him until such time as that vehicle ceases to work for that operator.

12. Settle Agreements – Tyres

Where a vehicle is hired out to a driver under settle agreement the proprietor (i.e. the licence holder) of the vehicle shall initiate the following:

- i) The proprietor of the vehicle shall immediately on the grant of this licence enter into a written agreement with a reputable tyre supplier that will enable the driver of the vehicle to obtain replacement tyres upon demand from such supplier. Such agreement must continue in force for the duration of this licence.

- ii) A copy of the written agreement referred to must be kept in the vehicle at all times and be available for and produced for inspection at the request of the Authorised Officer of the Council or Police Officer.
- iii) A further copy of the written agreement referred to must be lodged with the Council within fourteen (14) days of the grant of this licence.

13. Inspection and Testing

The proprietor shall, if requested by an Authorised Officer of the Council, or Police Officer, make the vehicle immediately available for inspection and testing at such time and date as may be specified. Such inspections and testing shall be in addition to any other statutory provisions.

14. Licensing Policy

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at westlancs.gov.uk/licensing

Appendix C Hackney Carriage Specification and Conditions of Licence

SPECIFICATION

1 General

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA) and have been permitted for use by the Council. Vehicles shall not have been altered since the type approval was granted.
- 1.2 All vehicles shall be purpose built as a Hackney Carriage and therefore be easily recognisable as being distinct from a Private Hire Vehicle.
- 1.3 All vehicles shall have separate driver and passenger compartments.
- 1.4 All vehicles shall be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided that the wheelchair fits within the dimensions specified in the relevant Paragraphs below. Rear loading type disabled access vehicles are not permitted unless fitted with a hydraulic lifting platform.
- 1.5 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.6 No fittings, other than those approved, shall be attached to, or carried on, the inside or outside of the vehicle.
- 1.7 All vehicles shall be less than EIGHTEEN years old from the date of manufacture.
- 1.8 All Hackney Carriages must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial' (as amended) and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111).
- 1.9 The following Sections provide the outline requirements of the specification for Hackney Carriages prior to examination and testing by a vehicle testing station approved by the Authority. The exact mechanical requirements for inspection and testing are contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 111).

2 Dimensions

- 2.1 Whilst minimum standards of interior space are dictated in this specification (see Sections 6 & 7), no maximum dimensions are dictated for any given Hackney Carriage. The size of any given vehicle will be assessed on a case by case basis relevant to the suitability of the vehicle for purpose.

3 Body

- 3.1 The vehicle shall have no exterior visible signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle’s bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in Paragraph 3.4, a moveable

intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.

3.6 Electrically operated steps, if fitted, shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

3.7 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

4 Wheels

4.1 The vehicle shall have four road wheels and tyres of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel unless exempted below.

4.2 Any spare wheel and tyre shall conform to construction and use regulations. A full size spare wheel and tyre should be of the same standard and size as the existing road wheels and tyres, unless otherwise supplied by the manufacturer for temporary use only as a spare wheel. Any space-saver spare wheel and tyre should be appropriate for the vehicle. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test. A space saver spare wheel is permitted for temporary use only and must be clearly marked with a maximum speed limit. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.

4.3 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where Paragraph 4.4 applies.

4.4 Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided. If the vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Vehicles manufactured without a spare wheel well must carry suitable tyre sealant (or similar) and air pump.

5 Steering

5.1 All vehicles shall be right-hand drive and shall have been so since date of first registration

6 Driver's compartment

6.1 The driver's compartment shall be separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved notices for the benefit of passengers. This shall not apply to a manufacturer fitted front seat, which has received prior approval from the Council.

6.2 Mesh type screens shall not be permitted

6.3 The driver's compartment shall be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls and give hand signals on the offside of the vehicle.

6.4 Controls shall be so placed as to allow reasonable access to the driver's seat and, when centrally placed, shall be properly protected from contact with luggage.

6.5 A serviceable device for demisting the windscreen shall be fitted.

- 6.6 Vehicles shall be fitted with an intercom type system to permit the driver and passenger(s) to communicate verbally.
- 6.7 A suitable sliding window, or similar device, shall be fitted in the screen
- 6.8 Space shall be provided on the nearside of the driver compartment for the carriage of luggage. Access to this luggage space shall be by way of the nearside front door. The nearside front door shall be locked and only be capable of being unlocked, from either inside or outside the vehicle, by the driver.

7 Passenger compartment

- 7.1 The vertical distance between the highest part of the floor and the roof shall not less than 1300 mm.
- 7.2 Suitable provision shall be made for the seating of not less than 4 and not more than 8 passengers. The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to in this document.
- 7.3 There shall be no steps within the passenger compartment.
- 7.4 The clear height of the doorway shall not be less than 1200 mm.
- 7.5 The nearside door and doorway shall be constructed so as to permit an unrestricted opening across the centre of the doorway of at least 740 mm.
- 7.6 Grab handles shall be placed at door entrances, to aid passenger ingress to and egress from the vehicle. These should be of a high visibility colour different from the interior colour scheme of the vehicle.
- 7.7 The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 7.8 The top tread for any entrance shall be at floor level of the passenger compartment and (except as detailed in 3.5 above) shall not exceed 460 mm above ground level when the vehicle is un-laden.
- 7.9 The minimum angle of the door when opened shall be 90 degrees.
- 7.10 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in the fully open position.
- 7.11 There shall be approved reflective strips on both the front and rear edges of the door.
- 7.12 The floor of the passenger compartment shall be covered with non-slip material, which can easily be cleaned.
- 7.13 All parts of the passenger compartment shall be clean and free of any damage, which may affect its suitability for the carriage of passengers.

8 Seats

- 8.1 Occasional seats shall be at least 400mm. in width and the minimum distance from the back of the upholstery to the front edge of the seat shall be 355 mm.
- 8.2 Occasional seats shall be so arranged as to rise automatically when not in use.
- 8.3 Occasional and fixed seats, when not in use, shall not obstruct doorways.
- 8.4 Where the rear seat is of the bench type the overall width of the seat shall not be less than 1190 mm.
- 8.5 Suitable means shall be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled passengers.
- 8.6 Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be clean and devoid of damage of any kind.
- 8.7 All seats shall be fitted with fully operational seat belts, compliant with British Standards except where the law specifically provides an exemption.

9 Facilities for wheelchair users

- 9.1 An approved manufacturer installed wheelchair restraint system shall be provided for the wheelchair and wheelchair disabled passengers and available for use at all times. The system shall be capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passenger shall be independent of each other. Facility shall be provided for the safe storage of a wheelchair without a passenger, whether folded or otherwise, if carried within the passenger compartment. The wheelchair restraint system shall be so designed that it does not cause any danger to other passengers and shall be maintained to the manufacturer's specification.
- 9.2 A ramp, or ramps, for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door, as a minimum. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

10. Heating and ventilation

- 10.1 An adequate heating and ventilation system shall be provided for the driver and the passengers, and means provided for independent control by the driver and the passengers.

11 Windows

- 11.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 11.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.
- 11.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.
- 11.4 A serviceable device for demisting the rear window shall be fitted.

12 Interior lighting

- 12.1 Adequate lighting shall be provided for the driver and passengers. Separate lighting controls for both passenger and driver shall be provided. In the case of the passenger compartment, an illuminated control switch shall be fitted, marked and in such a position that it is clearly visible to the passengers and is not easily confused with any other control.

13 Door Fittings

- 13.1 An approved type of automatic door locking device shall be fitted to passenger doors. When the vehicle is stationary the passenger doors shall be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. The interior door handle shall be clearly identified, to prevent it being mistaken for any other control.

14 Fuel systems

14.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought from the Council.

15 Tyres

15.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification.

15.2 Remoulded tyres shall not be permitted, except where the remoulded tyre is clearly marked "TAXI". British Standard BS AU 144e shall apply to 205/65R15 tyres fitted to the E7 and Eurotaxi.

15.3 Tyres fitted to the vehicle shall meet current legal requirements.

16 Electrical equipment

16.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

17 CCTV

17.1 CCTV monitoring devices, for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall Any such equipment shall maintained in working order, fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

CONDITIONS

1. Maintenance of Vehicle

- a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for Hire be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

*clean condition is defined as follows:

“All body panels to be of uniform colour and finish throughout, unless otherwise authorized by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining.

- b) Without prejudice to the obligations imposed by (a) above, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that:
- i) The vehicle is inspected every week for such matters as may be prescribed by the Council;
 - ii) A written record of such weekly inspections, and any additional inspections or service undertaken on the vehicle (in respect of such matters) is made at the time in the form prescribed by the Council; and
 - iii) Such written records are retained and kept in the vehicle at all times and are available for immediate production to an Authorised Officer of the Council or Police Officer on request.

Please note that the requirement to inspect the vehicle every week imposed by Condition 1(b) does not release the proprietor of the vehicle from his obligations to carry out further inspections to ensure compliance with Condition 1(a).

2. Alteration of Vehicle

- i) 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.
- ii) If any existing vehicle is replaced, the replacement vehicle shall be designed or converted as a Hackney Carriage to provide access and secure carriage of wheelchair bound passengers. A Hackney Carriage must be easily recognisable as being distinct from a Private Hire Vehicle.
- iii) Vehicles shall be subject to random visual inspections by the Council's Licensing Officers. If, in the opinion of the Licensing Officer, the vehicle does not pass the inspection, or if the Officer has cause to doubt the mechanical safety of the vehicle, they shall require it to be inspected at one of the Council's approved testing stations. Any expenses incurred for such inspection to be paid by the Vehicle Proprietor.

3. Interior Markings

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.

4. Signs, notices and advertising.

a) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed upon the interior, exterior or from the vehicle except as may be required by any statutory provision (including byelaws), required or permitted by these conditions or the form, contents and details of such have been approved in writing by the Commercial, Safety and Licensing Manager. This condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

- i) Contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carried on his/her business and its address and, in either case, the name of a passenger to be carried in the vehicle; and
- ii) Is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

b) Any sign, notice, advertisement, plate, mark, number, letter, figure, symbol, emblem, or device that contains any of the following shall not be permitted:

- i) Tobacco, tobacco products (including e-cigarettes)
- ii) Alcohol or drugs
- iii) Politics
- iv) Gambling
- v) Sex (including articles or products associated with birth control)
- vi) Nudity (partially or otherwise)
- vii) Religion or ethnicity
- viii) Payday loans (or similar)
- ix) Violence or threat of violence
- x) An advertisement that has been prohibited by the Advertising Standards Agency
- xi) A contravention of the Road Traffic Acts
- xii) A subject that is deemed by the Commercial, Safety and Licensing Manager to be illegal, controversial, indecent, offensive, dishonest or untruthful

5. Convictions, cautions, charges etc.

The proprietor shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

6. Damage to vehicle during period of licence

If the vehicle is damaged during the period of licence, the Hackney Carriage driver in charge of the vehicle at the time the damage occurred must report this to the Licensing Service in writing within seven days.

7. Conduct

All proprietors shall comply with the Council's Code of Conduct and Dress Code.

8. Settle Agreements – Tyres

Where a vehicle is hired out to a driver under a settle agreement the proprietor (i.e. the licence holder) of the vehicle shall initiate the following:

- i) The proprietor of the vehicle shall immediately on the grant of this licence enter into a written agreement with a reputable tyre supplier that will enable the driver of the vehicle to obtain replacement tyres upon demand from such supplier. Such agreement must continue in force for the duration of the licence.
- ii) A copy of the written agreement referred to must be kept in the vehicle at all times and be available for and produced for inspection at the request of the Authorised Officer of the Council or Police Officer.
- iii) A further copy of the written agreement referred to must be lodged with the Council within fourteen (14) days of the grant of this licence.

9. Medical Conditions

The proprietor shall, at the earliest opportunity and in any event within seven days of diagnosis, disclose to the Council in writing details of any medical condition (as contained in the Group 2 entitlement of the Medical Aspects of Fitness to Drive Guide for Medical Practitioners published by the Medical Commission on Accident Prevention), either permanent or temporary, which affects or may affect the proprietor's ability to drive a Hackney Carriage vehicle. This includes but not exhaustively, the following: heart attack, angina, diabetes, epilepsy, stroke, high blood pressure, any surgical operation, any bone fracture or dislocation of joint, alcohol or drug addiction or dependency. In addition the proprietor must also notify to the Council in writing, at the earliest opportunity and in any event seven days of its being prescribed, details of any drug which may affect the proprietor's ability to drive.

10. Licensing Policy

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at westlancs.gov.uk/licensing

Appendix D Hackney Carriage Byelaws (as amended)

Made under Section 68 of the Town and Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the West Lancashire Borough Council with respect to Hackney Carriages in the Borough of West Lancashire

Interpretation

Throughout these Byelaws “the Council” means “The West Lancashire Borough Council” and “the Borough” means “The Borough of West Lancashire”.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be display:

- a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the Carriage and the number of passengers licensed to be carried to be legibly painted or marked on the inside of the Carriage and on the plate affixed to the outside of the Carriage.
- b) The proprietor of a Hackney Carriage shall affix a plate in the form specified by and provided by the Council to be clearly visible on the outside of the rear of the Carriage.
- c) The proprietor or driver of a Hackney Carriage shall not wilfully or negligently cause or suffer any such numbers as mentioned in 2 (a) above to be concealed from public view while the Carriage is standing or plying for Hire nor cause nor permit the Carriage to stand or ply for Hire with any such mark or plate so defaced so that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided:

The proprietor of a Hackney Carriage shall:

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

The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

- a) The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

- b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures the fare which the proprietor or driver is entitled to demand and take for the Hire of the Carriage by distance in pursuance of the Table of Fares made by the Council in that behalf. Provided nevertheless that a proprietor shall not offend against this Byelaw where the Table of Fares is varied by the Council and he has not had a reasonable opportunity to cause the taximeter to be altered to record the rate of fares in accordance with the Table of Fares as varied;
- d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the Carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f) The taximeter and all the fittings thereof shall be so affixed to the Carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

The proprietor of a Hackney Carriage shall cause the Carriage to be provided with a sign so constructed as to comply with the following requirements that is to say:

- a) The sign shall bear the word "FOR HIRE" in plain letters at least one and a half inches in height;
- b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the Carriage whether or not the Carriage is for Hire and for that purpose it shall be capable of being suitable illuminated;
- c) The requirement specified in (a) above shall not apply to a Hackney Carriage provided with a taximeter which bears the sign of European Economic community pattern approval or the mark of European Economic Community partial verification mention in regulation 2 of, and described in Schedule 1 to, the Measuring Instruments (European Community Requirements) Regulations 1975 or any other regulations replacing those regulations, or containing provisions for the same purpose, and for the time being in force.

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the borough in their several employments, and determining whether such drivers shall wear any and what badges:

The driver of a Hackney Carriage provided with a taximeter shall:

- a) When standing or plying for Hire, keep the key, flag or other device fitted in pursuance of the Bylaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) Before beginning the journey bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) The driver of a Hackney Carriage provided with a taximeter shall:
Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half an hour after sunset and half an hour before sunrise and also at other times at the request of the Hirer;

- d) Immediately on completion of the hiring, cause the taximeter to cease recording, but allow the amount of fare recorded on it to remain displayed on the taximeter until the Hirer has had a reasonable opportunity of examining it.

The proprietor or driver of a Hackney Carriage shall not, with intent to deceive, tamper with, or permit any person to tamper with, any taximeter with which the Carriage is provided, with the fittings thereof, or any part of the mechanism of the Hackney Carriage, connected or associated with such taximeter, or with seals affixed thereto.

The driver of a Hackney Carriage shall, when plying for Hire and not actually Hired:

- a) Proceed with reasonable speed to one of the stands appointed by the Council;
- b) If a stand, at the time of his arrival, is occupied by the full number of Carriages authorised to occupy it, proceed to another stand;
- c) On arriving at a stand not already occupied by the full number of Carriages authorised to occupy it, station the Carriage immediately behind the Carriage or Carriages on the stand and so as to face in the same direction;
- d) From time to time when any other Carriage immediately in front is driven off or moved forward cause his Carriage to be moved forward so as to fill the place previously occupied by the Carriage driven off or moved forward.

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

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

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

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

If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for Hire, and when Hired, wear that badge in such position and manner as to be plainly visible. Such driver shall, upon the termination or surrender of his Licence, return to the Council the driver's badge issued to him.

The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to Hire the Carriage:

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

The proprietor of a Hackney Carriage shall cause a statement (in a form and in printing approved by the Council) of the fares fixed by the byelaws in that behalf to be exhibited inside the Carriage, in clearly distinguishable letters and figures.

The proprietor or driver of a Hackney Carriage bearing a statement of rates in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the Carriage is plying or being used for Hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof:

- a) The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as practicable thereafter carefully search the Carriage for any property which may have been accidentally left therein;
- b) The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the Carriage be found by or handed to him:

Carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to its owner, to the office of the Council, and leave it in the custody of the officers in charge of the office on his giving a receipt for it;

Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Driver to produce copy of Byelaws:

The driver of a Hackney Carriage who is standing, driving or plying for Hire shall at any time when required by an authorised officer, or any police constable, or any person who is in or upon the Carriage, produce a copy of Byelaws clean and in good order for perusal and inspection by that authorised officer, constable or person.

Penalties:

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

Appendix E Private Hire Operator Conditions of Licence

1. Definitions

- “Authorised Officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- “The Council” means the West Lancashire Borough Council.
- “The Operator” means a person holding a licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- “Private Hire Vehicle” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- “Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847 and is the same meaning as “Taxi”.
- “Employ” means to use the services of, whether under a contract of service or a contract for services or otherwise, and employee, employer and employed shall be construed accordingly.

2. Planning permission

Any premises used by the Operator for the purpose(s) authorised by this licence shall have the appropriate planning permission for that use and the Operator shall comply with any conditions attached to such permission.

3. Provisions for the public

The Operator shall provide adequate facilities to provide an efficient service to the public.

4. Facilities for passengers

1. The Operator shall ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room.
2. The Operator shall ensure that members of his/her staff, drivers and Vehicle Proprietors do not congregate in any passenger waiting area or room.
3. The Operator shall not allow his/her staff, drivers, Vehicle Proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her premises whilst waiting for the arrival of vehicles without permission of the Council. Such permission would normally be granted subject to one or more of the following:
 - i) Provision of a suitable SIA approved marshal;
 - ii) Appropriate methods to reduce noise and/or disturbance from queuing;
 - iii) Appropriate methods to keep customer queue sizes to a minimum;
 - iv) Provision of radio link to Council operated CCTV suite.
4. The Operator, where a waiting area or room is provided for the use of passengers or prospective passengers, shall;
 - i) Provide adequate seating for the use of those passengers or prospective passengers; and

- ii) Ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
 - iii) Ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.
5. In any waiting room or area provided by the Operator, no amusement machines, gaming machines or other similar equipment shall be installed without prior written consent of the Council; and any such equipment installed in the drivers rest areas or operations room shall not be accessible to persons other than his/her drivers, Vehicle Proprietors, the Operator and his/her staff.

5. Hirings

- i. When the Operator accepts a hiring, he/she, shall, unless prevented by some sufficient cause, ensure that a licensed Private Hire Vehicle attends at the appointed time and place. Hirings must be made between the member of the public who books the Private Hire Vehicle and the Operator.
- ii. When the Operator accepts the hiring he/she shall immediately prior to the commencement of the journey make a permanent and unchangeable record of the details of the Hirer as prescribed by Condition 6.

6. Records of hirings

- 1. It is the responsibility of the Operator to ensure a record of each hiring accepted by the Operator is kept, as required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976. The Authority will not dictate the manner in which records are kept, so long as they comply with these conditions and contain the following details:
 - i. Name of Hirer;
 - ii. Time of pick-up;
 - iii. Point of pick-up;
 - iv. Destination;
 - v. Information to indicate vehicle used and driver;
 - vi. Remarks, including details of any sub-contract to or from another Operator.
- 2. The Operator shall not dispose of any record of hirings required to be made by Condition 5 within six months of the last hiring contained therein.
- 3. The Operator shall produce any record of hirings required to be made by Condition 6 on request to an Authorised Officer of the Council or Police Officer.

7. Records of vehicles and drivers

- A. The Operator shall maintain an up-to-date record of the owners, the descriptions and registration numbers of all Private Hire Vehicles employed by the business and their drivers, which shall include details of any unique driver identity reference used, and shall produce this information on request to an Authorised Officer of the Council or Police Officer.
- B. The Operator shall immediately notify the Licensing Service when any vehicle or driver ceases in his/her employ, or any vehicle or driver commences his/her employ.
- C.

- i. The Operator shall not operate any vehicle, in the Controlled Borough of West Lancashire, as a Private Hire Vehicle unless that vehicle has been licensed by the Council as a Private Hire Vehicle under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
- ii. The Operator shall not cause, permit or allow any person, in the Controlled Borough of West Lancashire, to drive a Private Hire Vehicle operated by him/her unless that person has been licensed by the Council as a Private Hire driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Before the Operator causes, permits or allow any person to drive a Private Hire Vehicle operated by him/her, he/she shall require such a person to deposit with him/her the current Private Hire drivers licence granted by the Council to that person, under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- D. On leaving the employ of an Operator, a driver or Vehicle Proprietor shall be entitled to receive immediately on demand the return of the licences mentioned in condition 7 (c) (ii)

8. Complaints

- A. The Operator shall make suitable provision for the receipt and recording of customer complaints. The Operator shall on receipt of any complaint relating to a contract for Hire or purported contract for Hire relating to or arising from his/her business, immediately notify the complainant of his/her right to forward the complaint to the Council.
- B. Any complaint shall be investigated immediately by the Operator and the complainant notified by the outcome within a reasonable time.
- C. Where a complaint is investigated by an Authorised Officer of the Council, the Operator shall conform to any directions of the Officer in respect of that complaint and make the aforesaid record of complaint available without delay.

9. Convictions, cautions, charges etc.

The Operator shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

10. Persons employed or otherwise used by the Operator

The Operator shall provide to the Authority [in a prescribed form] a list of the names of persons employed or otherwise used by them in the operation of their business. This list must be accompanied by a signed declaration from the Operator that he/she is satisfied that they have taken the appropriate steps to ensure those persons named on the list are safe and suitable to undertake work for the Operator. The Operator must provide the list to the Authority on application [new or renewal] and then within 7 days of whenever any changes to the list occur.

11. Conditions attached to Licences

The Operator shall make available upon request by a member of the public, a copy of these Conditions and the Conditions attached to a vehicle and a driver licence.

12. Taximeters

- A. Where any vehicle operated is fitted with an approved taximeter, the Operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly secured and managed in accordance with the Council regulations.
- B. The Operator shall ensure that vehicles operated by him/her which are fitted with a taximeter, charge a fare or charge calculated from the point in the Borough at which the Hirer commences his journey and shall not exceed that displayed on the taximeter at the finish of his/her journey, the taximeter being brought into operation at the commencement of the journey.

13. Change Of Address

The Operator shall notify the Council in writing of any change of his/her address within 7 days of such taking place.

14. Touting Etc.

The Operator shall not;

- A. Tout or solicit on a road or other public place any person to Hire or be carried for Hire in a private vehicle; or
- B. Cause or procure any other person 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.

In this condition:

“Road” means any highway and any other road to which the public has access including bridges over which a road passes.

15. Notices

Where the Operator provides a waiting area or room for the use of passengers or prospective passengers he/she shall;

- (i) Display an approved notice indicating the availability of items set out in Condition 10; and
- (ii) Display an approved notice setting out the normal scale of fares he/she charges together with the method by which such fare will normally be calculated.

Such notices shall be displayed in a position that can be easily read by passengers or prospective passengers.

16. Records of Insurance Cover

The Operator shall ensure that all Private Hire and Hackney Carriage vehicles operated by him/her, are insured to carry passengers for Hire and, in this regard, shall keep a suitable record of all current insurance certificates in respect of such vehicles, which he/she shall, on request, produce to an Authorised Officer of the Council or any Police Officer.

17. Licensing Policy

The Council’s Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at westlancs.gov.uk/licensing

Appendix F Private Hire Driver Conditions of Licence

1. Conduct of Driver

The driver shall comply with the Council's Code of Conduct and Dress Code.

2. Passengers

- a) The driver shall not convey or permit to be conveyed in a Private Hire Vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b) The driver shall not allow more than one person or any child below the age of ten years to be conveyed in front of the Private Hire Vehicle beside him.
- c) The driver shall not without consent of the Hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
- d) The driver shall if required by the Hirer of a Private Hire Vehicle provide him with a written receipt for the fare paid.

3. Lost Property

- a) The driver shall immediately after the termination of any hiring of a Private Hire Vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- b) If any property accidentally left in a Private Hire Vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event within twenty-four hours if not sooner claimed by or on behalf of its owner to a convenient Police Station and leave it in the custody of the officer in charge on his giving a receipt for it.

4. Animals

The driver shall not convey in a Private Hire Vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

5. Prompt Attendance

The driver of a Private Hire Vehicle, if he is aware that the vehicle has been Hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

6. Copy of Conditions

The driver shall at all times when driving a Private Hire Vehicle carry with him a copy of these conditions and shall make it available for inspection by the Hirer or any other passenger on request.

7. Deposit of Licence

The driver shall, upon commencing work with an operator, deposit with that operator this licence for retention by him until such time as the driver ceases to work with that operator.

8. Taximeter

If a Private Hire Vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause any fare recorded thereon to be cancelled or concealed until the Hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

9. Fare to be demanded

The driver shall not demand from any Hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the Hirer and the operator or, if the vehicle is fitted with any taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

10. Change of Address

The driver shall notify the Council in writing of any change of address during the period of the licence, within seven days of such change taking place.

11. Convictions, cautions, charges etc.

The driver shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

12. Return of Badge

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

13. Vehicles permitted to be driven

The driver shall drive only Private Hire Vehicles, which are licensed by the West Lancashire Borough Council in accordance with Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

14. Guide Dogs & Assistance Dogs / Wheelchair Users

a) It is a legal requirement that:

- Drivers must carry a guide dog, or assistance dog, belonging to a passenger free of charge and/or
- Drivers of 'designated vehicles' must provide reasonable assistance to wheelchair bound passengers free of charge unless the driver has a proven medical condition that would preclude him/her from doing so.

b) The driver shall produce to the Council a Medical Certificate signed by his General Medical Practitioner, to prove such a medical condition, on his application for a

Private Hire driver licence, or if he/she develops such a medical condition after the grant of a licence as soon as he/she is aware of it.

- c) The driver shall also make his/her Operator aware of any such medical condition at the time of commencement of working for that Operator, as soon as he/she is aware of such a medical condition, whichever is the earlier.
- d) "Guide dog" means a dog which assists a person with sight impairment.
- e) "Assistance dog" means a dog which assists a person with a hearing or other impairment.

15. Medical Conditions

The driver shall, at the earliest opportunity and in any event within seven days of diagnosis, disclose to the Council in writing details of any medical condition (as contained in the Group 2 entitlement of the Medical Aspects of Fitness to Drive guide for Medical Practitioners published by the Medical Commission on Accident Prevention), either permanent or temporary, which affects or may affect the driver's ability to drive a Private Hire Vehicle. This includes, but not exhaustively, the following: heart attack, angina, diabetes, epilepsy, stroke, high blood pressure, any surgical operation, any bone fracture or dislocation of joint, alcohol or drug addiction or dependency. In addition, the proprietor must also notify to the Council in writing, at the earliest opportunity and in any event within seven days of its being prescribed, details of any drug which may affect the proprietor's ability to drive.

16. Licensing Policy

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at westlancs.gov.uk/licensing

Appendix G Code of Conduct

Preservation of a professional and responsible Hackney Carriage and Private Hire trade

Licence holders shall promote the Hackney Carriage and Private Hire trade by:

- Complying with this Code of Conduct;
- Complying with all relevant legislation, including the conditions of licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to the public;
- Paying attention to personal hygiene and dress so as to present a professional image to the public (see Dress Code);
- Not eating or drinking in the vehicle in the presence of customers;
- Keep their vehicles clean and suitable for Hire to the public at all times;
- Respecting authorised Officers during their normal course of their duties.

Protection of public health and safety

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times;
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire Vehicle;
- Not drive while having misused legal or taken illegal drugs;
- Comply with legislation regarding the length of working hours;
- Drive with care and due consideration for other road users and pedestrians;
- Obey all Traffic Regulation Orders and directions at all times;
- Take all reasonable steps to protect the safety and security of passengers so as not to put them at risk, or the fear of being put at risk;
- Not take any audio and/or images/video of passengers or members of the public on any device not authorised by the Authority;
- Not smoke or use electronic cigarettes (or similar devices) in the vehicle at any time.

Access to an efficient and effective public transport service

Licence holders shall:

- Attend punctually when undertaking pre-booked Hires;
- [Unless granted exemption by the Council under the Equality Act 2010] Assist, where necessary, passengers into and out of vehicles;
- Provide passengers reasonable assistance with luggage.

Protection of the environment

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers;
- Keep the volume of music media players and/or other audio/visual devices to a minimum;
- Switch off the engine if required to wait;
- Take whatever additional action is necessary to avoid disturbance to residents in the locality.

At taxi ranks licence holders shall, in addition to the requirements above:

- Rank in an orderly manner and proceed along the rank in order and promptly.

At Private Hire offices, licence holders shall:

- Not allow media players and/or other audio/visual devices to cause disturbance to residents of the neighbourhood;
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

All of the above items are deemed to be of equal importance.

Appendix H Dress Code

The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress in order to maintain the profile of the licensed trade in West Lancashire.

Acceptable Standards of Dress

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts;
- Shirts or blouses can be worn with a tie or open-necked;
- Trousers may be either full length or shorts if tailored;
- Smart jeans type trousers are permitted;
- Footwear should fit around the heel of feet.

Unacceptable standards of dress within this Code

- Bare chests;
- Unclean or damaged clothing or footwear;
- Clothing with offensive words, logos or graphics;
- Clothing with studs or sharp edges;
- Beach type footwear (e.g. Flip flops and mules);
- Hooded garments ('hoodies') worn with hood up whilst driving.

Appendix I List of Hackney Carriage Ranks

Hackney Carriage ranks are situated in the following locations:

- The Concourse, Skelmersdale: 10 vehicles on the stand adjacent to the front entrance, plus feeder rank for 8 vehicles;
- South side of Sandy Lane Centre, Old Skelmersdale: 2 vehicles;
- North side of Sandy Lane Centre, Old Skelmersdale: 6 vehicles;
- Outside Asda, Ingram, Skelmersdale: 4 vehicles;
- Lord Street, Burscough: 2 vehicles;
- Bus station car park, Ormskirk: 3 vehicles;
- Bus station , Ormskirk: 5 vehicles (23:00 – 06:00);
- Leyland Way, Ormskirk: 2 vehicles.

Appendix J Hearing Procedure - applicants

Licensing and Appeals Committee: Hearing procedure for Private Hire and/or Hackney Carriage Driver, Private Hire Operator or Vehicle Proprietor Licence Applications

All hearings for licence applications will normally be conducted in private. The Committee will hear and determine each application separately.

1. The Chairman will introduce the Committee to the applicant and explain the purpose of the hearing.
2. The Chairman will inform the applicant that the hearing will be carried out in accordance with this procedure and that there are no specific time constraints upon the applicant when presenting their case.
3. The Chairman will ask the applicant to confirm their full name and address.
4. The Chairman will ask the applicant to confirm that they have received a copy of the relevant Committee report and hearing procedure.
5. The Chairman will ask the applicant to confirm whether they intend to be represented at the hearing or whether the applicant wishes to represent him/herself. (If the applicant is to be represented, the Chairman will ask the representative to confirm their full name, address and their relationship to the applicant).
6. The Chairman will ask the applicant whether they intend to refer to any other person as part of their case, for example witnesses or character references. (If the applicant is to refer to any such person, the Chairman will ask those persons to confirm their full name, address and their relationship to the applicant).
7. The Chairman will outline the specific application and the reasons why the applicant has been required to attend the hearing.
8. The Chairman will invite the applicant to present their case and ask the applicant why they feel they should be granted the licence as applied for.
9. The Applicant will address the Chairman's question and present their case. This should include reference to the information contained in the Committee report and any other information the applicant wishes to bring to the attention of the Committee, including any witnesses or character references.
10. When the applicant has presented their case, the Chairman will invite the Members of the Committee to ask questions of the applicant based upon the evidence presented by the applicant and the information contained in the Committee report. (Members of the Committee may also ask Licensing Officers for any clarification with regard to the application).

11. Upon the conclusion of questions by Members of the Committee, the Chairman will ask the Legal Advisor whether there are any other matters to be raised or resolved before the Committee makes its decision.
12. The Chairman will confirm that the members of the Committee have no further relevant questions or comments arising from the hearing.
13. The Chairman will ask the applicant to confirm whether they feel they have been given sufficient opportunity to present their case and invite the applicant to make any closing remarks.
14. The Chairman will thank the applicant for their attendance and inform the applicant that the Committee will now make its decision, the result of which together with the reasons for that decision, will be provided in writing to the applicant at a nominated date, time and location. (Normally applicants are notified of the Committee's decision on the next working day).
15. The Chairman will inform the applicant that the Committee is not a court of law and that if the applicant is unhappy with the decision of the Committee, they have the right of appeal to the Magistrate's Court within 21 days of notification of the Committee's decision.
16. The applicant will leave the hearing, together with all Officers, except for the Legal Advisor and Member Services Officer.
17. The Committee will debate the individual application and make a decision.
18. When the Committee has reached a decision, the Officers will be invited back into the hearing and the Chairman will verbally confirm the decision of the Committee and the reasons for that decision.
19. The Committee will then move onto the next item of business (if any).

End.

Appendix K Hearing Procedure - existing licence holders

Licensing and Appeals Committee: Hearing procedure for existing Hackney Carriage and/or Private Hire Drivers, Private Hire Operators or Vehicle Proprietors

All hearings will normally be conducted in private. The Committee will hear and determine each matter separately.

1. The Chairman will introduce the Committee to the licence holder and explain the purpose of the hearing.
2. The Chairman will inform the licence holder that the hearing will be carried out in accordance with this procedure and that there are no specific time constraints upon the licence holder when presenting their case.
3. The Chairman will ask the licence holder to confirm their full name and address.
4. The Chairman will ask the licence holder to confirm that they have received a copy of the relevant Committee report and hearing procedure.
5. The Chairman will ask the licence holder to confirm whether they intend to be represented at the hearing or whether the licence holder wishes to represent him/herself. (If the licence holder is to be represented, the Chairman will ask the representative to confirm their full name, address and their relationship to the licence holder).
6. The Chairman will ask the licence holder whether they intend to refer to any other person as part of their case, for example witnesses or character references. (If the licence holder is to refer to any such person, the Chairman will ask those persons to confirm their full name, address and their relationship to the licence holder).
7. The Chairman will outline the specific case and the reasons why the licence holder has been required to attend the hearing.
8. The Chairman will invite the Licensing Officer to present the case in detail.
9. The Chairman will invite the licence holder to present their case and ask the licence holder why they feel they feel the Committee should not take action against the licence.
10. The licence holder will address the Chairman's question and present their case. This should include reference to the information contained in the Committee report and any other information the licence holder wishes to bring to the attention of the Committee, including any witnesses or character references.
11. When the licence holder has presented their case, the Chairman will invite the Members of the Committee to ask questions of the licence holder based upon the evidence presented by the licence holder and the information contained in the Committee report. (Members of the Committee may also ask Licensing Officers for any clarification with regard to the case).

12. Upon the conclusion of questions by Members of the Committee, the Chairman will ask the Legal Advisor whether there are any other matters to be raised or resolved before the Committee makes its decision.
 13. The Chairman will confirm that the members of the Committee have no further relevant questions or comments arising from the hearing.
 14. The Chairman will ask the licence holder to confirm whether they feel they have been given sufficient opportunity to present their case and invite the licence holder to make any closing remarks.
 15. The Chairman will thank the licence holder for their attendance and inform the licence holder that the Committee will now make its decision, the result of which together with the reasons for that decision, will be provided in writing to the licence holder at a nominated date, time and location. (Normally licence holders are notified of the Committee's decision on the next working day).
 16. The Chairman will inform the licence holder that the Committee is not a court of law and that if the licence holder is unhappy with the decision of the Committee, they have the right of appeal to the Magistrate's Court within 21 days of notification of the Committee's decision.
 17. The licence holder will leave the hearing, together with all Officers, except for the Legal Advisor and Member Services Officer.
 18. The Committee will debate the individual case and make a decision.
 19. When the Committee has reached a decision, the Officers will be invited back into the hearing and the Chairman will verbally confirm the decision of the Committee and the reasons for that decision.
 20. The Committee will then move onto the next item of business (if any).
- End.

Appendix L Urgent Action Procedure

Procedure for any urgent action to be taken against existing Hackney Carriage and/or Private Hire Drivers, Private Hire Operators or Vehicle Proprietors

This procedure is to be used when it comes to the attention of the Council that a current holder of a Hackney Carriage Driver licence and/or Private Hire Driver licence, Private Hire Operator licence or Vehicle Proprietor licence has been either accused¹⁷ or convicted¹⁸ of an offence that may bring into question whether he/she is a fit and proper person to hold such a licence.

Urgent action is defined as where the Commercial, Safety and Licensing Manager (CS&LM) believes that the information received raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing and Appeals Committee (the Committee).

When considering whether the matter is of an urgent nature, the types of offences that may warrant such urgent action include, but are not limited to:

- Drugs possession/intention to supply/production of drugs and similar offences;
- Organised crime;
- Violence including possession of offensive weapons;
- Sexual offences;
- Serious aggravated offences;
- Any other offence that the CS&LM deems appropriate.

If the CS&LM considers that urgent action is required, they will undertake the following procedure without undue delay in order to hold a hearing of the Urgent Hearing Panel (UHP) to determine the matter:

1. The CS&LM will consult with the Chairman of the Committee to determine that urgent action is warranted. If the Chairman of the Committee is not available, the CS&LM shall consult with the Deputy Chairman of the Committee or the relevant Portfolio Holder or the Leader of the Council in that order. The CS&LM and relevant Councillor shall agree how quickly the UHP shall be convened.
2. The CS&LM shall then convene the UHP which will consist of:
 - The CS&LM;
 - A Senior Licensing Officer;
 - A legal advisor.
3. The UHP shall be chaired and the decision taken by the CS&LM. If the CS&LM is not available, the UHP will be chaired and the decision taken by another Senior Manager of the Council or suitable alternative Officer of similar seniority or higher.

¹⁷ Leeds CC v Hussain CO/1376/2002

¹⁸ Section 61 of the Local Government Miscellaneous Provisions Act 1976

4. The licence holder shall be invited to attend the UHP to present their case and make representations as to why action should not be taken. All reasonable attempts will be made by the Licensing Service to contact the licence holder and invite them to attend the UHP. If the licence holder can be contacted, but is unable to attend in person, the Hearing may be held by way of a telephone conference.
5. If there is sufficient time before the convening of the UHP and the Licensing Service has been unsuccessful in contacting the licence holder, the Licensing Service will hand deliver a letter to the relevant address on file no later than the day before the Hearing is to commence. The letter will outline the case and provide a copy of this procedure.
6. If the licence holder cannot, is unable or unwilling to attend or cannot be contacted after such reasonable attempts, the UHP may proceed in the licence holder's absence considering the overriding duty to protect the public. A record will be kept of the attempts to contact the licence holder.
7. The Hearing will follow the principles of the Licensing and Appeals Committee Hearing Procedure for existing Hackney Carriage and Private Hire Drivers or Private Hire Operators (Appendix K, page 99). The Minutes of the Hearing will be taken by the Legal Officer.
8. Once the Hearing has concluded, the CS&LM shall decide whether to suspend or revoke the relevant licence or to take no further action. If the CS&LM decides to take action, they must also decide whether or not the allegation or conviction is so serious that the sanction should take immediate effect.
9. Once the CS&LM has made a decision, they shall notify the Chairman of the Committee or the Deputy Chairman, relevant Portfolio Holder or Leader as appropriate.
10. Once the relevant Councillor has been notified, a Notice shall be drafted stating the decision of the CS&LM and the reasons for the decision. The Decision Notice will also give reasons as to why the CS&LM considered that urgent action was required and why the matter could not have waited to the next scheduled meeting of the Committee. The Decision Notice will also contain notification that the licence holder has the right to appeal within twenty one days of the decision to the Magistrates' Court.
11. The Decision Notice will be served personally on the licence holder at the Licensing Service office. If the licence holder is unwilling or unable to attend the Licensing Service office or the Council has been unable to contact the licence holder, the Notice will be hand delivered to their address on file.
12. Once the licence holder has been notified of the CS&LM decision, the CS&LM shall notify Members of the Committee by way of a Confidential Members Update, attaching a copy of the Decision Notice.

Appendix M Public Complaints Procedure

It is a common misconception that the Council employs licensed drivers. This is not the case. Hackney Carriage and Private Hire licences allow holders to run what is considered to be their own businesses.

As individual business owners, licensees are in a position to run their businesses as they see fit, with the proviso that they meet the requirements of the licences held and the law governing the licence. Therefore any complaints about service should be directed to the relevant operator.

All complaints which are pursued by the Council are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle. Accordingly, any complaints about driving manner should also be directed to the Police.

Each step of any complaint investigation must be documented due to the fact that there is potential for the complaint to progress to being heard in Court.

The complainant should therefore provide the following information as a minimum:

- Date and time of the incident;
- Vehicle identification (plate number, description of vehicle etc.);
- Identification of Licensed Operator (if applicable);
- Identification of the driver (licence number, personal description);
- Description of the incident.

Whilst we are happy to take complaints over the telephone, we may ask the complainant to confirm this information in writing. This can be submitted by email, via our website or letter - using the contact details in Appendix T (page 143).

Many investigations are concluded within 5 working days; however the length of time taken to conclude the investigation is largely dependent upon the licensed operator's and driver's response time to our correspondence. A formal response detailing conclusions reached resulting from our investigation will be provided.

Appendix N Application Procedures

1. Application procedures – vehicles (including proprietors)

1.1 When presenting a new or renewal application, the following documents must be provided with the completed application form:

- (i) DVLA Registration Document (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
- (ii) Valid Certificate of Insurance;
- (iii) [For stretched limousines] Single Vehicle Approval Certificate (SVA).

New / Renewal Applications

1.2 The applicant must make an appointment to attend the Licensing Office to initiate the application.

1.3 The Authority will provide applicant with a unique reference number which must be provided to the vehicle testing station allocated at the time of the appointment. The inspection will not be completed without this reference number.

1.4 Applicants shall be directed by the Authority to an approved vehicle testing station to have vehicles inspected. Applicants are required to make arrangements directly with the approved vehicle testing station to conduct the examination.

1.5 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle complies with the Council's Hackney Carriage and Private Hire Licensing Policy.

1.6 The result of the inspection is provided to the Council and the applicant [by the testing station]. A vehicle that fails the inspection can be retested and the arrangement made with the testing station. If the vehicle passes inspection, the applicant can collect the relevant licence from the Licensing Service. Licences will not be available until at least 2 hours after the inspection takes place.

1.7 The process for renewal applications is the same. Applicants will received notification approximately 6 weeks prior to the expiry of their licence.

1.8 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with' a new application and fee must be submitted.

2. Application procedures – drivers

2.1 Applicants must make an appointment to attend the Licensing Office to initiate the application.

2.2 A fee will be required for all application forms and payment can only be made with a debit/credit card or cheque/postal order.

New Application

Applicants who have lived abroad

2.3 All applicants who have lived abroad must provide a Certificate of Good Conduct from either their own Embassy or the countries where they have been resident. Where necessary, the certificate must be produced with an English translation and bear the official seal of the Embassy. The certificate must be provided to the Council before the remainder of the application process can proceed.

All applicants

- 2.4 Applications for Hackney Carriage or Private Hire drivers' licences are not limited and may be made at any time of the year. Applicants should ensure they have the required documentation as detailed in the Council's Hackney Carriage and Private Hire Licensing Policy.
- 2.5 Applicants will be required to complete an application form for an Enhanced Disclosure from the Disclosure and Barring Service on application, this can be done using the Council's approved online DBS service. Three forms of personal identification is required as stated on www.gov.uk
- 2.6 Applicants will also be required to register for the DBS Update Service.
- 2.7 Applicants will be required to provide a completed DVLA mandate which permits the Council to access to the DVLA online database.
- 2.8 Applicants will be required to complete a Statutory Declaration on application as detailed in the Council's Hackney Carriage and Private Hire Licensing Policy.
- 2.9 If new applicants are confident that the DBS Disclosure will be satisfactory then they can proceed to arrange appointments to obtain a completed medical certificate from a General Practitioner and to undertake the Authority local knowledge test. Otherwise, as the above actions will incur costs, applicants may prefer to wait for the return of the DBS Disclosure and clearance from the Authority to continue with the application.
- 2.10 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with'.
- 2.11 All Applicants must undertake the safeguarding / dementia training provided by the Authority. Further information about most the most appropriate course will be provided at time of application.

Renewal Application

- 2.12 If arrangements have not been previously made as part of a new application, Applicants will be required to register for the DBS Update Service so as to maintain their Enhanced Disclosures throughout the currency of the licence.
- 2.13 Applicants will be required to provide a licence 'Check Code' from the DVLA's online service to allow Officers to check current DVLA information on appointment.
- 2.14 Applicants will be required to complete the Declaration section of their renewal form providing information of any offences since the date of their original signed Statutory Declaration.
- 2.15 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with'.
- 2.16 If training has not been previously undertaken as part of a new application, all Applicants must undertake the safeguarding / dementia training provided by the Authority. Further information about most the most appropriate course will be provided at time of the renewal application.

3. The consideration of applications

- 3.1 On receiving the Enhanced Disclosure from the DBS new applicants should visit the Licensing Office and to provide the completed medical form. Disclosure and medical forms will not be accepted if more than 28 days old.

- 3.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Officer has delegated power to grant the application and issue a 3 year licence.
- 3.3 All licences remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority.
- 3.4 If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Licensing and Appeals Committee for a hearing in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy.

4. Application procedures – Operators

- 4.1 Applicants must make an appointment to attend the Licensing Office to initiate the application.
- 4.2 A fee will be required for all application forms and the fee will be determined by the amount of vehicles intended to operate. Payment can only be made with a debit/credit card or cheque/postal order.
- 4.3 Applicants will be required to provide a basic disclosure of convictions on first application and every 3 years thereafter.
- 4.4 Applicants will be required to provide evidence of public liability insurance and where necessary employers liability insurance.
- 4.5 The applicant must provide a full list of drivers and vehicles they intend to operate.
- 4.6 The applicant must provide a list of persons employed or otherwise used by them and declare that those named are safe accordingly.
- 4.7 All required documentation must be provided on appointment in order for this application to be processed.
- 4.8 Appropriate door signs to be approved in line with the Council's Hackney Carriage and Private Hire Licensing Policy.

5. Consideration of applications

- 5.1 If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Licensing and Appeals Committee for a hearing in accordance with the Policy. Otherwise, Officers will grant the licence.

Appendix O Stretched Limousine Policy

1 *Definition of a stretched limousine*

1.1 For the purposes of this Policy and licence conditions a stretched limousine is defined as follows:

A stretched limousine is a motor vehicle that has undertaken a Ford Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section that is:

- Capable of carrying up to but not exceeding 8 passengers;
- Not a decommissioned military or emergency service vehicle; and
- Prior to the adoption of this Policy could not be licensed as a Private Hire Vehicle by this Authority.

2 *Additional requirements*

2.1 Except in exceptional circumstances, stretch limousines will only be licensed up to the age of 5 years from the date of manufacture, and in any event, this is subject to the production of relevant original documentation and a satisfactory vehicle inspection.

2.2 Only vehicles fitted with glass affording clear, unobstructed visibility into the vehicle passing by in the nearside lane, when the vehicle is viewed from the pavement shall be licensed by the Council.

Appendix P Executive vehicle requirements

- 1.1 For executive type vehicles, a proprietor can apply to obtain a plate exemption.
- 1.2 Proprietors of executive type vehicles licensed as Private Hire Vehicles, or Private Hire Vehicles used in special circumstances, may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates.
- 1.3 Executive vehicles remain licensed as Private Hire Vehicles and all journeys and contracts must be pre-booked through a licensed Operator, although such vehicles should be used solely to undertake prestige work and should not be despatched to customers in the ordinary way.
- 1.4 Proprietors wishing to obtain a plate exemption will be asked to book an initial assessment of their vehicle by the Licensing Service. This will allow Officers to inspect the vehicle and to give further advice on the plate exemption procedure.
- 1.5 At the Initial Assessment, Officers will decide whether or not the vehicle is deemed to be an executive type vehicle. If so, the Proprietor will be allowed to apply for a licence in the usual way.
- 1.6 If approved, the proprietor will be notified of the successful application and will be issued with the following:
 - i) An agreement letter detailing that the vehicle is exempt from displaying a Private Hire Plate. The agreement is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
 - ii) A windscreen sticker for display in the front windscreen of the vehicle denoting that the same information as a Private Hire Vehicle Plate.
 - iii) A Private Hire Vehicle Plate to be secured/ fixed into the boot of the vehicle.
- 1.7 If the exemption request is not approved, the Licensing Service will write to the applicant giving reasons as to why the application has been refused.
- 1.8 It is the responsibility of the proprietor, in line with the vehicle licence renewal, to make a renewal application for the plate exemption. There are no exceptions.
- 1.9 The conditions for plate exempt vehicles are:
 - i) Vehicles granted a plate exemption waiver shall be used only for executive type hirings and shall not be used for standard private hirings.
 - ii) The Operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing.
 - iii) The private hire identification disc issued by the Council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
 - iv) The rear vehicle licence plate shall be securely fixed within the boot of the vehicle in a manner which enables it to be easily inspected.

- v) The driver's badge shall be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vi) The Council's agreement to a plate exemption is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vii) The driver of a plate exempted vehicle shall wear professional business attire.
- viii) The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.
- ix) No alcoholic drink shall be sold or purchased in or from the vehicle.

Appendix Q Designated vehicles

The list of vehicles designated for the purposes of Section 165 of the Equality Act 2010 is maintained separately from this Policy and is available on the Council's website westlancs.gov.uk

Appendix R Hackney Carriage and Private Hire Vehicle Inspection Standards

INTRODUCTION

One of the principal aims of West Lancashire Borough Council's (the Council) licensing regime for Hackney Carriages (HC) and Private Hire Vehicles (PHV) is to protect the public. The public should have reasonable access to safe and well maintained HC and PHV, for example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

Under the Contract for the testing of HC and PHV, the Council holds a contractual relationship with nominated Vehicle Examiners to conduct inspections of HC and PHV. This standards document has been prepared to provide a technical guide for Vehicle Examiners when inspecting HC and PHV. All vehicles presented for inspection must comply with these standards.

This document does not establish a detailed inspection regime to create difficulties for the HC and PHV trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the contents of this document to be justified by the risks it aims to address.

SCOPE

These standards apply to all HC and PHV licensed by the Council. The contents of this document are derived from:

- The MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as amended) issued by the Vehicle and Operator Services Agency (VOSA) as the basic inspection standard for HC and PHV, which should be read in conjunction with this document.
- The specification and conditions for HC and PHV contained in the Council's Hackney Carriage and Private Hire Licensing Policy (the Policy) is based on the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

All licensed vehicles must meet the requirements of the MOT Inspection Manual and the items contained in this document.

Accordingly, this document details only those requirements the Council considers appropriate over and above the requirements of the MOT Inspection Manual derived from the above information. Vehicle Examiners and drivers should therefore read this document in conjunction with the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', (as amended), the Policy and the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network.

Vehicle Examiners and drivers should also be aware that in assessing a vehicle, it is possible that an item which would ordinarily pass an MOT test with an advisory note could fail the Council's HC & PHV test.

VEHICLE TESTING

As the term implies, HC and PHV are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

All HC and PHV are licensed for 12 months. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial', as amended and the more stringent requirements of this document. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the Vehicle Examiner the vehicle has not been fully prepared, the test will be terminated and a further full test could be required. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. HC & PHV drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.

SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENCED

The legislation gives the Council a wide range of discretion over the types of vehicle that it can licence as HC or PHVs. Vehicle Examiners will be aware that the Council specifies that HC must be a purpose-built vehicle. With regard to PHV, the Council adopts the principle of specifying as many different types of vehicles as possible, so long as the vehicle meets the specification contained in the Policy. Such requirements are detailed in this document and are derived from the specification and conditions for HC and PHVs contained in the Policy.

ACCESSIBILITY

In addition to the general conditions, these standards consider accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) when using vehicles the Council licences as a HC. The Council's requirements are detailed in the Policy and form part of this document.

TYPE APPROVAL

It may be that from time to time the Council will be asked to licence, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

European Whole Vehicle Type approval;
British National Type approval; or

British Single Vehicle Approval (before 29 April 2009) or:
Individual Vehicle Approval (from 29 April 2009)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at: dft.gov.uk

Further information is available from the Licensing Service westlancs.gov.uk/licensing

LAMPS, REFLECTORS & ELECTRICAL EQUIPMENT

Front and Rear Position Lamps and Registration Plate Lamps

Method of Inspection	Reason for rejection
No additional requirements.	

Stop lamps

Method of Inspection	Reason for rejection
No additional requirements.	

Rear fog lamps

Method of Inspection	Reason for rejection
No additional requirements.	

Direction Indicators and Hazard Warning Lamps

Method of Inspection	Reason for rejection
No additional requirements.	

Rear reflectors

Method of Inspection	Reason for rejection
No additional requirements.	

Audible Warning (Horn)

Method of Inspection	Reason for rejection
No additional requirements.	

Headlamps

Method of Inspection	Reason for rejection
No additional requirements.	

Headlamp aim

Method of Inspection	Reason for rejection
No additional requirements.	

Electrical Wiring and Battery

Method of Inspection	Reason for rejection
No additional requirements.	

STEERING & SUSPENSION

Steering control

Method of Inspection	Reason for rejection
1. Check vehicle is right hand drive and has been since date of first registration.	1. Vehicle is not right hand drive and/or has been changed from left hand drive since first registration.

Steering system

Method of Inspection	Reason for rejection
No additional requirements.	

Power steering

Method of Inspection	Reason for rejection
No additional requirements.	

Suspension – general

Method of Inspection	Reason for rejection
No additional requirements.	

Front Suspension Front Wheel Bearings and Drive Shafts

Method of Inspection	Reason for rejection
No additional requirements.	

Rear Suspension and Wheel Bearings

Method of Inspection	Reason for rejection
No additional requirements.	

Shock absorbers

Method of Inspection	Reason for rejection
No additional requirements.	

BRAKES

Parking brake control

Method of Inspection	Reason for rejection
No additional requirements.	

Hand operated brake control valves

Method of Inspection	Reason for rejection
No additional requirements.	

Service brake control

Method of Inspection	Reason for rejection
No additional requirements.	

Anti-Lock Braking and Electronic Stability Control Systems

Method of Inspection	Reason for rejection
No additional requirements.	

Mechanical brake components

Method of Inspection	Reason for rejection
No additional requirements.	

Braking Systems and Additional Braking Devices

Method of Inspection	Reason for rejection
No additional requirements.	

Brake performance testing

Method of Inspection	Reason for rejection
No additional requirements.	

Brake Performance (Decelerometer Test)

Method of Inspection	Reason for rejection
No additional requirements.	

Brake Performance (Plate Brake Test)

Method of Inspection	Reason for rejection
No additional requirements.	

Brake Performance (Gradient Test)

Method of Inspection	Reason for rejection
No additional requirements.	

TYRES AND ROAD WHEELS

Tyres (Structure)

Method of Inspection	Reason for rejection
No additional requirements.	

Load Index and Speed Rating (Class 5 & 7 Only)

Method of Inspection	Reason for rejection
No additional requirements.	

Tyres (Restricted Speed Vehicles – Class 5 Only)

Method of Inspection	Reason for rejection
No additional requirements.	

Tyres (Condition)

Method of Inspection	Reason for rejection
No additional requirements.	

Tyres (tread pattern, breadth and depth)

Method of Inspection	Reason for rejection
No additional requirements.	

Road wheels

Method of Inspection	Reason for rejection
No additional requirements.	

Road wheels additional checks

Method of Inspection	Reason for rejection
No additional requirements.	

SEAT BELTS & SUPPLEMENTARY RESTRAINT SYSTEMS (SRS)

Seat Belt Requirements: Fitment

Method of Inspection	Reason for rejection
No additional requirements.	

Seat belt condition

Method of Inspection	Reason for rejection
No additional requirements.	

Seat belt installation check

Method of Inspection	Reason for rejection
No additional requirements.	

Supplementary Restraint Systems (SRS)

Method of Inspection	Reason for rejection
No additional requirements.	

BODY, STRUCTURE AND GENERAL ITEMS

Vehicle structure, body and general items

Method of Inspection	Reason for rejection
<p>A. Vehicle Structure No additional requirements.</p> <p>B. Body Security (applies to vehicles with separate bodies only) No additional requirements.</p> <p>C. Body Condition</p> <ol style="list-style-type: none"> 1. Check vehicle is presented in a clean and tidy condition. 2. Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury. <p>Note: Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.</p>	<ol style="list-style-type: none"> 1. Vehicle is presented in a dirty and untidy condition. 2. <ol style="list-style-type: none"> a. An insecure or missing body panel, trim, step or accessory. b. Any sharp edge whatsoever which may cause injury. c. Heavy scuffing, abrasions or deformation to front and rear bumper. d. All body panels should be in good, clean condition with no broken, untreated paintwork so as not to detract from the overall appearance of the vehicle. e. A single dent of more than 80mm width in any one panel. f. Dull, faded paintwork which has lost its uniform finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle. g. Evidence of poor repairs and or paint finish to a repaired panel(s) including significant runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle. h. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p>D. Engine Mountings No additional requirements.</p> <p>E. Steps and Stairs (Class 5 only) No additional requirements.</p> <p>F. Running boards and steps</p> <p>1. If fitted, check running boards are safe and suitable.</p> <p>Hackney Carriages only</p> <p>2. If fitted, measure the running board to ensure a minimum 125mm in width, all of which shall be available as a step.</p> <p>3. Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards, check that a moveable intermediate step is provided at each entrance into the passenger compartment.</p> <p>Note: The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.</p> <p>4. If fitted, check that electrically operated steps are operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.</p> <p>5. Check that any step is covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.</p>	<p>1. If fitted, running boards are not safe and suitable.</p> <p>2. If fitted, running board is less than 125mm width, all of which shall be available as a step.</p> <p>3. Where required, moveable intermediate step is not provided at each entrance to the passenger compartment.</p> <p>4. If fitted, electrically operated steps are not operated from within the driver's compartment and/or do not have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.</p> <p>5. Any step is not fitted with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.</p>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p>G. Driver's compartment <u>Hackney Carriages only</u></p> <p>1. Check that the driver's compartment is separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved notices for the benefit of passengers. Note: This shall not apply to a manufacturer fitted front seat, which has received prior approval from the Council.</p> <p>2. Check driver's compartment allows adequate room and allows the driver to easily reach and quickly operate the controls, and give hand signals on the offside of the vehicle.</p> <p>3. Check controls are so placed as to allow reasonable access to the driver's seat and, when centrally placed, are properly protected from contact with luggage.</p> <p>4. Check that a serviceable device for demisting the windscreen is fitted.</p> <p>5. Where fitted, an intercom type system should permit the driver and passenger(s) to communicate verbally.</p> <p>6. Check that a suitable sliding window, or similar device, is fitted in the screen to the driver's compartment.</p> <p>7. Check that space is provided on the nearside of the driver compartment for the carriage of luggage. Note: Access to this luggage space shall be by way of the nearside front door. The nearside front door shall be locked and only be capable of being unlocked, from either inside or outside the vehicle by the driver.</p>	<p>1.</p> <p>a. Driver's compartment is not separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved notices for the benefit of passengers.</p> <p>b. Driver's compartment is a 'mesh type' screen</p> <p>2. Driver's compartment does not allow adequate room and allows the driver to easily reach and quickly operate the controls, and give hand signals on the offside of the vehicle.</p> <p>3. Controls are not so placed as to allow reasonable access to the driver's seat and, when centrally placed, are properly protected from contact with luggage.</p> <p>4. A serviceable device for demisting the windscreen is not fitted.</p> <p>5. Where fitted, an intercom type system does not permit the driver and passenger(s) to communicate verbally.</p> <p>6. Vehicle is not provided with a suitable sliding window, or similar device, is fitted in the screen to the driver's compartment.</p> <p>7. Space is not provided on the nearside of the driver compartment for the carriage of luggage.</p>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p>H. Passenger compartment <u>Hackney Carriages only</u></p> <ol style="list-style-type: none"> 1. Measure the vertical distance between the highest part of the floor and the roof to ensure this is not less than 1300 mm. 2. Check that suitable provision is made for the seating of not less than 4 and not more than 8 passengers. Note: The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to in this document. 3. Check that there are no steps within the passenger compartment. 4. Measure the clear height of the doorway to ensure this is not less than 1200 mm. 5. Check the nearside door and doorway is so constructed to permit an unrestricted opening across the centre of the doorway of at least 740 mm. 6. Check that grab handles are fitted at door entrances, to aid passenger ingress to and egress from the vehicle. These should be of a high visibility colour different from the interior colour scheme of the vehicle. 7. Check the outer edge of the floor at each entrance is fitted with non-slip treads. 8. Check the top tread for any entrance is at floor level of the passenger compartment and (except as detailed in F.3 above) shall not exceed 460 mm above ground level when the vehicle is un-laden. 	<ol style="list-style-type: none"> 1. The vertical distance between the highest part of the floor and the roof is less than 1300 mm. 2. Suitable provision is not made for the seating of not less than 4 and not more than 8 passengers. 3. Steps are present within the passenger compartment. 4. The clear height of the doorway is less than 1200 mm. 5. The nearside door and doorway is not so constructed to permit an unrestricted opening across the centre of the doorway of at least 740 mm. 6. Grab handles are not fitted at door entrances, to aid passenger ingress to and egress from the vehicle / grab handles are not a high visibility colour different from the interior colour scheme of the vehicle. 7. The outer edge of the floor at each entrance is not fitted with non-slip treads. 8. The top tread for any entrance is not at floor level of the passenger compartment and (except as detailed in F.3 above) exceeds 460 mm above ground level when the vehicle is un-laden.

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p>H. Passenger compartment continued <u>Hackney Carriages only</u></p> <p>9. Check that the minimum angle of the door when opened is 90 degrees.</p> <p>10. Check the floor of the passenger compartment is covered with non-slip material, which can easily be cleaned.</p> <p>11. Check all parts of the passenger compartment are clean and free of any damage, which may affect its suitability for the carriage of passengers.</p>	<p>9. The minimum angle of the door when opened is less than 90 degrees.</p> <p>10. The floor of the passenger compartment is not covered with non-slip material, which can easily be cleaned.</p> <p>11. All parts of the passenger compartment are not clean and free of any damage, which may affect its suitability for the carriage of passengers.</p>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p>1. Interior</p> <ol style="list-style-type: none"> 1. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories. 2. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear. 3. Examine interior lights, motion door locks and warning lights. 4. Examine heating and ventilation systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters). 5. Examine all windows ensuring they are operational and allow lowering and rising easily. 6. Examine interior door locks, grab handles/rails safety covers. 7. Examine grills/partitions for security and condition. 8. Examine electrical wiring for condition, security, including intercom systems. 9. Examine the boot for access, contents, cleanliness, and water ingress. 	<ol style="list-style-type: none"> 1. Insecure and loose fixtures, fittings or accessories. 2. Missing, heavily soiled, stained, worn or insecure trim, carpets, headlining, and mats or any of the aforementioned not repaired in a uniform manner to match existing colour and/or material. 3. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated. 4. A system(s), which does not function correctly, or any part is missing including vents, controls and switches. 5. An opening window that is inoperative or requires unreasonable force to open and or close mechanism broken/missing. 6. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess. 7. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver. 8. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing. 9. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot &/or carpets, loose items stored in boot (i.e. spare wheel tools & equipment etc.)

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p>10. Check 'No Smoking' signs displayed.</p> <p><u>Luggage / load space</u></p> <p>11. Physical separation is not so much an issue as is the safety of passengers in the event of an accident. In most cases, the boot space will provide suitable luggage storage. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p> <p><u>Private Hire Only</u></p> <p>12. Measure available legroom in rear and front passenger seats to ensure minimum available legroom is 200mm. Note: rear legroom to be measured from base of the driver seat in front when the driver seat is positioned in the driver's normal seated position. The front passenger seat to be able to be positioned to provide minimum legroom of 200mm to any passenger. Where there is no seat in front of the rear seats, the measurement will be taken from the base of the rear seat to the nearest obstruction in front.</p> <p>13. Measure the internal headroom from the seat cushion to the lowest part of the roof in a vertical line to ensure a minimum of 889mm.</p> <p><u>Hackney Carriages only</u></p> <p>14. Check adequate lighting is provided for the driver and passengers. Note: Separate lighting controls for both passenger and driver shall be provided. In the case of the passenger compartment, an illuminated control switch shall be fitted, marked and in such a position that it is clearly visible to the passengers and is not easily confused with any other control.</p>	<p>10. Lack of clearly displayed or omission of 'No Smoking' signs. Signs must be visible to all passengers.</p> <p>11. If fitted and required, load restraint system:</p> <ul style="list-style-type: none"> • Not present at time of test. • Faulty or unserviceable. <p>12. Available passenger legroom is less than 200mm in the front and/or rear of the vehicle.</p> <p>13. Available headroom is less than 889mm.</p> <p>14. Adequate lighting is not provided for the driver and/or passengers.</p>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p><u>Limousines and novelty vehicles</u></p> <p>15. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc. must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>16. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p> <p>J. 'For Hire' roof sign <u>Hackney Carriages only</u></p> <p>1. Check the vehicle is fitted with an operational 'For Hire' roof sign that is:</p> <ol style="list-style-type: none"> Of the correct style and type Securely fastened to the vehicle Adequately and securely wired Functional 	<p>15. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>16. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers.</p> <p>1.</p> <ol style="list-style-type: none"> Incorrect colour or details shown on sign Insecure sign Wiring is not in good condition and/or is loose and/or chuffed Illumination not consistent across the sign i.e. all lamps/LEDs are illuminated when switched on.

Seats and Doors

Method of Inspection	Reason for rejection
<p>A. Seats</p> <p>1. Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</p> <p>2. Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</p> <p>3. Check that seats are secure, clean and not unduly worn.</p>	<p>1.</p> <p>a. A door or emergency exit does not latch securely in the closed position.</p> <p>b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case.</p> <p>c. Missing, loose or worn handles, lock or striker plate.</p> <p>2.</p> <p>a. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</p> <p>b. Missing, loose or damaged trim/cover plate.</p> <p>3. Seat cushion(s) stained, torn, significantly holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</p>

Seat and Doors: continued

Method of Inspection	Reason for rejection
<p>Private Hire only</p> <p>4. Check vehicle has a passenger seating capacity of not less than 4 persons and not more than 8 persons.</p> <p>5. Check each seat is not be less than 406mm in width.</p> <p>6. Where bench seats are provided, check the seat shall provide a minimum of 406mm seating space for each passenger Note: i.e. a rear bench seat shall not be less than 1218mm in order to accommodate 3 passengers.</p> <p>7. Check that the seating configuration of the vehicle is as its factory manufactured state. Note: Any amendments to seating configuration can only be made with the permission of the Licensing Service.</p> <p>8. Check each row of seats has door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:</p> <ul style="list-style-type: none"> a. Check all seats are fixed and permanent (i.e. not flexible configuration seating designed for family use); b. Check that at least one principal means of access/egress is provided from the main passenger compartment which is immediately adjacent to a door; c. Where additional secondary means of access/egress are fitted from the main passenger compartment, check these are clearly identified as such for use in cases of emergency; d. Check that a break glass hammer is fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and are clearly labelled "EMERGENCY EXIT – break glass with hammer". 	<p>4. Vehicle has a passenger seating capacity of less than 4 persons or more than 8 persons.</p> <p>5. Each seat is less than 406mm in width.</p> <p>6. Where bench seats are provided, the seat does not provide a minimum of 406mm seating space for each passenger.</p> <p>7. Unless exemption provided, the seating configuration of the vehicle is not as its factory manufactured state.</p> <p>8. Each row of seats does not have door access immediately adjacent to it.</p> <ul style="list-style-type: none"> a. All seats are not fixed and permanent (i.e. not flexible configuration seating designed for family use); b. At least one principal means of access/egress is not provided from the main passenger compartment which is immediately adjacent to a door; c. Where additional secondary means of access/egress are fitted from the main passenger compartment, these are not clearly identified as such for use in cases of emergency; d. A break glass hammer is not fitted to the rear windows and/or are not clearly labelled "EMERGENCY EXIT – break glass with hammer".

Seat and Doors: continued

Method of Inspection	Reason for rejection
<p><u>Hackney Carriages only</u></p> <p>9. Check occasional seats are at least 400mm in width and that the minimum distance from the back of the upholstery to the front edge of the seat is 355 mm.</p> <p>10. Check occasional seats are so arranged as to rise automatically when not in use.</p> <p>11. Check occasional and fixed seats, when not in use, do not obstruct doorways.</p> <p>12. Where the rear seat is a bench type, check the overall width of the seat is not less than 1190 mm.</p> <p>13. Where seat covers are used, check these are properly affixed to the seat so as not to become loose during use. Check they are clean and devoid of damage of any kind.</p>	<p>9. Occasional seats are not at least 400mm in width and/or the minimum distance from the back of the upholstery to the front edge of the seat is less than 355 mm.</p> <p>10. Occasional seats are not so arranged as to rise automatically when not in use.</p> <p>11. Occasional and fixed seats, when not in use, do obstruct doorways.</p> <p>12. Where the rear seat is a bench type, the overall width of the seat is less than 1190 mm.</p> <p>13. Where seat covers are used, these are not properly affixed to the seat so as not to become loose during use and/or are unclean and/or damaged.</p>

Seat and Doors: continued

Method of Inspection	Reason for rejection
<p>B. Doors</p> <p>1. Interior door handles are clearly visible and easily accessible to passengers when the door is in a fully open position.</p> <p>Private Hire only</p> <p>2. Check vehicle has minimum of 4 side opening doors, which open sufficiently wide and are easily accessible to passengers without the need to move or adjust any seats etc., to gain access to them. Access to and from vehicles such as minibuses will be determined by the Licensing Service.</p> <p>Hackney Carriages only</p> <p>3. Check an approved type of automatic door locking device is fitted to passenger doors. Note: When the vehicle is stationary the passenger doors shall be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. The interior door handle shall be clearly identified, to prevent it being mistaken for any other control.</p>	<p>1. Interior door handles are not clearly visible and easily accessible to passengers when the door is in a fully open position.</p> <p>2. Vehicle does not have a minimum of 4 side opening doors which open sufficiently wide and provides easy access to passengers without the need to move or adjust any seats etc.</p> <p>3. An approved type of automatic door locking device is not fitted to passenger doors.</p>

Registration plates

Method of Inspection	Reason for rejection
No additional requirements.	

Vehicle identification number

Method of Inspection	Reason for rejection
No additional requirements.	

Load Security, Spare Wheel and Carrier

Method of Inspection	Reason for rejection
<p>Spare Wheel and Carrier</p> <p>1. Where fitted, spare wheels and tyres should conform to the construction and use regulations. The vehicle should be fitted with either:</p> <p>a. a full size spare wheel and tyre that is of the same standard and size as the existing road wheels and tyres, <u>unless</u> otherwise supplied by the manufacturer for temporary use only as a spare wheel; or</p> <p>b. Space saver wheel and tyre which is appropriate for the vehicle, permitted for temporary use and clearly marked with a maximum speed limit.</p> <p>c. Exception: where the vehicle is manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply, but the vehicle must carry suitable tyre sealant (or similar) and air pump.</p> <p>2. Check the vehicle is provided with a suitable wheel brace and jack except where a spare wheel is not required. Note: vehicles fitted with run flat tyres must also be fitted with a tyre pressure sensor / warning device.</p>	<p>1.</p> <p>a. No full size spare wheel and tyre provided. Spare wheel and tyre does not comply with construction and use regulations and/or is not of the same standard and size as the existing road wheels and tyres, unless otherwise supplied by the manufacturer for temporary use only as a spare wheel.</p> <p>b. No space saver wheel and tyre provided or space saver wheel and tyre does not comply with construction and use regulations and/or is not appropriate for the vehicle and/or is not permitted for temporary use and/or clearly marked with a maximum speed limit. Vehicle is presented for test with space saver spare wheel fitted as a road wheel.</p> <p>c. Suitable tyre sealant (or similar) and air pump not provided.</p> <p>2.</p> <p>a. No suitable wheel brace and jack provided except where a spare wheel is not required.</p> <p>b. Vehicle fitted with run flat tyres, but not fitted with a tyre pressure sensor / warning device.</p>

Speed limiter plate

Method of Inspection	Reason for rejection
No additional requirements.	

Speed Limiter

Method of Inspection	Reason for rejection
No additional requirements.	

Towbars

Method of Inspection	Reason for rejection
No additional requirements.	

Speedometer

Method of Inspection	Reason for rejection
No additional requirements.	

Driving controls

Method of Inspection	Reason for rejection
No additional requirements.	

Glazing

Method of Inspection	Reason for rejection
<ol style="list-style-type: none">1. Check opening windows are provided in the rear of the vehicle capable of being opened by the rear seat passengers.2. Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. Check vehicle is fitted with windscreen glass that has a light transmittance of 75%, and all other window glass have a light transmittance of not less than 70%. Note: For rear doors, this requirement will apply to the main window in the rear door. It does not apply to those parts of the rear window or any other side windows adjacent to the luggage space in the vehicle which can be of any tint fitted at manufacture providing it is not opaque. No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.3. Check a serviceable device for demisting the rear window is fitted.	<ol style="list-style-type: none">1. Opening windows are not provided in the rear of the vehicle capable of being opened by the rear seat passengers.2. Vehicle is not fitted with windscreen glass that has a light transmittance of 75% and any other window glass has a light transmittance of less than 70%.3. A serviceable device for demisting the rear window is not fitted.

Exhaust System

Method of Inspection	Reason for rejection
No additional requirements.	

Fuel System

Method of Inspection	Reason for rejection
No additional requirements.	

Exhaust emissions – spark ignition – general

Method of Inspection	Reason for rejection
No additional requirements.	

Exhaust emissions – spark ignition – non CAT test

Method of Inspection	Reason for rejection
No additional requirements.	

Exhaust emissions – spark ignition – BET test

Method of Inspection	Reason for rejection
No additional requirements.	

Exhaust Emissions - Spark Ignition – CAT Test

Method of Inspection	Reason for rejection
No additional requirements.	

Exhaust emissions – compression ignition

Method of Inspection	Reason for rejection
No additional requirements.	

View to rear

Method of Inspection	Reason for rejection
No additional requirements.	

Wipers and washers

Method of Inspection	Reason for rejection
No additional requirements.	

Windscreen

Method of Inspection	Reason for rejection
No additional requirements.	

Bonnet

Method of Inspection	Reason for rejection
No additional requirements.	

Facilities for wheelchair users

Method of Inspection	Reason for rejection
<p><u>Door configurations for wheelchair accessible vehicles</u></p> <ol style="list-style-type: none"> 1. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place. 2. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required. <p><u>Wheelchair restraint and access equipment (where fitted)</u></p> <ol style="list-style-type: none"> 3. Where applicable check condition and operation of wheelchair restraint. 4. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. 5. A vehicle shall be fitted with either of the following forms of wheelchair access equipment: <p><u>Ramps</u></p> <ol style="list-style-type: none"> a. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering. <p><u>Wheelchair lift</u></p> <ol style="list-style-type: none"> b. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue. <p>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.</p>	<ol style="list-style-type: none"> 1. Door does not open to a full 90 degrees and cannot be secured in the open position. 2. Twin doors do not open to a full 180 degrees and cannot be secured in the open position 3. A wheelchair restraint is defective, worn or missing. 4. Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC). 5. <ol style="list-style-type: none"> a. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing. b. Vehicle not presented with a valid or current LOLER certificate.

Facilities for wheelchair users: continued

Method of Inspection	Reason for rejection
<p>6. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109.</p>	<p>6. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p>
<p>7. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p>	<p>7. Wheelchair access equipment is fitted to the off- side access door of the vehicle.</p>
<p>8. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</p>	<p>8. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p>
<p>9. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p>	<p>9. No evidence of a suitable locking mechanism to hold the door open.</p>
<p>10. All wheelchair tracking must be fit for purpose and structurally sound.</p>	<p>10. Damaged or insecure tracking or detritus deposits within the tracking rails</p>
<p>Further information on disabled people's transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) dptac.gov.uk</p>	

CCTV

Method of Inspection	Reason for rejection
<p>1. If such devices are fitted, check adequate signage is displayed in the passenger compartment advising passengers that they are being monitored / recorded.</p> <p>2. Check any such equipment is maintained in working order, fitted overtly and in such a way as not to present any danger or hazard to any passenger. Note: It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.</p>	<p>1. If such devices are fitted, adequate signage is not displayed in the passenger compartment advising passengers that they are being monitored / recorded.</p> <p>2. Any such equipment is not maintained in working order, fitted overtly and in such a way as not to present any danger or hazard to any passenger.</p>

Stretch limousines (novelty vehicles)

Method of Inspection	Reason for rejection
<p>Vehicle Identification Number (VIN)</p> <p>1. Vehicle Identification Number (VIN), should be checked to ensure it complies with the guidance as follows:</p> <ul style="list-style-type: none"> • For vehicles constructed from 1998 onwards the VIN should begin with ILI; • Pre 1998 vehicles (not recommended for licensing as Private Hire Vehicles) VIN should begin with ILM; • If a VIN begins with ILN or anything other, then this is likely to be a non-approved ('cut-and-shut') modification. <p>Seating Capacity</p> <p>2. It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.</p> <p>Undue Stresses</p> <p>3. Vehicle Examiners should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.</p>	<p>1. Inappropriate VIN markings displayed or no VIN markings present.</p> <p>2. If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).</p> <p>3. Tolerances and wear should be as defined in the MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as updated) as follows:</p> <ul style="list-style-type: none"> • Steering suspension • Brakes • Tyres

STRETCHED LIMOUSINES - TYRES

In the case of American imported stretched limousines, vehicle Examiners will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also.

In approved 'stretch' limousine conversions, the maximum weight is approximately 7,100lbs (3.2tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107 T, which gives a load rating of 2,149 lbs. (975 kg.) with a maximum speed of 118 miles per hour.

More information, guidance and the procurement of suitable tyres can be obtained from:

- North Hants Tyres & Wheels, Henry John House, 2 Ivy Road, Aldershot GU12 4TX Tel: 01252 318666

- National Limousine & Chauffeur Association on: www.nlca.co.uk

PASSENGER NOTICES

Driver Declaration

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that vehicles with side facing seats will never be used to carry passengers less than 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.

i. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

ii. Further notices should be displayed inside the vehicle, where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.



West Lancashire Borough Council

LICENSING SERVICE, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, LANCASHIRE WN8 8EE
Tel: 01695 577177 email: licensing.enquiries@westlancs.gov.uk

Hackney Carriage & Private Hire Licensing

Convictions Policy - Determination of the Suitability of Applicants and Licensees

1.0 Introduction

- 1.1 This document should be read in conjunction with the Council's Hackney Carriage and Private Hire Licensing Policy (the Policy).
- 1.2 The overriding aim of the Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Private Hire Operators is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the Authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications¹⁹. It is the final part of the process of an application when the decision is made, whether by the Council's Licensing and Appeals Committee or an Officer [under appropriate delegation]. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This document therefore follows current available national guidance. The Authority also participates in National Anti-Fraud Network (NAFN) database of refusals and revocations of Hackney Carriage and Private Hire licences.
- 1.6 This document is intended to outline the approach the Authority will take when determining suitability, taking into account the character of the applicant or licensee. Each case will be determined in its merits. The Authority can depart from this document and the Policy, but it will give full justification for doing so. This will normally happen where the Authority considers that there are exceptional circumstances which warrant a different decision.

¹⁹ Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

1.7 Section 2 explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. This information is therefore provided to demonstrate the context and justification of the Authority's approach. Given the important function of licensing to protect the public, any bar should be set at a level which is reasonable, albeit subject to the exercise of discretion as is set out in Paragraph 1.6 and Sections 3 and 4.

1.8 All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy or this document as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight will be given to the evidence provided.

2.0 Offenders and Offending - an overview

2.1 The aim of the Authority in licensing the Hackney Carriage and Private Hire trades is to protect the public.²⁰ Accordingly, public protection is at the forefront of the Authority's approach when determining whether an individual is considered a "fit and proper person" to hold a licence.

2.2 This Section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.

2.3 The licensing process places a duty on the Authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the Authority considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is public protection. This includes assessing the risk of reoffending and harm²¹. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. The Authority is not always privy to this information, so it is important when it makes decisions

²⁰ DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

²¹ Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

around suitability that it has an understanding of offending behaviour and risk of re-offending in generic terms.

- 2.6 Flaud²² noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place²³.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future²⁴. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%²⁵. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences²⁶.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity²⁷. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population²⁸. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

The risk of re-offending

- 2.11 The tendency of a convicted criminal to reoffend and increases in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of

²² Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

²³ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

²⁴ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

²⁵ Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

²⁶ Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

²⁷ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

²⁸ 11 Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

criminogenic needs. This has been described by the National Offender Management Service as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time"²⁹.

- 2.12 Kurlychek, 2007 in her study noted that "a person who has offended in the past has been found to have a high probability of future offending, but this risk of a convicted criminal reoffending is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age"³⁰.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over³¹. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships³². Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males³³.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist³⁴. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance³⁵. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that "individuals who have offended in the distant past seem less likely to reoffend than individuals who have offended in the recent past"³⁰.
- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual's previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change. This can be a long process that can only be achieved over time.

²⁹ National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

³⁰ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

³¹ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

³² Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

³³ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatstone: Essex.

³⁴ Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

³⁵ Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3rd Edition. Oxford: Oxford University Press.

3.0 Overview of Taxi Licensing

- 3.1 The Authority's requirements for licence holders are provided in the Policy. This Section of this document is provided to demonstrate context and justification of the Authority's approach.
- 3.2 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the Department for Transport (DfT) "*Taxi and Private Hire Licensing – Best Practice Guide*" para 8 which states:
- "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: Hackney Carriage vehicle; Private Hire Vehicle; Hackney Carriage driver; Private Hire driver and Private Hire Operator. In relation to all these licences, the Authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.5 Drivers and operators cannot be granted a licence unless the Authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators). There are no statutory criteria for vehicle licences; therefore, the Authority has an absolute discretion.
- 3.6 In each case, the Authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.

Taxi Drivers

- 3.7 The term "taxi driver" encompasses two different occupations: Hackney Carriage drivers and Private Hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both Hackney Carriage and Private Hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and the Authority, like many authorities, grant a "dual" licence to cover driving both types of vehicle.
- 3.8 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, and be a "fit and proper" person³⁶. The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

³⁶ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and Section 59(1) covers hackney carriage drivers.

- 3.9 An applicant must also have the right to remain, and work in the UK³⁷. Again, this is ultimately a question of fact and the Policy contains requirements that are consistent with the guidance issued by the Home Office.
- 3.10 However, the issue of "fit and proper" can cause difficulty. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*³⁸. Silber J said
- "... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."
- 3.11 This is reflected in the test used by the Authority:
- "Would you (as a member of the Licensing and Appeals Committee or other person charged with the ability to grant a Hackney Carriage / Private Hire driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"³⁹
- 3.12 The Authority supports the expression "safe and suitable" person to hold a driver's licence as a good interpretation, which neither adds nor removes anything from the original term of "fit and proper" but brings the concept up to date.
- 3.13 In exercising this duty, the Authority has the power to require an applicant to provide:
- "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence."⁴⁰
- 3.14 This "information" can include any pre-conditions or tests that they consider necessary.
- 3.15 The Authority's requirements for such "information" are stated in the Policy. The provision of this information aims to satisfy the Authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.
- 3.16 Both Hackney Carriage and Private Hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions

³⁷ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

³⁸ [2002] EWHC 1145 (Admin), [2003] RTR 199

³⁹ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

⁴⁰ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared⁴¹) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker⁴².

- 3.17 All Applicants/Licensees are required to obtain an Enhanced DBS Certificate with Barred Lists checks⁴³ and to provide this to the Authority. All Licensees are also required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.
- 3.18 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period is also required.
- 3.19 The Policy contains a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability⁴⁴.
- 3.20 The character of the driver in its entirety is the paramount consideration when considering whether they should be licensed. It is important to recognise that the Authority is not imposing any additional punishment in relation to previous convictions or behaviour. It is using all the information that is available to it to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.21 It is important to note that Case Law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account⁴⁵.
- 3.22 Issues that were committed when the driver was not driving a taxi or did not hold a licence are deemed relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 3.23 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

⁴¹ "Protected convictions" and "protected cautions" are single, minor and elderly matters that do not appear on any DBS Certificates.

⁴² See *Adamson v Waveney District Council* [1997] 2 All ER 898

⁴³ "For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children's Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2" DBS email 31st August 2017.

⁴⁴ As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

⁴⁵ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar*[2011] EWHC 2943 (Admin)

- 3.24 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the Authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.25 The Authority recognises that the vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However, the Authority also recognises the need to support the travelling public's confidence in the trade as a whole. Accordingly, all decisions made by the Authority whether to grant or refuse an application, or to suspend or revoke any licence will be accompanied by clear and compelling reasons. Any departure from the Policy, including this document, will be in exceptional circumstances and the justifiable reasons provided.

Private Hire Operators

- 3.26 A Private Hire Operator is the person who takes a booking for a Private Hire Vehicle, and then dispatches this vehicle driven by a licensed Private Hire driver to fulfil that booking. All three licences (operator, driver and vehicle) must have been granted by the same authority⁴⁶. The Authority cannot grant a Private Hire Operator licence unless the applicant has the right to work in the UK and is a fit and proper person⁴⁷.
- 3.27 As with taxi drivers, the role of the Private Hire Operator goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the Private Hire Operator will obtain significant amounts of personal information. It is therefore vital that a Private Hire Operator is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney Carriages can also be pre-booked, but the Authority it should be noted that where that booking is made by anybody other than a Hackney Carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.28 Spent convictions can be taken into account when determining suitability for a licence, but the Authority can only ask the applicant (or licensee on renewal) to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.29 Nevertheless, this gives the Authority a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee. Accordingly, the Policy contains the Authority's requirements as to the test of fitness and propriety for Private Hire Operators. It also adopts a suitable variation on the test for drivers:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the

⁴⁶ See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

⁴⁷ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"⁴⁸

- 3.30 There is a further point to consider in relation to Private Hire Operators and that concerns the staff used on the telephones, radios etc. Accordingly, the Authority imposes a condition on Private Hire Operators requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are safe and suitable people to undertake that task and retain that information to demonstrate that compliance to the Authority. Any failure on the part of the Private Hire Operator to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the Private Hire Operator.

Vehicle Proprietors

- 3.31 Similar considerations apply to the Vehicle Proprietors, both Hackney Carriage and Private Hire (referred to generically as "taxis"). Although the Vehicle Proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.32 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide [and the Authority has seen evidence of] a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.33 In relation to both Hackney Carriages and Private Hire Vehicles, the Authority has an absolute discretion over granting the licence⁴⁹. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.34 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for Private Hire Operators. Accordingly, the Policy contains requirements for Vehicle Proprietors – Basic Disclosure and Barring Service check, statutory declaration and consideration of spent convictions. It also adopts a suitable variation on the test for drivers:

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"⁵⁰

⁴⁸ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

⁴⁹ Section 37 of the 1847 Act in relation to hackney carriages; Section 48 of the 1976 Act to private hire vehicles.

⁵⁰ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

4.0 Determination of applications and licence holders

4.1 General

4.1.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level. It is therefore important that each case is determined on its merits.

4.1.2 Many members of the Borough use, and even rely on, Hackney Carriages and Private Hire Vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.1.3 Ideally, all those involved in the Hackney Carriage and Private Hire trades (Hackney Carriage and Private Hire drivers, Hackney Carriage and Private Hire Vehicle owners and Private Hire Operators) would be persons of the highest integrity. The vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.1.4 This Section of this document will set out the Authority's approach to determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

4.2 Pre-application requirements

4.2.1 The Authority's pre-application requirements for all relevant licences are contained in the Policy. In relation to each of these licences, the Authority has discretion as to whether or not to grant the licence. Drivers and operators cannot be granted a licence unless the Authority is satisfied that they are a "fit and proper person" to hold that licence⁵¹.

4.2.2 There are no statutory criteria for vehicle licences, therefore the Authority has an absolute discretion over whether to grant either a Hackney Carriage or Private Hire proprietor's licence. "Fit and proper" means that the individual (or in the case of a Private Hire Operator's licence, the limited company together with its directors and secretary, or all members of a partnership⁵²) is "safe and suitable" to hold the licence.

⁵¹ Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators

⁵² Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

4.3 Safety and suitability

- 4.3.1 In determining safety and suitability the Authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the Hackney Carriage or Private Hire trade. 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.
- 4.3.2 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction⁵³. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁵⁴.
- 4.3.3 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 Authority. This would also include intelligence received from other agencies that has not resulted in a criminal conviction, caution or other disposal. In addition, complaints where there was no police involvement will also be considered, as will non-compliance with licence conditions. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.3.4 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Authority to decide what action to take in the light of these guidelines.
- 4.3.5 In all cases, the Authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of the Policy and this document.
- 4.3.6 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.
- 4.3.7 As the Authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

⁵³ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁵⁴ 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.

- 4.3.8 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.3.9 The Authority understands that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 4.3.10 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Authority has powers to take action against the holder of all types of licence and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will normally lead to that licence being revoked.
- 4.3.11 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) will normally result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.3.12 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.
- 4.3.13 Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a "fit and proper" person to hold a licence. However, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will normally not be granted or renewed.
- 4.3.14 Where an applicant/licensee is convicted of an offence which is not detailed in this document, the Authority will take that conviction into account and use this document as an indication of the approach that should be taken.
- 4.3.15 This document does not replace the duty of the Authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this document, the Authority will consider the matter from first principles and determine the fitness and propriety of the individual.

4.4 Drivers

4.4.1 As the criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.

4.4.2 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users 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.

4.4.3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will be given as to whether they are a safe and suitable person. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

RELEVANT OFFENCES

4.5 Crimes resulting in death

4.5.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will normally **not be licensed**.

4.6 Exploitation

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

4.7 Offences involving violence

4.7.1 Notwithstanding the information below, where an applicant or licensee has a conviction for an offence of violence, or connected with any offence of violence, a licence will normally not be granted until **at least 10 years** have elapsed since the completion of any sentence imposed.

4.7.2 Where the commission of an offence involved the loss of life, a licence will **normally be refused**.

Offences of violence against children and young people

4.7.3 An extremely serious view will be taken where an applicant or licensee has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) and, in order to afford an appropriate degree of protection to children and young people, an applicant will be required to provide substantial evidence of rehabilitation before the Authority will be satisfied that the applicant is a "fit and proper" person.

4.7.4 Convictions of less than 10 years old prior to the date of application will be referred to a hearing. Between 5 and 10 years after conviction, or release from prison (whichever is the most recent), regard will be made to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Offence types

4.7.5 Convictions falling into the most serious group offences of violence involving the loss of life are likely to result in **refusal** of an application:

- murder
- manslaughter
- culpable homicide
- Similar offences
- Offences which replace the above offences

4.7.6 Applicants or licensees with one or more convictions for very serious violence should expect the application/licence to be refused until a period of at least 10 years has elapsed from the date of conviction or their release from prison (whichever is most recent), including:

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) (v) Which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act 1861)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act 1861)
- Robbery
- Possession of firearm
- Riot
- Kidnap
- Assault Police
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest
- Similar offences
- Offences which replace the above offences

4.7.7 Applicants or licensees with one or more convictions for serious violence should expect the application/licence to be refused until a period of at least 5 years has elapsed from the date of conviction or their release from prison (whichever is most recent), including:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)

- Fear of provocation of violence which is racially-aggravated (s.4 Public Order Act 1986) or (s.31(1)(a) Crime and Disorder Act 1998)
- Intentional harassment, alarm or distress which is racially-aggravated (s.4A Public Order Act 1986 offence) or (s.31(1)(b) Crime and Disorder Act 1998)
- Harassment which is racially-aggravated (s.2 Protection from Harassment Act 1997) or (s.32(1)(a) Crime and Disorder Act 1998)
- Putting people in fear of violence which is racially-aggravated (s.4 Protection from Harassment Act 1997) or (s.32(1)(b) Crime and Disorder Act 1998)
- Harassment, alarm or distress which is racially-aggravated (s.5 Public Order Act 1986) (s.31(1)(c) Crime and Disorder Act 1998)
- Similar offences
- Offences which replace the above offences

4.7.8 Applicants or licensees with one or more convictions for other offences of violence should expect the application/licence to be refused until a period of at least 3 years has elapsed from the date of conviction or their release from prison (whichever is most recent), including:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- Battery
- Harassment, alarm or distress (s.5 Public Order Act 1986 offence)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Intentional harassment, alarm or distress (s.4A Public Order Act 1986 offence)
- Obstruction
- Criminal damage
- Similar offences
- Offences which replace the above offences

4.8 Possession of a weapon

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

4.9 Sex and indecency offences

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

4.9.2 Where an applicant or licensee has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will **normally not be granted**, but regard will be had to the circumstances of the offence and any evidence demonstrating that such an individual is now a fit and proper person to hold a licence.

4.9.3 The Authority may also consider such circumstances that, if they occurred at the time of the consideration of the application, would not be a criminal offence.

Intelligence and other information which has not resulted in a criminal conviction

4.9.4 The Authority will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. The Authority will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, the Authority will investigate such information/ intelligence. Any additional information gathered through the investigation process may then be taken into account at any subsequent hearing.

4.10 Dishonesty

4.10.1 Where an applicant or licensee has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will normally not be granted until **at least 7 years** have elapsed since the completion of any sentence imposed.

4.10.2 Notwithstanding the generality of this requirement, a licence will normally not be granted where a conviction for an offence listed below and the conviction is less than 7 years prior to the date of the application. Between 5 and 7 years after conviction, or release from prison (whichever is the most recent), regard will be made to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

- Burglary
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Bribery
- Conspiracy to defraud
- Forgery (e.g. producing false insurance policy)
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Theft
- Offence of possession of goods with false trade mark for sale or hire-Trade Marks Act 1994
- Other deception
- Similar offences
- Offences which replace any of the above offences

4.11 Drugs

4.11.1 Where an applicant or licensee has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will normally not be granted until **at least 10 years** have elapsed since the completion of any sentence imposed. Between 5 and 10 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the individual is now a fit and proper person to hold a licence.

4.11.2 Where an applicant or licensee has a conviction for possession of drugs, or related to the possession of drugs, a licence will normally not be granted until **at least 5 years** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. An application from an individual who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

4.11.3 If any applicant or licensee was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

4.11.4 An applicant or licensee will normally be refused where the applicant/licence holder has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.

4.12 Discrimination

4.12.1 Where an applicant or licensee has a conviction involving or connected with discrimination in any form, a licence will normally not be granted until **at least 7 years** have elapsed since the completion of any sentence imposed.

4.13 Motoring convictions

4.13.1 Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not normally prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Disqualification

4.13.2 Where an applicant or licensee has been disqualified from driving because of a major traffic offence, the applicant will generally be refused a drivers licence for a Hackney Carriage or Private Hire Vehicle unless a period of **7 years** free from conviction has passed since the reinstatement of the DVLA licence.

4.13.3 Where several minor traffic offences have resulted in the applicant or licensee being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of **7 years** free from conviction must have elapsed from the restoration of the DVLA licence.

4.13.4 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Authority is likely to refuse a Hackney Carriage or Private Hire driver licence because different criteria apply and an applicant or licensee will normally be expected to show a period of **7 years** free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

Drink driving/driving under the influence of drugs

4.13.5 Where an applicant or licensee has a conviction for drink driving or driving under the influence of drugs, a licence will normally not be granted until **at least 7 years** have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant or licensee will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Drink offences not in a motor vehicle

4.13.6 An isolated conviction for drunkenness need not debar an applicant or licensee from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of **at least 5 years** has elapsed after completion of detoxification treatment if he / she were an alcoholic.

Using a hand-held telephone or hand held device whilst driving

4.13.7 Where an applicant or licensee has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will normally not be granted until **at least 5 years** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Major motoring offences

4.13.8 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant or licensee has a conviction for a major traffic offence or similar offence, a licence will normally not be granted until **at least 7 years** have elapsed since the completion of any sentence imposed. A list of offences to which this Paragraph applies is attached as Table 1.

Minor motoring offences

4.13.9 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). A list of offences to which this Section applies is attached as Table 2.

4.13.10 Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. The number, type and frequency of this type of offence will be taken into account. The applicant or licensee will normally be expected to show a period free of conviction of at least 6 months from the date of any isolated conviction.

4.13.11 Where an applicant or licensee has 7 or more live points on their DVLA licence for minor traffic or similar offences, a licence will normally not be granted until **at least 5 years** have elapsed since the completion of any sentence imposed.

Hybrid Traffic Offences

4.13.12 Offences of the type listed in Table 2 will be treated as major traffic offences if the Court awarded 4 or more penalty points for the offence and as minor traffic offences if the Court awarded 3 or less penalty points for the offence.

Hackney Carriage and Private Hire offences

4.13.13 Where an applicant or licensee has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire activity (excluding vehicle use), a licence will normally not be granted until **at least 7 years** have elapsed since the completion of any sentence imposed.

Vehicle use offences

4.13.14 Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will normally not be granted until **at least 7 years** have elapsed since the completion of any sentence imposed.

4.14 Private Hire Operators

4.14.1 A Private Hire Operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the Private Hire Vehicle (except where they are also licensed as a Private Hire driver). However, in performing their duties they obtain and hold 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.

4.14.2 As stated above, where an applicant or licensee has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.14.3 Operators must 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.

4.14.4 If an operator is found not to be applying the required standards and using staff that do not meet the Authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.15 Vehicle Proprietors

4.15.1 Vehicle Proprietors (both Hackney Carriage and Private Hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.15.2 As stated above, where an applicant or licensee has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.15.3 As public trust and confidence in the overall safety and integrity of the Private Hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

4.16 General

Spent Convictions

4.16.1 The Authority will only consider spent convictions if it appears to be relevant for deciding whether an individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

Cautions, Reprimands and Fixed Penalties

4.16.2 For the purpose of these guidelines formal cautions, reprimands and fixed penalties shall be treated as though they were convictions.

Other relevant offences

4.16.3 The Authority takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than 3-5 years of the conviction date or their release from prison (whichever is most recent), it is unlikely to be considered favourably.

4.16.4 In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976
- Bail (Amendment) Act 1993
- Magistrates' Court Act 1980
- Magistrates' Court Rules 1981
- Criminal Justice Act 2003
- Powers of Criminal Courts (sentencing) Act 2000

or similar offences or offences which replace the above offences and the conviction(s) are less than 3 years prior to the date of application. Between 3 and 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such an individual is now a fit and proper person to hold a licence.

Table 1**MAJOR TRAFFIC OFFENCES**

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
CD20:	Driving without reasonable consideration for other road users
CD30:	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD40:	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
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
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
DR70:	Failing to provide specimen for breath test
DR80:	Driving or attempting to drive when unfit through drugs
DR90:	In charge of a vehicle when unfit through drugs
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 (including offences relating to breach of requirements as to control of vehicle)

TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified
UT50:	Aggravated taking of a vehicle
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)	
Or similar offences or offences which replace the above offences	

Table 2

MINOR TRAFFIC OFFENCES

CU10:	Using vehicle with defective brakes
CU20:	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30:	Using a vehicle with defective tyres
CU40:	Using a vehicle with defective steering
CU50:	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a motor vehicle
MS10:	Leaving a vehicle in a dangerous position
MS20:	Unlawful pillion riding
MS30:	Play street offences
MS40:	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70:	Driving with uncorrected defective eyesight
MS80:	Refusing to submit to an eyesight test
MS90:	Failure to give information as to identity of driver, etc.
MW10:	Contravention of Special Road Regulations (excluding speed limits)
PC10:	Undefined contravention of Pedestrian Crossing Regulations
PC20:	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30:	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP10:	Exceeding goods vehicle speed limit
SP20:	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30:	Exceeding statutory speed limit on a public road
SP40:	Exceeding passenger vehicle speed limit
SP50:	Exceeding speed limit on a motorway
SP60:	Exceeding speed limit offence
TS10:	Failing to comply with traffic light signals
TS20:	Failing to comply with double white lines
TS30:	Failing to comply with a "Stop" sign
TS40:	Failing to comply with direction of a constable or traffic warden
TS50:	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60:	Failing to comply with school crossing patrol sign
TS70:	Undefined failure to comply with a traffic direction sign
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)	

<i>Inciting</i>
Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)
Or similar offences or offences which replace the above offences

Appendix T Contact Details

For information on any aspect of the Hackney Carriage and Private Hire licensing regime, please contact the Licensing Service:

Telephone: 01695 577177
Email: licensing.enquiries@westlancs.gov.uk
Webpage: westlancs.gov.uk/licensing

Further information on this Policy can be obtained from the Licensing Service. The Director of Leisure and Environment, Heidi McDougall, has overall responsibility for the Licensing Service. The service is managed by the Commercial, Safety and Licensing Manager, Paul Charlson, who can be contacted on 01695 585246 or paul.charlson@westlancs.gov.uk