



WARRINGTON
Borough Council

HACKNEY CARRIAGE
&
PRIVATE HIRE LICENSING POLICY

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SECTION ONE

1. Introduction

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are a flexible form of public transport that can play an increasingly important role in improving accessibility and sustainable travel. They are used by all social groups and are able to provide safe, secure and comfortable transport, providing an on-request 'door to door' service in various circumstances, including where public transport may not be available e.g. outside 'normal' hours of operation such as in the evenings or on Sundays, in rural locations or for those with mobility difficulties.

Licensing Profile

The Council currently licences (as of October 2017) 101 Private Hire Vehicle Operators, 149 hackney carriage vehicles, approximately 415 private hire vehicles and 31 additionally conditioned private hire vehicles. There are approximately 659 joint hackney carriage/private hire drivers and 25 additionally conditioned private hire drivers.

Best Practice Guidance and Legislation

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales.

This document interprets the DfT's considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing, together with local factors specific to this Borough.

This document also takes account of the legislative basis of the Council's hackney carriage / private hire licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

Costs and Benefits of Licensing Policies

There is recognition within the Guidance that unduly stringent licensing requirements are likely to unreasonably restrict the supply of hackney carriages and private hire vehicles by increasing the cost of their operation, or by restricting access to the trade. The Council is aware, therefore, that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public should at least be matched by the benefit it will provide to the public, for example through increased safety.

In light of this and in order for the Council to maintain a modern, forward thinking licensing function, a full review of the Policy has been undertaken. This new Hackney Carriage and Private Hire Vehicle Licensing Policy ("the Policy") is intended to ensure that both the trade and the public have a

document that provides guidance on the licensing procedure.

2. Powers and Duties

Warrington Borough Council (“the Council”) has the responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the Borough of Warrington.

This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 (TPCA '47), the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A '76), as amended and the Transport Act 1985 (TA '85), which places on the Council a duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles. The power to control all private hire activities follows the adoption in June 1978, by the Council of Part II of the LG (MP)A '76 (as amended).

The main aims of the Council within this policy are to protect the public, encourage and support the provision of taxis and private hire vehicles in the area and support and develop the private hire/taxi trade in the Borough.

3. Policy Status

In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document.

When considering each of the sections/appendices detailed in this document the Council has tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirements against the benefit to the public. When considering each section/appendix, the following question has been asked:

“Are the costs of implementation commensurate with the benefits the policy is endeavouring to achieve?”

The Council acknowledges that the current fleet of hackney carriages and private hire vehicles and drivers set a high standard of appearance and performance of which the Council is proud. This policy seeks to reinforce the high standards for all new licence holders joining the trade in Warrington Borough Council and emphasise the full range of enforcement options available should they be needed.

This policy will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.

Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to deviate from this Policy statement, clear and compelling reasons for doing so will be provided.

This policy will take effect from **13th June 2018** and it will be reviewed regularly.

The Council is also aware of the UK governments ongoing review of the legislation pertaining to taxi and private hire licensing and will review this Policy in line with any changes to that legislation should they be introduced during the term of this Policy.

4. Objectives

In setting out its policy, the Council seeks to promote the following objectives

- The protection of public health and safety;
- Ensuring that hackney carriage and private hire vehicles are mechanically safe, clean and reliable;
- The preservation of a professional and responsible hackney carriage and private hire trade;
- The protection of the environment;
- To encourage high standards of service and competence in the local hackney carriage and private hire trade;
- Ensuring that drivers, proprietors and private hire operators are 'fit and proper' persons.
- To provide clarity to all relevant parties with respect to the Councils expectations of license holders and applicants and the decision making process.

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.

The Council expects licence holders to promote the Hackney Carriage and Private Hire trade by:

- Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy Statement;
- Complying with the Code of Conduct, and
- Respecting authorised Officers during the normal course of their duties

5. The Policy

This policy does not replace the legislation governing hackney and private hire operations, nor does it set out what that legislation is. It gives guidance on this Council's particular requirements in complying with that legislation, it is expected that hackney carriage and private hire operations will always be conducted lawfully.

6. Aims of Policy

The Council's aim in licensing is to protect the public and to ensure they have reasonable access to safe and legal hackney carriage and private hire services. The main purpose is to prevent licences being given to, or used by, unsuitable people taking into account their driving record, mental and physical fitness to drive, their honesty and to ensure that they would not take advantage of their position as drivers, to abuse or assault the public who use their vehicles.

This policy is intended to advise and assist applicants and licence holders on the law relating to the operation of hackney carriages (commonly called taxis) and private hire vehicles and to the administrative procedures involved in applying for and renewing licenses.

This Policy shall apply to all new applications, renewals, transfers and other areas connected to the following licenses:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor

This policy shall also apply in respect of disciplinary and enforcement measures.

A policy is only a guide as to how the Council will apply the law. Policy provisions are not statutory requirements. No policy is absolute and it must not be rigidly applied. Relevant exemptions may be sought. Any request for an exemption must be in writing to the Licensing Authority. It is incumbent on the applicant to submit an appropriate business case sufficient to warrant a departure from the adopted policy. This should, as a minimum, set out how the applicant's operating model differs from that conferred by the standard vehicle/operator/ driver's licence and what steps will be taken to ensure the policy objectives, particularly that of safety and vulnerability will not be unduly undermined.

The Licensing Authority will consider any reasonable request for an exemption on a case by case basis having regard to the facts and relative merits of each case.

There are no written down rules as to when an exemption will be granted and what follows can only be regarded as guidance. However, anyone seeking an exemption should bear in mind the purpose behind the policy and the extent to which a request for an exemption will undermine or support that purpose. A request which is likely to undermine the purpose and for which there is no corresponding benefit is likely to be refused. However, where an Applicant can demonstrate that the purpose of the policy can be supported in another way or the detrimental effect of non-compliance can be mitigated, the decision-maker may be persuaded to depart from policy. Applicants should bear in mind that the over-arching purposes of the Policy are those set out at the beginning of this Policy.

The request will be considered by a relevant Executive Director or an officer appointed to act on their behalf. Exceptionally, the Executive Director may decide to refer the matter to the Taxi and other licensing committee of the Council. There is no right of appeal, subject to judicial review.

In the event that the exemption request is associated with a new application for a vehicle licence or private hire operator's licence or a renewal of an existing application then the matter will be considered by committee. The Applicant will have the right of appeal to the magistrate's court of the council's decision to refuse a vehicle/operator's licence (or refuse to renew it) or of the council's decision to impose a condition which the Applicant for the vehicle/operator's licence considers to be unreasonable. The appeal must be made to the Magistrates' court within 21 days of the council's decision.

7. Regulatory Functions

In carrying out its regulatory functions, the Council will have regard to this policy document, legislation, case law, national guidance and the objectives set out above.

8. Consultation

In preparing this Policy the Council has undertaken and had regard to the comments received following extensive consultation. Details of those consulted can be found in **Appendix "A"**.

The Policy and associated documentation are available for inspection on the Councils website at; www.warrington.gov.uk

9. Equality and Diversity

This Policy Statement recognises the Equality Act 2010, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality, transgender, religion or belief. The Council is committed to ensuring that it is delivering services in a non-discriminating way and that equality is at the heart of service provision throughout the Council.

This policy also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for any adverse impact on the promotion of race equality. The Council in determining applications will have regard to the relevant legislation so as to avoid any possible indirect discriminatory impact on particular groups.

In formulating this policy we have taken into account the need to provide for disabled people and to protect vulnerable groups. To that end 37% of Hackney Carriage vehicles are currently wheelchair accessible and the last Unmet Demand Survey indicates that this is sufficient to meet the current need. The Unmet Demand Survey, undertaken by CTS in 2016 also recommends that the current limited level of Hackney Carriage Vehicle Licences is adequate and suggest that the current position be retained, i.e. 149 Hackney Carriage vehicles.

10. Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility impairments 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, health care, as well as social and family life is significantly improved when journeys become accessible”

For this reason, the Council considers it important that people with impairments have access to all forms of public transportation and will keep this section of the policy under review.

It is arguable that different accessibility considerations should apply between hackney carriage/private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with the driver. Private hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience. Having a reasonable number of accessible hackney carriages licensed within the Borough significantly assists those who are impaired. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant Equalities and Disability legislation.

The private hire trade should however, be aware of a Good Practice Guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 (EA10 - which replaces the Disability Discrimination Act 1995) and other legislation to ensure disabled people are not discriminated against or treated less favourably.

Section 168 of the EA10 imposes a duty on drivers to carry 'Guide and Hearing' (Assistance) Dogs free of charge. An exemption to this requirement is provided where a driver has a certified note showing a 'Proven Medical Condition' which precludes such action.

Drivers who, for medical reasons, are unable to accept wheelchair passengers, or guide/hearing dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be considered on production of medical evidence, at the drivers expense, from the drivers own GP stating the details of their medical condition. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times when the driver is working.

Persons who breach Equality Act duties may be guilty of a criminal offence.

11. Administration, Exercise and Delegation of Functions

The Licensing Authority is involved in a wide range of licensing decisions and functions. Where possible, the Council has delegated to Licensing Committee and to officers responsibility for exercising the management of the licensing regime in the Borough under the Local Government (Miscellaneous Provisions) Act 1976.

The Council has delegated responsibility for the day to day management of the hackney carriage and private hire licensing function. This includes specific powers to determine all applications for licences relating to hackney carriage and private hire vehicles, drivers and operators, including the suspension or revocation of vehicles, drivers and operators in accordance with the Council's agreed policies.

Some functions will be carried out by Licensing Committee or Taxi Sub-committee and delegated Officers. These include dealing with applications concerning drivers where there is doubt as to whether the applicant is "fit and proper" and the matter is referred by the relevant officer to the Taxi Sub-Committee.

The Council's Constitution sets out the powers delegated to the Licensing Committee, the Taxi-Subcommittee and to officers. Some powers can be exercised by either officers or committees of the council.

If an applicant is referred to the Committee they will be notified in writing of the date and time of the hearing, with an invitation for them to attend. A copy of the Committee Report, detailing the reason for referral, will also be forwarded to the applicant.

The Committee will sit to hear all applications and disciplinary matters referred to it by the Taxi Licensing Team. In practice this will mean those applications that have specific problems/issues, raised by licensing officers that give rise to serious concern that the granting of the licence would undermine the objectives listed at paragraph 4 above.

The Committee may take any of the steps below, upon receipt of evidence that an offence has been committed. A breach of a condition or Byelaw will be considered as an offence in this context:

- Suspension or Revocation of the Licence;
- Refusal to Renew;
- Issuing of warning or cautions;
- Prosecution; or
- Any other action deemed to be reasonable or appropriate.

All decisions made by either the Committee, the Executive Director or the Taxi & Private Hire Licensing or Authorised Officer will be confirmed in writing.

12. Complaints

Should a complaint be received about a driver, operator or vehicle proprietor, it will be investigated fully by an authorised officer of the Council. Any person making a complaint will be asked to set out the grounds for their complaint fully and may be required to provide a written account of the alleged incident, attend the Taxi Licensing Sub Committee or attend Court. Licensed drivers and operators are required, under current legislation, to assist officers undertaking investigations and to make themselves available for interview. Vehicle proprietors will also be expected to make themselves available for interview to assist authorised officers of the council carrying out investigations. [deduct text and include text]

All complaints should be addressed to the Taxi & Private Hire Licensing Team, New Town House, Buttermarket Street, Warrington. WA1 2NH or by e-mail to:

taxicomplaint@warrington.gov.uk

13. Enforcement

The Council's operates a proactive risk based approach to enforcement where authorised officers conduct compliance checks of vehicles, operators and drivers against the Council policy and legislative requirements.

Authorised Officers are officers appointed by the Council to fulfil duties and carry out licensing functions on its behalf. Authorised Officers have the right to do the following;

- Require drivers to produce licences and insurance certificates
- Require operators to produce records
- To remove plates and discs from vehicles
- To inspect and test vehicles
- Suspend vehicles from use.

Obstruction of authorised officers performing their duties is a criminal offence.

The Council employs Licensing Officers and Licensing Compliance Officers who have the authority to exercise the powers set out in the 1847 and 1976 Acts.

If a criminal offence is committed prosecutions may be brought by either the Council or the Police. Any decision by the Council to prosecute will be made in accordance with the Council's Enforcement Policy.

14. Disciplinary Hearings

Normally any disciplinary matters that could result in the revocation or suspension of a licence will be referred to the Taxi Licensing Sub-Committee ('the Sub-Committee'), who will decide the appropriate action. In urgent or very serious matters these decisions may be taken by officers under the delegated powers referred to above.

15. Sub-Committee Hearing

The Sub-Committee will comprise of three Councillors. The Sub-Committee will be advised by a Legal Officer. Licensing officers will be in attendance at the hearing to present a report to Councillors on the matter to be determined. Licensing Officers may call an 'expert witness' to provide professional advice, on matters such as Safeguarding, to the Sub-Committee. Neither the Legal Officers nor Licensing Officers take part in the decision making process.

A number of applications and disciplinary matters may be heard on the same day. Each matter will be considered in private, the public and other applicants will not have access to the meeting. Whilst the members of the Sub-Committee will attempt to be as punctual as possible, there may be situations that arise where a particular hearing takes longer than the indicative times, resulting in delays in the timing of subsequent hearings.

When it is time for a case to be heard, the driver/applicant will be called before the Sub-Committee, along with any representatives whom they wish to speak on their behalf, in order that they may present their case.

Upon conclusion of the hearing a verbal decision will be given on the day to the applicant and a written decision notice will follow. In certain circumstances the decision notice will be issued to the applicant at the conclusion of the hearing. The procedure to be followed at a hearing can be found at **Appendix "B"**.

16. Right of Appeal

Should the Committee decide to refuse the grant of a vehicle, operator or driver licence, or in the case of a disciplinary hearing, decide to suspend or revoke any such licence the person affected by any such decision will have a right of appeal. Any appeal must be lodged at Warrington Magistrates Court within 21 days of the receipt of the written decision. In the case of the refusal to grant a Hackney Carriage Proprietor's Licence the appeal must be made to the Crown Court.

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 Licensing Authority;
- Remit the case back to the Licensing Authority to dispose of in accordance with the direction of the Court; and
- Make such order as to costs as it thinks fit.

As soon as the decision of the Magistrates' Court has been made, the Licensing Authority will not delay unnecessarily 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), or where the Council considers an appeal against any decision.

17. General Requirement

Licensed drivers, operators and the proprietors of licensed hackney carriage and private hire vehicles must comply fully with the relevant licence conditions made by the Council, this Policy and the Code of Conduct. Any person aggrieved by any of the conditions attached to the grant of a licence may appeal to a Magistrates' Court within 21 calendar days from the date of receipt of the conditions, following the grant of the licence.

18. Enquiries/Correspondence

All correspondence should be addressed to the Taxi & Private Hire Licensing Team, New Town House, Buttermarket Street, Warrington. WA1 2NH or by e-mail to taxi@warrington.gov.uk

Should you require an appointment for any reason, you should contact the Taxi Licensing Team on 01925 442517. During particularly busy periods this telephone may be diverted to the answer phone/recording system which is monitored regularly, messages can be left relating to 'licensing matters'. Please note that the Taxi Licensing Section opening hours are 9.00am until 5.00pm Monday – Thursday and until 4.30pm on Fridays.

SECTION TWO

DRIVERS LICENCES

19. Fit and Proper Person

Licences are issued subject to the Council being satisfied the applicant is a 'fit and proper' person to hold a driver's licence. It is for the applicant to demonstrate this to the satisfaction of the Council as the Council is under a duty to establish that each applicant is 'fit and proper'.

To assess a driver's suitability and status as a 'fit and proper person', the Council will carry out an enhanced check with the Disclosure Barring Service (DBS) (previously known as Criminal Records Bureau (CRB)). No licence will be issued until the results of that check have been received. The Council must have regard to relevant information in determining the fitness and propriety of all applicants.

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

Honesty and trust – drivers and operators often have knowledge that a customer is leaving a house empty, opportunities may arise to defraud drunken, vulnerable or foreign visitors or to misappropriate property left in cars. Any passenger would expect any article left in a vehicle by them to be returned, they would also expect to be charged the correct fare for a journey and to be given the correct change. Licence holders must respect confidentiality at all times and always carry out their duties in the best interests of the passengers.

Abuse – licence holders can be subjected to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the licence holder, towards members of the public, Council Officers or any other person.

Safety – those paying for a transport service rely on their driver to get them to their destination safely.

Health – The health of a driver is an important aspect of their fitness to hold a licence. All applicants will be required to pass a Group 2 medical examination as specified by the Driver Vehicle Licensing Agency (DVLA) before a licence is granted. Medical examinations then become age related – requiring additional examinations at 45 years and then every five years up to 65. From the age of 65 medical examinations become an annual requirement. Where there are any concerns about a driver's health an additional medical may be required. All medicals are at the expense of the applicant/licence holder and are only valid if conducted by the applicant/licence holders own GP or agency nominated by the Local Authority.

Communication skills – All applicants must be able to converse with a good basic standard of the English language. This will be assessed by Officers during the application process. Should any applicants fall below a standard deemed acceptable by Officers they will be advised that their application will be referred to the Taxi Licensing Sub-Committee for consideration.

Appropriate Behaviour – Licensed drivers must act appropriately at all times whilst undertaking their duties. Appropriateness will extend to courtesy to the passenger(s) and other road users alike. Drivers shall not engage in or otherwise encourage conversations which could cause

discomfort to another person or persons, including asking personal questions about, or of, passengers or other people. Similarly, opinions on sexuality, race or religion should not be discussed.

20. Safeguarding

The Council puts protecting the safety and welfare of the public at its core; specifically takes account of the Council's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and strengthens this element to reflect best practice; makes it clear that the actions to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular that prospective and licenced drivers and operators have a duty to tackle child sexual exploitation and trafficking; and minimises the risk to the public by providing greater confidence in the system for assessing whether a person is a 'fit and proper person' to drive a hackney carriage or private hire vehicle and that vehicles are safe.

The Council has introduced mandatory safeguarding awareness training to all existing and new drivers, private hire vehicle operators and hackney carriage/private hire vehicle proprietors from the date this revised policy becomes effective – all existing licence holders must obtain safeguarding awareness training by **1st April 2019**.

Code of Conduct – the Council has prepared a Code of Conduct (appendix E) which sets out the standards and behaviour expected of Warrington Borough Council licence holders.

21. Application Procedure

The Council will consider each application on its own merits once the required application and accompanying documents are received.

On application for a new licence applicant drivers will be required to have a sufficient understanding of English to be able to perform effectively as a taxi driver.

There are several stages to the application process which are set out below;

Applications must be successfully completed within six months from the date the initial application is made; this is to ensure as far as possible the relevance of the information received. Failure to complete the process within this time will render the application void, it will then be necessary for the applicant to recommence the process resulting in additional cost to the applicant.

All applicants will be required to attend the Taxi Licensing Office in person at the start of the application process. This is to ensure that non fraudulent applications are made.

All applicants will be required to pass a communication skills and written 'Knowledge Test' under appropriate supervision. Applicants should be aware that the communication skills test should be taken and passed before the Knowledge Test can be taken. Both tests must be sat independently by the applicant - no assistance from another person is possible.

All new Applicants will be required to attend mandatory Safeguarding Awareness training run by Warrington Borough Council prior to being granted a licence.

The fees for the communication skills test and knowledge test must be made by the applicant in advance of the initial and any subsequent test(s).

The applicant will be required to take a medical examination to DVLA Group 2 standard at either "Five Boroughs NHS Trust", Hollins Park or **the applicants own registered medical practitioner (GP)**. All associated medical fees charged are payable by the applicant. When issued, the medical certificate should be returned to the Licensing Office to progress the application.

On satisfactory receipt of these items and subject to a satisfactory Disclosure and Barring Service (DBS), Driver and Vehicle Standards Agency (DVSA) Taxi Driver (Standard) Certificate and DVLA (driver licence) check the applicant will be issued with a licence and identification badge. Upon expiry (without immediate renewal), revocation or suspension of this licence a driver shall forthwith return to a member of the Taxi Licensing team the drivers badge issued to them by the Council.

All supporting identification documents must be consistent in that all personal details including spelling and order of names should correspond. Any identification documents with names spelt incorrectly and/or with incorrect details will be rejected.

The Council will consider all applications on their own merit, once satisfied that the appropriate criteria has been met and the application form and any required supporting documents have been submitted. All forms are available for collection in person from "New Town House", on Buttermarket Street, Warrington or via e-mail by contacting the Taxi Licensing team at taxi@warrington.gov.uk

The applicant driver must then contact the Taxi Licensing team to arrange a mutually convenient appointment to commence the application process. Applicants will need to provide the following:

- 1 Completed application forms with a colour passport-sized photograph.
- 2 Licence fee (note that payments can only be accepted by credit/debit card, cheque or postal order - **NO CASH IS ACCEPTED**)
- 3 Ordinary UK 'photo card' driving licence.
- 4 Proof of "Right to Work in the UK". (**See Appendix "C"**)
5. Advanced taxi driver assessment course as approved by the local authority.

It should be noted that only original versions of the documents listed above will be accepted (no photocopies)

For those applicants not holding an EU passport, evidence will need to be provided of the applicant's right to work in the UK, which will include a relevant Visa or letter from the appropriate Embassy/Authority.

A Licence will not be issued until the above process is completed – applicants should note that this process could take a number of weeks.

The applicant will be given a receipt for the fee paid. An application will then be made to the DBS for an enhanced disclosure to be supplied.

NOTE: The Council will not be responsible for any documents that may be lost in the post.

22. Production of UK Driving Licence

The driving ability of an applicant starts with the requirement to have held a full UK, EU or equivalent licence, entitling them to drive a motor car for at least 1 year before a licence may be granted. It is important that a current and valid UK driving licence is produced. However, it is recognised that in some circumstances this may not be possible. The Council requires written proof of the holding of a licence for at least one year. UK driving Licences **must** show the correct details (including the current permanent residential address) – to be valid.

Therefore, a licence will not be granted to anyone who has not held a full driving licence, issued in accordance with article 111 of the Road Traffic Act 1972 (as amended), for a period of less than 12 months immediately prior to an application being submitted.

An applicant who meets the licensing requirements by virtue of an acceptable non UK driving licence must either:

- Obtain a full UK driving licence prior to the issue of a joint hackney carriage/private hire driver's licence; or
- Obtain a "backing sheet" with UK driver number from the DVLA prior to the issue of the joint hackney carriage/private hire driver's licence, which can be attached to the non- UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK

This policy requirement is to ensure appropriate regulation of any penalty points issued by the Courts in relation to road traffic offences. The Council consider this to be an integral part of the "fit and proper person" test.

It is an offence for the proprietor of a hackney carriage or private hire vehicle to employ as a driver any person who does not have a driver's licence issued by the Council.

23. DVSA Driving Test

Prior to applying for a licence with Warrington Borough Council all new applicants are required to successfully complete the Driver and Vehicle Standards Agency (DVSA) Taxi Standard Driving Assessment or an equivalent DVSA Taxi Standard Driving Assessment provided by an approved training provider placed on the Licensing Authority's approved list. Warrington Borough Council does **not** require you to undertake the enhanced or upgraded assessment.

Upon successfully completing the assessment, you will be issued with a certificate which you will need to present to the Taxi Licensing Team as part of your application.

Important: Should Warrington Borough Council Taxi Licensing Sub-Committee determine the

driving standards of an existing licensed driver falls below that of what is expected, then a driver may be asked to undertake the DVSA Taxi Standard Driving Assessment or equivalent DVSA Taxi Standard Driving Assessment provided by an approved training provider placed on the Licensing Authority's approved list prior to having their licence re-issued.

24. Disclosure and Barring Service

A criminal record check on a driver is an important safety measure for all drivers. At present there are 4 levels of disclosure. All persons who are, or wish to become, licensed drivers must obtain a disclosure at the level "Child and Adult Workforce" through the Disclosure and Barring Service (DBS) which provides details of live and spent convictions, police cautions, intelligence, and other information.

The Council is an approved DBS body entitled to request and process information disclosed by the DBS in respect of an applicant for a hackney carriage/private hire vehicle drivers licence and as such all checks will be done through the Council and the applicant will be charged the appropriate fee in connection with the application for Disclosure.

The appropriate level of DBS disclosure will be carried out by the Council every third year upon application for renewal. The Council can also request another disclosure at any time, should a further check be considered necessary, this will be at the applicant's expense.

Once a DBS check has been processed a copy of the disclosure report will be sent by the Disclosure and Barring Service to the applicant directly to their designated home address. In order for the Council to consider a new or renewal application for a licence the disclosure report must be provided to the Taxi & Private Hire Licensing Team at the earliest possible opportunity (even if the report is clear of any convictions).

The Council will not divulge personal information disclosed as a result of the DBS check to any third party. However, to promote the licensing objectives the Taxi Licensing Team will share information with other relevant agencies for example; DVSA, Customs and Excise, the Police and Benefit Agencies. Information will also be shared with internal departments within the Council where considered appropriate.

Any person arriving in the UK after the age of 14 will be required to provide a certificate of good conduct authenticated by the relevant Embassy or delegation. Anyone employing a driver from outside the European Union (formerly known as the European Economic Community) **must** check whether that person is permitted to work in this country or is subject to work restrictions (this is a legal requirement). Additionally, all applicants are required to show that they have a right to work in the U.K. Where this is an interim authorisation i.e. whilst an application is being considered, you must immediately notify the Taxi Licensing Team on receipt/notification of that decision. (Please refer to **Appendix "C"** for requirements regarding proof of right to work).

Information regarding Certificates of Good Conduct or similar documents from a number of countries is available from:

Passport and Documentary Service Group
Consular Directorate
Foreign and Commonwealth Office

Room G38
Old Admiralty Building
London
SW1A 2PA
www.fco.gov.uk

Applicants for licences will be responsible for obtaining and paying for (where required) all the relevant documents required by the licensing process. The Council will not assist the applicant with this part of the process.

25. Relevance of Convictions and Cautions

As part of the application process all applicants for a driver's licence are required to disclose on their application form **all** convictions and cautions (motoring or otherwise) regardless of whether or not they would be deemed as spent under the Rehabilitation of Offenders Act 1974.

Applicants should be aware that the Rehabilitation of Offenders Act 1974 as amended identifies the occupations of hackney carriage/private hire drivers as "exempt" occupations. The effect of which is that no convictions are ever deemed "spent", irrespective of the date of the conviction/caution or the nature of the offence, therefore, they will always be disclosed and considered as part of the application process. Applicants are also required to disclose any criminal court proceedings pending, and charges or criminal investigations of which they are the subject.

NOTE: It is an offence under both the Local Government (Miscellaneous Provisions) Act 1976 and the Fraud Act 2001 to make a false statement and/or provide false information during the application process. This includes not disclosing details of any convictions or cautions.

If an applicant is in any doubt as to whether or not a licence will be granted, contact should be made with the taxi licensing team **BEFORE** incurring any expense. Advice will be given in confidence in light of information provided.

If an applicant declares in his application a conviction involving for example; dishonesty, indecency, violence or a disqualification from driving or numerous offences of a similar nature, then a licence may not be issued immediately and could be subject to further checks.

In cases where a DBS check reveals that an applicant has convictions, the application will be dealt with in accordance with the Council's adopted convictions policy on the relevance of such convictions reproduced at **Appendix "D"**.

In assessing whether an applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merits. In doing this the Council will take account of allegations, cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether any allegations, cautions or convictions are capable of having relevance to the issue of whether or not an applicant is a 'fit and proper person' to hold a licence. Officers may consult with the Safeguarding team in order to appropriately consider any issues identified.

26. Dress Code

The Council 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 Warrington.

Drivers are expected to dress in a neat and tidy manner that will not cause offence and act courteously both to passengers and other road users. Appropriate standards of dress are set out in the Code of Conduct (Please refer to appendix E).

If drivers are in any doubt about the appropriateness of their proposed attire they should seek guidance from the Licensing Team.

27. Fees and Charges

All fees and charges are payable in advance. The Council's preferred method of payment is by credit/debit card. (All cards are accepted except for American Express)

Cheques or postal orders should be made payable to "WARRINGTON BOROUGH COUNCIL" and crossed. **A cheque returned unpaid to the Council will immediately invalidate any licence issued. Cash cannot be accepted as a means of payment.**

Should a cheque be returned unpaid for any reason then the ability to pay by this method in the future will be withdrawn. This means that all future payment must be made by debit/credit card or postal order only.

You are advised to obtain and retain an official receipt for all monies paid.

28. Dual Licences (Joint Driver Licences)

Warrington Borough Council grants joint driver licences that enable drivers to drive both hackney and private hire vehicles providing the permission of the registered owner of the vehicle and appropriate insurance has been obtained in advance. This is to provide flexibility for professional drivers to drive any vehicle licensed by Warrington Borough Council.

29. Licence Renewals

From the date this revised policy becomes effective – all existing licence holders must obtain safeguarding awareness training by **1st April 2019**.

When a licence is due for renewal a reminder will normally be sent to you, prior to the expiry of a licence, together with the relevant forms required for completion in order to renew the licence. This will normally be approximately one month in advance of the licence expiring. This will include details of an appointment for you to attend and submit your renewal application (not applicable for Private Hire Operator's renewals). It is important that you contact the Taxi Licensing team should this appointment be inconvenient or to advise that you no longer wish to renew your licence. Failure to do so may incur additional licence costs.

Reminders are sent purely as a matter of courtesy and it remains the responsibility of the licence holder to make a timely application and avoid licences expiring.

All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed. **If a renewal application is not received before the expiry date then there is no licence to renew and any subsequent request will be treated as a new application, with all the necessary checks starting again.**

Applicants should attend for appointment at the prescribed time and hand to the Licensing Officer, all relevant documents as requested in the letter.

Should it transpire that a DBS or DVLA re-check is due or a medical (which becomes age related from 45 years) then appropriate letters will be issued. All licensed drivers have these dates printed on the reverse of their “identity badge”.

30. Wearing of Badges

Drivers are issued with an identity badge which will display their unique licence number; the badge is to be worn at all times while working. The driver must also display a copy of the identity issued to them by the Council at the front of the vehicle so that it is plainly visible at all times, to passengers (or prospective passengers) and Authorised Officers, when driving a private hire / hackney carriage vehicle, **attachment to a belt or hook at the waist is not acceptable.**

31. Grandfather Rights

Warrington Borough Council (WBC) has considered the effect of when it previously changed from the Group 1 to Group 2 standard specifically in relation to the visual acuity test. WBC has granted “grand-father rights” to drivers who have been continually licensed prior to adopting the DVLA Group 2 standard with the following conditions:

- There being no significant deterioration in any other aspects of the drivers vision
- The driver not being involved in an accident in the proceeding 10 years, in which their eyesight might have been a factor
- The driver meeting all current DVLA Group 2 acuity standards

Subject to any renewal checks due for a DBS, Medical or expiry of DVLA Driver Licence, applicants may apply for a 1, 2 or 3 year licence. The maximum duration for a Joint (Hackney Carriage / Private Hire) Driving License (JDL) is 3 years.

Any DVLA notifiable medical conditions **must** be notified to the Taxi Licensing Team **immediately**.

32. Driver Conditions

These are set out in **Appendices “H”** and are necessary and appropriate to all licensed drivers.

33. Production of Licence to Authorised Officer / Police Officer

A licensed driver must produce their driver's licence to an Authorised Officer or a Police Officer on request, either immediately (if available) or within 5 days either at the Council's offices or at a nominated Police Station, as appropriate.

34. Suspension and Revocation of Driver's Licences

The Council may suspend, revoke or refuse to renew a driver's licence on the following grounds:

- (a) that he/she has since the grant of the licence:
 - (i) been convicted of an offence involving dishonesty, indecency or violence: or
 - (ii) been convicted of an offence under, or has failed to comply with, the provisions of the TPCA or LGMPA; or
- (b) any other cause deemed to be reasonable

Where such suspension, revocation or refusal to renew occurs the Council must give the driver notice of the grounds on which this action has been taken within 14 calendar days of the suspension, revocation or refusal to renew. There is a right of appeal against the Council's decision to a Magistrates' Court, within 21 calendar days from the date of receipt of the Council's notice.

35. Changes

Changes must be notified to the Taxi Licensing Team within set time limits of the change taking place – see relevant conditions to Licences. In particular the driver must inform the licensing team of:

- Any change of address, also providing their new details;
- Change of phone number;
- Any name change;
- Any convictions, cautions or driving offences;
- Any allegations of a Safeguarding nature;
- Binding over orders;
- Harassment notices;
- Injunction/Restraining orders;
- Anti-Social Behaviour orders (ASBO's);
- Arrestable offences; or
- Notifiable DVLA medical conditions

SECTION THREE

Vehicles

36. First Application

Prior to incurring any expenditure you are advised to contact the taxi licensing team for general advice regarding vehicle suitability and compliance. A free suitability check for any proposed vehicle is available if deemed appropriate. The following process must be followed:

- 1 Complete the relevant application forms and submit together with the relevant fee and proof of ownership to the Licensing Office at the pre-arranged appointment.
- 2 Safeguarding Awareness Training - The Council has introduced mandatory safeguarding awareness training to all new and existing Hackney Carriage/private hire proprietor's (Vehicle Owners) with the exception of temporary licensed vehicles granted for a maximum period of 3 months. You will need to obtain safeguarding awareness training before a licence can be issued.
- 3 Arrange for the vehicle to be tested at an approved Vehicle Testing Station. The current approved testing facility is based at Network Warrington, Wilderspool Causeway, Warrington WA4 6PT. Network Warrington can be contacted on 01925 634296.
- 4 Contact the Taxi Licensing Team to arrange an appointment to submit the "Vehicle Compliance Certificate" with a valid Insurance Certificate or Cover Note.

On satisfactory receipt of the above items a licence, plates, and either Hackney Carriage tariff sheets or Private Hire (rear) door signs will be issued. Annual vehicle licences will expire in line with the expiry date of the compliance certificate.

Renewal of a Vehicle Licence - All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed. Because of the limitation of hackney carriage vehicles and the needs of the travelling public, hackney carriage vehicle licences **MUST** be renewed prior to the expiry of the previous licence. Failure to do so may result in the loss of the proprietary interest in the plate. **Any applications not renewed prior to the expiry of the former licence will be treated as a new application.**

From the date this revised policy becomes effective – all existing Hackney Carriage/private hire proprietor's (Vehicle Owners) must obtain safeguarding awareness training by **1st April 2019**.

Applications for renewal licences can be made at any time up to one month prior to the expiry of the existing licence. If the renewal licence is issued during this period it will commence at the expiry of the current licence and run for a full twelve months from the initial expiry date. In certain circumstances (e.g. emergency replacement vehicles) the licensing team may issue a licence for a shorter period.

PLEASE NOTE: Replacement plates will not be issued without the surrender of the expiring/expired plates, except under exceptional circumstances.

Changing the Vehicle - A change of vehicle will result in the requirement for a new application to be submitted.

Transfer of Ownership - Should a license holder wish to transfer the ownership of a licensed vehicle they must, within fourteen days after such transfer, give notice in writing to the Council specifying the name and address of the person to whom the hackney carriage/private hire vehicle has been transferred. Applicants will need to complete the required form which can be obtained from the Licensing Team.

The new proprietor will need to submit an application together with the appropriate fee, to have a licence issued / transferred to them for the remainder of the term together with a valid Certificate of Insurance (or cover note) for the transferee.

Only persons deemed by Warrington Borough Council to be a fit and proper person may hold a Hackney Carriage/private hire proprietors licence. In order to be deemed 'fit and proper' all applicants for a Hackney Carriage/private hire proprietor's (Vehicle Owners) licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS) which is less than one month old. If an applicant is currently in receipt of a valid joint Hackney Carriage / Private Hire drivers licence or an additionally conditioned private hire drivers licence then this is not required. This provision does not apply to companies who provide insurance replacement vehicles on a temporary basis.

37. Limitation of Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provision on quantity restrictions for hackney carriage vehicles is set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed hackney carriages – if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet. In the event of a challenge to a decision to refuse a licence on these grounds, it would have to be established that the Council had been reasonably satisfied, that there was no significant unmet demand.

Applicants should be aware that the Council currently has a limit on the number of hackney carriage vehicles that may be licensed within the Borough. This does not however, imply that there is no regulation of hackney carriages, as the Council intends to rigorously maintain quality control in relation to both drivers and vehicles. The Council will need to satisfy itself that there is significant unmet demand before releasing further licences. The Council commissions a survey to ascertain the level of Unmet Demand every three years.

38. Insurance

There must be in force at all times in relation to the use of hackney carriage/private hire vehicles, an appropriate policy of insurance which must be in place before a licence can be granted. **It is an offence to drive a vehicle without the appropriate insurance in place.**

At any time during the term the vehicle is licensed an authorised officer of the Council may require the proprietor of the vehicle to produce evidence that the appropriate insurance remains in force. A failure by the proprietor to produce the certificate of insurance, within such timescale as may be specified by an authorised officer, is a criminal offence and could also result in the licence being suspended or revoked by the Council.

39. Security/CCTV

The hackney carriage/private hire trade provides a valuable public service, especially late at night, when other forms of public transport are not always available. Security for drivers and passengers is a high priority. CCTV cameras can be a valuable deterrent to criminal activity as well as protecting the driver from unjustified complaints.

For the purpose of this policy, CCTV relates to recording inside of the vehicle only. Forward facing cameras (also known as vehicle accident cameras) do not fall within this policy.

All vehicles licensed by this council must have a council approved CCTV system installed which must be in use whenever the vehicle is in used as a licensed vehicle for hire and reward purposes.

In order to ensure that the purposes for which the policy to install CCTV has been approved are not undermined and to comply with the Data Protection Act 1998, the Council has decided that it is the Data Controller of the images captured. For those reasons, the Council has approved a number of systems for use which meet the specifications required. Other systems may be added to the list if they meet the specification. Further, there are additional policy requirements relating to installation, operation and downloading of the data which are referred to throughout this policy. It is for the driver/owner to decide which of the products to install and the Council has no liability for the goods or services provided or any representations made by either of the parties in the negotiation, execution or performance of the contractual relationship.

The installation of security measures such as a screen between driver and passengers, as a means of providing some protection for drivers is acceptable; however, where a screen has been fitted an additional camera must be fitted to the CCTV system to ensure a clear and submittable recording.

The driver/proprietor of the vehicle shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. Any deliberate abuse or deliberate attempt to interfere with the legitimate use of the CCTV system will be given due weight and regard, when determining whether the driver/proprietor is a fit and proper person to continue holding a licence, and is likely to result in revocation of licence.

A warning sign, approved by an authorised officer, must be clearly and prominently displayed

inside the vehicle advising passengers that a CCTV system is in operation in the vehicle.

Any such equipment shall be fitted in such a way as not to present any danger or hazard. At the time of fitting of any CCTV System it must be compliant with the specifications applicable at that time. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.

The policy for CCTV systems in vehicles licensed by Warrington Borough Council can be found at **Appendix "F"**.

40. First Aid Kits and Fire Extinguishers

Licence holders must comply with fire extinguisher regulations at all times.

There shall be provided and maintained in the vehicle at all times when it is in use, or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances.

All fire extinguishers must be of the 1kg powder type, hold an ABC rating and be manufactured and fully certified to British & European standard EN3 (marked BSEN3).

First aid kits must be kept in a bag/box prominently marked as a first aid kit. The bag/box must be maintained in a good condition and be suitable for the purpose of keeping the contents in good condition. They must contain the following items as a minimum:

- 24 adhesive dressings (plasters)
- 2 sterile eye pads with attachments
- 2 triangular bandages
- 12 safety pins
- 3 sterile ambulance dressings (not less than 15cm by 20cm)
- 1 pair of first aid scissors
- 10 antiseptic wipes
- 1 conforming bandage (not less than 7.5cm)

This equipment must be carried in such a position in the vehicle as to be readily available for immediate use in an emergency. Each vehicle must have a small sign clearly visible in the front stating where the first aid box and fire extinguisher is located.

41. Trailers

Trailers may only be used with the prior approval of the Council and only in accordance with the Vehicle Specification. The definition of a trailer is anything that is pulled by the licensed vehicle.

42. Signage and Advertising

Within the Borough of Warrington hackney carriages and private hire vehicles are required to display Licence Plates externally on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed, protecting both the general public and correctly licensed drivers / vehicles from illegal operations. In order that these vehicles are

easily identifiable to members of the public, particularly if they need to register a complaint with the Council, it is a requirement that internal Licence Plates are easily legible within the interior of the vehicle.

All hackney vehicles must carry illuminated roof-mounted signs, indicating that they are a hackney carriage. Similarly, in order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof mounted signs or pods of any kind or display any references to the words “taxi”, “hackney” or “cab” on any part of the vehicle.

The proprietor shall not cause or permit any sign, symbol, notice, or advertisement to be displayed in, on, or from the vehicle, except with the prior approval of the Licensing Authority. Where advertisements are displayed without prior approval an Authorised Officer can require the advertisement to be removed.

Any written permission issued by the Council will be subject to a fixed time limit (usually the period of the advertising contract).

The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission if the Council or for any reason affecting the appearance of the advertisement.

Private Hire Vehicles

- Private Hire Vehicle Operator details will be allowed to the lower panels of front and rear side doors on both sides of the vehicle providing the advertisement does not obstruct the Warrington Borough Council notice as per condition 20 of private hire vehicle conditions.
- Secondary advertising will be restricted to the boot lid or tailgate of the vehicle, rear window of the vehicle - provided the material is see-through from the interior.
- Advertising in other locations is not permitted

Hackney Carriage Vehicles

Advertising will only be allowed to:

- the lower panels of the front and rear side doors (both sides of vehicle) for one product or .
- the lower panels of both front doors only for one product or
- the boot lid or tailgate of the vehicle, rear window of the vehicle - provided the material is see-through from the interior.

Static Advertising

Advertising Materials

- Materials used must be professional in appearance and manufactured to a high standard so as to be durable and not easily defaced, soiled or detached.
- Vehicle owners should make available their advertisements to be inspected by Licensing Unit Officers when requested.

Conditions for Advertising Content

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so and to confirm this fact in writing to the Council as part of their application.

- Each proposal will be considered on its merits but advertisements will not be approved if they contain:
- Reference to political, ethnic, religious, sexual or controversial text
- Reference to escort agencies, gaming establishments or massage parlours
- Nude or semi-nude figures
- Statements which seek to involve the driver as an agent of the advertiser
- Material likely to offend public taste
- Information on more than one company or product
- Reference to tobacco or tobacco products
- Reference to alcohol.

43. Vehicle Age Restrictions

The Council believes that vehicle standards should be based around quality control rather than a specific age of a vehicle. Therefore there are no requirements relating to how old a vehicle must be when first presenting for licensing and there are no upper age limits to continue to licence a vehicle.

44. Vehicle Test Appointments

Following payment of the annual licence fee the applicant must make arrangements with the vehicle testing centre for the relevant fee to be paid and to obtain an appointment.

Prior to the additional (mid-year) vehicle test the licensee will normally be forwarded details of the due date (**purely out of courtesy**), however please **do not** rely solely on this reminder, the current licence clearly displays the expiry date and therefore when the vehicle has to be tested by. There is also a clear indication on the Licence that it will become suspended if the vehicle does not successfully pass the 'additional' test by the due date.

All vehicles will be tested twice per year (i.e. once for initial test or annual licensing and once six months on from that date) unless a third test is required (see section 47).

Please do not attend the test bay with passengers or other persons, including family or friends, unless it is necessary for the testing/licensing of the vehicle.

45. Testing of Vehicles

Vehicles must be tested by a Council Approved testing station. The annual or additional tests should not be used as a screening process as all vehicles should be thoroughly maintained and in good mechanical order at all times throughout the licence period. All vehicles produced for inspection should be compliant with legislation and the conditions of licence as applicable.

All vehicles (whatever their age) must be tested, inspected and pass a 'Compliance Test' before a vehicle licence can be issued. This is to ensure that not only is the vehicle's condition safe, of satisfactory appearance and suitable to be used as a licensed vehicle, but also to ensure that it is mechanically fit, and that it complies with the relevant licensing conditions and legislation.

A further test will be conducted on all vehicles six months from the date of the initial or annual test.

If a vehicle fails any test (except where a vehicle **has not** previously been licensed by Warrington Borough Council), a third test will be required where:

- The action advised under the DVSA Categorisation of Defects warrants immediate suspension; or
- Two of the defects warrant delayed suspension

Details of the DVSA Categorisation of Defects can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/211335/categorisation-of-defects.pdf

This rule also applies to vehicle inspections conducted by an Authorised Officer, therefore not solely at a designated testing centre.

Where a vehicle is presented for testing that has a defect that warrants an additional test, discretion may be used by the vehicle examiner where the defect may have been caused while driving to the test bay. This discretion will only be considered where it is clearly visible that the vehicle has been thoroughly maintained and it is "possible" that the defect occurred whilst driving to the test bay.

Any licence-holder who submits a vehicle for testing, where that vehicle then requires an additional test for a 2nd time within a 3 year period of previously requiring an additional test, they will receive a written warning. Should that licence-holder then be required to present the same or another vehicle in their ownership, for an additional test within a 3 year period of receiving a written warning they will receive a severe warning with an agreed action plan on how to improve the maintenance of the vehicle. If further additional tests are required for the same or another vehicle in their ownership after the agreed action plan they may be referred to the Taxi Licensing Sub-Committee to consider their fitness to continue to hold vehicle licenses with the Authority, pertaining to their continual failure to maintain the safety and fitness of their vehicle(s).

Any failure to comply with any taxi licensing conditions will be deemed to be a failure of the

testing process.

Any vehicle that fails its inspection requirements may have its licence suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained (dependant on the nature of the fault(s)).

Where a vehicle has been subject to an immediate suspension, there is a legal requirement (after service of notice) for the proprietor to return the plates to the Council within 7 days. Vehicles which are the subject of a suspension are prohibited for use as a licensed vehicle until such time as they have obtained the necessary pass certificate to demonstrate their roadworthiness. A proprietor may elect to surrender the plates immediately to an Authorised Officer. If this option is not exercised, the Authorised Officer may affix "suspension" notices to the plates. These notices must remain affixed to the plates until the suspension is lifted whereupon it will be the responsibility of the proprietor to either remove the notices or arrange for the issue of replacement plates (at his/her expense). The suspension stickers are designed to highlight any form of tampering and should this be found by an Authorised Officer then further enforcement action may be taken against the licence-holder (and/or driver) of the vehicle.

The Compliance certificate exempts the owner of a vehicle from holding an ordinary M.O.T. certificate (on vehicles more than three years old) but only as long as the vehicle licence remains current. Effectively, this means that if the plate/licence expires, or the plate/licence is suspended for any reason, then the vehicle cannot legally be used on the road under the compliance certificate.

For full details of Vehicle requirements see **Appendix "G"**

Please Note: Vehicle testing officers are "authorised officers" within the meaning of the LGMPA '76, they are issued with Identity Badges, which they are obliged to produce on demand, by the Council.

46. If a vehicle fails a test

The applicant/driver will be informed in writing of the reason(s) for failure.

The vehicle must be immediately removed from the testing station to have the faults rectified.

If the vehicle is returned within 7 working days, a test will be carried out on only the failed items (and any items relating to the failure) and a re-test fee may apply.

If the vehicle is returned for a further test more than 7 working days after the original test was conducted a full test will be carried out and a full test fee will be payable.

In the case of a licensed vehicle being submitted for testing and serious defects being found then, where appropriate, the licence will be suspended with immediate effect.

All test fees are payable to the Vehicle Testing Station.

47. When a vehicle passes the test

A Certificate of Compliance will be issued by the testing station when the vehicle has passed its annual check. The licence-holder must contact Taxi Licensing to arrange a convenient appointment to collect the licence and plates.

For 6 month (or additional) tests a Network Warrington certificate will be issued which must be submitted to the Taxi Licensing Team as soon as possible. Where the test date is about to expire or the vehicle licence has been suspended this certificate must be submitted immediately so that licensing records can be updated.

48. Failure to attend vehicle test

If the applicant is unable to attend the test for any reason at least 48 hours' notice must be given to the testing station (this includes non-working days).

Failure to attend the test without providing the required notice to the Testing Station will result in a fee being levied equivalent to the cost of that test.

49. Driver of Vehicle

The driver of the vehicle must remain on the premises whilst the test is being carried out. In the case of taximeter tests, the vehicle must be driven by the applicant or their driver.

50. Proprietors Compliance with Licence Conditions

The proprietor must ensure that all persons involved in the driving or operation of the vehicle are fully aware of the licence conditions set out in Appendix "I" and the proprietor must also ensure that the conditions are fully observed and adhered to **AT ALL TIMES**.

The proprietor of a licensed hackney carriage or private hire vehicle commits an offence if they permit any person to drive the vehicle who is not the holder of a joint private hire vehicle/hackney carriage driver licence (JDL) issued by Warrington Borough Council. Any person who drives a licensed private hire vehicle also commits an offence if he/she is not the holder of a current private hire vehicle/hackney carriage driver licence issued by Warrington Borough Council.

51. Hackney Carriage/Private Hire Vehicle Safety Checks

In addition to the current Hackney Carriage Vehicle Policy and Private Hire Vehicle Conditions a written proof will now be required by proprietors and drivers to show that you have performed basic vehicle checks on a regular basis, and that your vehicle has been properly maintained throughout the course of its licence in accordance with the Council's prescribed form.

Daily checks:

Basic checks should be carried out every day before taking the vehicle on the road, to ensure that it's roadworthy at all times. The Council's prescribed form should be signed each month by the driver who has carried out the daily checks, as well as the vehicle proprietor (owner).

NB. If, on checking the vehicle, the driver records 'no defect(s)', they are stating that they have found the condition of the vehicle to be safe and roadworthy. Proprietors should ensure that before tracking out a vehicle they make sure that any driver(s) is fully aware of all of the vehicle facilities, especially in relation to the operation of swivel seats, deployment of ramps and the use of straps for securing a wheelchair in the vehicle, and that they are competent enough to carry out the basic checks required. Where a vehicle is tracked to more than one person the proprietor should ensure that the checks are carried out by one or all of the drivers.

52. Private Hire Vehicle Conditions

These are set out in **Appendices "I"** and are necessary and appropriate to all vehicles.

53. Suspension of Licence

All vehicles must at all times be kept in a safe, tidy and clean condition. Compliance with vehicle conditions is essential and will be enforced by periodic and random vehicle inspections, carried out by an officer of the Council via roadside checks and at the Council's testing facility. Where it is found that any vehicle is not being properly maintained, a defect notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be endangered, the further use of the vehicle will be suspended until the defects have been remedied. The suspension will remain in place until the vehicle has undergone a further test (at the proprietor's own expense) and the suspension lifted by an Authorised Officer.

54. Smoking

Smoking by anybody in a licensed hackney carriage/private hire vehicle is illegal. Compliance with legislation is required.

Any driver found or believed to be smoking in a vehicle will be required to have their vehicle inspected by an authorised officer. Should the vehicle fall below the standards acceptable to the Authority, i.e. cigarette/cigar odour then the vehicle licence will be suspended until such time that an authorised officer is satisfied that the matter has been resolved.

[Amended text] It is an offence under the Health Act 2006 to smoke in Hackney and Private Hire vehicles. Any driver found smoking in a licenced vehicle will incur a fixed penalty or prosecuted with this offence also being recorded. It is also an offence to fail to display no smoking signs Any further offences of smoking in a licensed vehicle may lead to a further fixed penalty or prosecution as well as being referred to the Taxi Licensing Sub-Committee to consider their ability to continue to hold a licence"

For the comfort of passengers, the use of electronic cigarettes, vaporizer kits and other alternatives to smoking tobacco and nicotine are not allowed to be used in a licensed vehicle whilst passengers are in the vehicle.

Electronic cigarettes and vaporizer kits can also be mistaken for actual cigarettes; therefore an authorised officer may still require a licensed vehicle to be presented for inspection.

Proprietors should note that a licensed vehicle remains licensed even when being used for social or domestic (not hire and reward) purposes.

55. National Flags

The displaying of flags on vehicles is subject to agreement/approval of an authorised officer. Proprietors / drivers are encouraged to liaise with the Licensing Team.

56. Vehicle requirements

Every proprietor of a vehicle shall ensure that;

- a) The vehicle together with all of its fittings and equipment is kept in an efficient, safe, watertight, clean and tidy condition and all relevant statutory requirements are fully complied with.
- b) No alteration or change in the specification, design, condition or appearance of the vehicle is made without the approval of an Authorised Officer, at any time whilst the licence is in force.
- c) Have the vehicle serviced in line with the manufacturer's recommendations and service/maintenance records to be produced on demand to a Police Officer or Authorised Officer.

57. Accident Notification

In the event of an accident (or criminal damage) involving a licensed vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of potential passengers, the proprietor shall notify the Council as soon as reasonably practicable. Under normal circumstances, the Council would regard a notification made by no later than 5:00pm on the next working day to have been made as soon as reasonably practicable. In all cases, the proprietor is required under current legislation to report details of the accident to the Council with 72 hours of the accident.

The proprietor must comply with any reasonable request to produce the vehicle for inspection at a specified location within the area of the Council so that its fitness / roadworthiness can be assessed.

58. Additional Requirements for Drivers of Hackney/Private Hire Vehicles

A driver of a hackney carriage/private hire vehicle **must** carry up to the maximum number of passengers for which the vehicle is licensed, if required to do so by the hirer.

Legislation makes a distinction between hackney carriages and private hire vehicles. Hackney carriages may be hailed in the street or hired from a taxi rank. Private hire vehicles may only undertake journeys following an advanced booking being made through a private hire operator. Hackney carriages are also fitted with a meter set to an agreed tariff by the Council and drivers must not charge more than the fare shown, though they are permitted to charge a lower fare. The Council is unable to set a fare for private hire, although potential customers

should be quoted an estimated fare, if requested, when they make their bookings. Hackney carriages can work as a private hire vehicle but must not charge more than the metered fare when used in this way.

59. Warrington Borough Council bye-laws with respect to hackney carriages

The Council have a number of Bye-laws covering the use of Hackney Carriages. These can be found on the Council's website at www.warrington.gov.uk hard copies are available upon request.

Further requirements regarding Hackney Carriages are reproduced at **Appendix "K"**.

60. Plying and Standing for Hire

The driver of a hackney carriage standing on an appointed stand **must**, unless he/she has a reasonable excuse, drive to any place within the Council's area to which he is directed to drive by the hirer.

Licensed hackney carriages may ply for hire on any street within the Warrington Borough Council area. They may only **stand** for hire on the appointed taxi stands as defined by Section 38 of the Town & Police Clauses Act (TPCA). Hackney Carriage vehicles **SHALL NOT** be left unaccompanied (parked) on taxi ranks **AT ANY TIME**.

Taxi stands are appointed by the Council and any proposed changes to taxi stands will be advertised.

Private hire vehicles must **not** ply for hire on any street and it is an offence to ply for hire without a hackney carriage licence. Any insurance for Private Hire would also be compromised in such instances. **No vehicles**, other than licensed hackney carriages, may wait on appointed stands/ranks.

It is an offence for any vehicle to be left unattended on a hackney carriage stand (this also includes hackney carriages). It is also an offence for any vehicle other than a hackney carriage to stop on a hackney carriage stand.

61 Identification Plates on Vehicles

A licensed vehicle must display the plates issued by the Council at all times. Plates issued remain the property of Warrington Borough Council.

The loss of, or damage to, a plate must be reported immediately to the Council, and upon payment of a fee a new plate will be issued. In the case of loss or theft, it must also be reported to the Police and the loss/crime number provided to the Council.

62. Suspension and Revocation of Vehicle Licences

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

- (a) The vehicle is unfit for use as a hackney carriage or private hire vehicle.
- (b) Where a vehicle does not meet the Warrington Borough Council Policy requirements
- (c) Any offence under or non-compliance with the requirements of the TPCA or LGMPA.
- (d) Any other reasonable cause.

Where such suspension, revocation or refusal to renew occurs, the Council must give the proprietor of the vehicle notice of the grounds on which this action has been taken within 14 days of the suspension, revocation or refusal to renew.

There is a right of appeal against the Council's decision to a Magistrates' Court within 21 days from the date of receipt of the Council's notice.

63. Vehicle Inspection

An Authorised Officer or Police Officer has the power to inspect and test any licensed vehicle or any taximeter fixed to such a vehicle, at any reasonable time. If either Officer is not satisfied as to the fitness of the vehicle or the accuracy of its taximeter he/she may, by notice in writing, require the proprietor of the vehicle to make the vehicle and/or its taximeter available for further inspection or testing, at such reasonable time and place as may be specified in the notice, furthermore he/she may suspend the vehicle licence until such time as he/she is satisfied as to the vehicle's fitness or the accuracy of its taximeter. The Council may require a hackney carriage or private hire vehicle to be inspected and tested and, if so required, the proprietor of a licensed vehicle must present it for inspection and testing by or on behalf of the Council within such period and such place as the Council may by notice reasonably require.

The proprietor of a licensed vehicle must supply the Council with written details of the address where the vehicle is kept when not in use, and must, if required by the Council, allow the Council access to enable the vehicle to be inspected and tested there.

64. Fares for Hackney Carriages

The maximum fares chargeable by Hackney Carriage vehicles are fixed by the Council and are to be reviewed annually (in April). Drivers of Hackney Carriage vehicles are permitted to charge any fare for a journey, up to and including (but not exceeding) the fare displayed on the meter.

Journeys which end outside Warrington Borough Council Area

For these journeys the fare is negotiable with the hirer. If any fare is negotiated before the hiring is made no fare greater than that displayed on the meter can be charged. The meter must be used in these circumstances.

Hackney Carriages used under Contracts for Private Hire

When used for private hire purposes hackney carriages must charge from the point of pick-up of the hirer to the point of drop off, the meter must be used. The fare charged cannot be greater than that displayed on the meter.

NB: *Whatever type of journey is undertaken in a hackney carriage, the taxi meter must be in operation even if the fare has been negotiated.*

65. Fares for Private Hire Vehicles

There are no statutory controls over the fares for private hire vehicles. Private hire vehicles do not have to be fitted with taxi meters, but where a taxi meter is fitted it must be tested and approved by the Council.

NB: *It is an offence to tamper with or alter a taxi meter*

66. Meters

Meters, where fitted, shall be of a type that are compliant with the requirements laid down in the Measuring Instruments Directive (MID) 2014/32/EU and the annex for taximeters OIML R21 which was enacted in the UK by The Measuring Instrument (Taximeter) Regulation 2006. Furthermore they should be of a type approved by the Council and shall be calendar controlled, locked and sealed by the manufacturer or supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver. Meters shall be positioned so that passengers in the vehicle can easily read the display.

67. Additionally Conditioned Private Hire Vehicle Licences

For businesses that wish to license novelty or 'stretched' vehicles, or run an executive service where they can demonstrate a "non-standard" private hire service then Warrington Borough Council has Additionally Conditioned Private Hire Licenses. These are effectively private hire vehicle and driver licenses with extra conditions attached.

In order to demonstrate to Warrington Borough Council that a non-standard private hire service will be operated, a business case will need to be submitted detailing how your business differs from the "standard" private hire company's currently operating in the Warrington area. Any person considering this type of licence should contact the Taxi Licensing Team in the first instance to discuss your application.

Where a private hire operator's licence is already held to operate Private Hire vehicles, a separate private hire operator's licence must be obtained from Warrington Borough Council when the business plan has been approved. This is due to the fact that there has to be a clear distinction between the 2 licences.

IMPORTANT: Additionally Conditioned Licenses are issued at the discretion of Warrington

Borough Council Taxi Licensing Team. Should the relevant criteria for these licenses not be met then standard private hire vehicle licences will apply.

68. Additionally Conditioned Driver Licences

Additionally Conditioned driver licences are single licences permitting the holder to drive only licensed Additionally Conditioned Private Hire Vehicles.

Drivers applying for an Additionally Conditioned Private Hire Driver's licence will be exempt from the local knowledge, simple arithmetic and visitor information sections of the required knowledge test however; they are not licensed to drive "standard" Private Hire Vehicles or Hackney Carriages.

69. Additionally Conditioned Vehicle Licences

Vehicles operating under an Additionally Conditioned Private Hire Vehicle licence will be exempt from:

- The displaying of standard licence plates on the front and rear of the vehicle
- Displaying repeater dashboard plates
- Warrington Borough Council door signs
- Private Hire Operator door signs
- The restriction of black and/or white vehicles

A discreet card licence identification feature will be issued and must be permanently displayed in the front, nearside of the windscreen and on the rear window. As one of the main reasons for this type of licence is to keep the vehicle looking discreet it follows that no other signage will be allowed on the vehicle. However, it is recognised that it may be appropriate for some advertising to be on novelty vehicles (e.g. stretch limousines, fire engines etc). Any such advertisement must be approved by an authorised officer.

N.B. *All the conditions of licensing (i.e. those not exempted by these provisions) will apply.*

70. Additionally Conditioned Driver/Vehicle Conditions

Conditions relating to additionally conditioned driver licences can be found at **Appendix "L"**.

Conditions relating to vehicle licences are set out in **Appendices "M"** and are necessary and appropriate to all additionally conditioned vehicles.

71. Stretched Limousines

The Council only license vehicles that carry up to 8 passengers. The Council also licences stretched limousines or vehicles that have been extended since manufacture. On initial examination, in addition to the compliance test, evidence will have to be provided to ascertain the date and validity of the conversion of such vehicle. In the case of a vehicle which has been converted more than 5 years previously the vehicle test will be conducted every 4 months. The general rule is

that such vehicles when they become 10 years old will be subject to further extensive and intrusive examination.

Please note that due to the size of these types of vehicles the compliance tests will take longer and are therefore subject to additional testing fees.

72. Temporary Vehicles Replacements

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be temporary replaced by a hire vehicle provided:

- the accident damage has been reported by the licence holder to the Licensing Team in accordance with the licence conditions.
- application is made by the licence holder for a temporary plate and the appropriate fee paid.
- the replacement vehicle is properly taxed, insured and tested in accordance with the Council's Vehicle Specification's and conditions.
- the council will issue a temporary licence plate(s) to cover the existing period of the licence. The application fee is readjusted if the vehicle has not had its 6 monthly tests.
- any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- the vehicle inspection costs will be borne by the licence holder.
- any hackney replacement vehicle must be fitted with a meter, which must be tested and calibrated to the council's current tariff.

IMPORTANT: A Temporary Vehicle Licence will only be licensed for a maximum period of 3 months. CCTV will not be installed in Temporary Vehicles.

SECTION FOUR

PRIVATE HIRE OPERATORS

73. Operator's Licences

Any person who intends to operate any vehicle as a private hire vehicle, that is, to invite or accept bookings for the vehicle in the course of business, **must** have an operator's licence, it is an offence to operate a private hire vehicle without such a licence.

It is an offence to operate a vehicle as a private hire vehicle if the vehicle itself or its driver is not correctly licensed.

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepts the original (initial) booking.

Ultimately, operators must be able to show that they only use licensed drivers/vehicles and that they comply with all conditions imposed on the licence, relevant laws and legal responsibilities.

74. How to apply for an Operator's Licence

Any person wishing to operate a licensed private hire vehicle must either have an operator's licence in their own right or be affiliated to an existing operator's licence. (An operator's licence may be issued in respect of premises outside the Borough with good reason and subject to satisfactory consultation with the District / Borough Council concerned and with the approval of the 'Taxi Sub-Committee' if appropriate). Upon grant of an operator's licence the operator's licence will specify the address from which the operator may operate. The operating base will normally be located within the Borough of Warrington.

Only persons deemed by Warrington Borough Council to be a 'fit and proper' person may hold a Private Hire Operators Licence. In order to be deemed 'fit and proper' all applicants for a Private Hire Operators Licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS). If an applicant is currently in receipt of a valid joint Hackney Carriage / Private Hire drivers licence or an additionally conditioned private hire drivers licence then this is not required. Where an applicant is a limited company then all directors must obtain a standard disclosure before a licence is considered.

The Council has introduced mandatory safeguarding awareness training to all existing and new private hire vehicle operators. You will need to obtain safeguarding awareness training before an operator's licence can be considered.

If an operator wishes to change the premises from which they operate they must apply to the Council for a licence for the new premises, before they commence trading from those premises.

Prior to incurring any expenditure you are advised to contact the Taxi Licensing Team for general advice on the process. The Taxi Licensing Team will not license anyone proposing to operate

under a name already in use (or a similar name) by an existing licensed operator within the Borough.

75. First Application

You should ensure that planning consent (or exemption) is in place for the proposed premises proposed to be licensed for a Private Hire Operators Licence.

Enquires about obtaining the above can be made to Warrington Borough Council's Development Control Team.

Contact the Taxi Licensing Team on 01925 442517 to request an appointment to make your application for a Private Hire Operators Licence. If your application is to run the business from a business premises, then a site visit may be required by the Licensing Officer, prior to progressing your application. When attending appointments please ensure you bring with you the following:

- The current applicable fee.
- Two means of identification such as (Passport, Birth Certificate, Driving licence, National Insurance Card) AT LEAST ONE MUST BE PHOTOGRAPHIC - the full name and address on which must be the same as that on the application form, correctly spelt name for all persons.
- A completed Private Hire Operators Licence application form.
- If the Operator Licence is being issued to more than one individual – such as: a partnership, all persons details must be provided on the application form and provide all supporting documentation detailed above.
- Obtain safeguarding awareness training
- Design of your private hire operator door sign which must comply with condition 11 of the private hire vehicle licence conditions. **(Appendix "I")**
- The standard duration for an Operator's Licence is 5 years. It may be issued for a lesser period, only if the application is accompanied by a request to do so in writing, we also offer an annual licence.

Please Note: - you cannot lawfully trade until your application has been determined and your licence has been issued to you.

76. Safeguarding Awareness Training

The Council has introduced mandatory safeguarding awareness training to all existing and new private hire operators. All existing operators must obtain safeguarding awareness training by **1st April 2019**.

77. Suspension of Operator's Licences

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

- (a) Any offence under, or non-compliance with, the provision of the TPCA or LGMPA;
- (b) Any conduct on the part of the operator, which the Council considers makes them unfit

- to hold the licence;
- (c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
 - (d) Any other cause deemed reasonable.

Where such suspension, revocation or refusal to renew occurs the Council must give the operator notice as to the grounds on which this action has been taken, within 14 calendar days of the suspension, revocation or refusal to renew. There is a right of appeal against the Council's decision, to a Magistrates' Court, within 21 calendar days from the date of receipt of the Council's Notice.

78. Keeping of Records

Licensed operators must keep records of bookings for a minimum of 9 months from the date of the journey. They must be in the form prescribed by the Council as set out in the Private Hire Operator conditions at **Appendix "J"**.

It is important that booking details are recorded at the licensed premise and kept up to date. Ultimately, operators have a legal responsibility to show that they only use drivers/vehicles that are licensed by the Council and that they comply with all relevant laws and conditions on the licence. Operators and vehicle proprietors also have a legal responsibility to ensure that all drivers are and remain licensed by the D.V.L.A and that the vehicle is maintained in a satisfactory condition.

Bookings may be recorded in a number of ways however the main reason for the recording of bookings is to ensure there is an effective audit trail. This allows the operator to prove all journeys were carried out following (and not prior to) the booking being recorded at the licensed premise and to assist Licensing Officers and Police to identify driver's, vehicles and clients in the case of any queries.

The use of electronic booking systems allows an operator a faster and sometimes more efficient way of dealing with high volumes of clients but in doing so certain details previously required for the booking would not be recorded. Under these circumstances each vehicle must be electronically tracked and the operator must still be able to satisfy the Authority of a thorough audit trail.

As staff employed by Licensed Operators have access to customers' personal information (such as home addresses, when customers are away etc.), it is important that these staff are trustworthy and suitable to carry out the role. The operator should therefore obtain basic DBS disclosure checks before employing new staff members and shall maintain records of staff.

The Operator must be able to demonstrate that there are adequate arrangements in place to deal with complaints in accordance with the Operator Conditions set out at **Appendix "J"**.

Any change of address of a licence holder must be notified to the Licensing Section, within seven calendar days of the change taking place.

All drivers that are engaged by the operator must be in possession of a current appropriate

current drivers licence issued by both Warrington Borough Council and the D.V.L.A.

79. Conditions

The Council has the power to impose such conditions on an operator's licence as it considers necessary. Please refer to **Appendix "J"** which contains conditions appropriate to operators.

80. Important Changes

Please note: **Should you leave/move from the premise(s) stated on the private hire operator's licence then that licence will be automatically cancelled** and the operator will be responsible for applying for a license for the new premises (if appropriate). Anyone found operating from an address within the Warrington Borough without a licence may be prosecuted and/or have any other licenses reviewed.

81. Complaints

Operators must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business and the action, if any, that the operator has taken or proposes to take. If the complaint relates to certain behaviours involving dishonesty, violence, discrimination or sexual misconduct, the report must be made within 48 hours. If the complaint involves sexual impropriety or behaviour which may compromise the safety or welfare of a child, the report must be made immediately and followed up as soon as possible thereafter in writing (by email).

82. Insurance

Every private hire vehicle operated must be covered by a certificate of insurance or cover note indemnifying the proprietor of the vehicle under the provisions of the Road Traffic Act 1972 (Part IV) for the carriage of pre-booked passengers for private hire. There is a legal responsibility on Operators to ensure every vehicle used by the Company is properly insured.

83. General Requirement

Licensed drivers, operators and the proprietors of licensed hackney carriage and private hire vehicles must comply fully with the relevant licence conditions made by the Council. Any person aggrieved by any of the conditions may appeal to a Magistrates' Court within 21 calendar days from the date of receipt of the conditions, following the grant of the licence.

CONSULTATION LIST

WBC Councillors Parish
Councillors
Warrington Town Centre Management
National Taxi/Private Hire Association
The Licensed Hackney Trade
The Licensed Private Hire Trade
Cheshire Constabulary
Local Businesses/Representatives
Local Transport Providers
Disability Groups
Planning Authority
Highway Authority
Other Government Departments & Agencies
Local Authority Designated Officer (Safeguarding)
Neighbouring Authorities
Service Users

TAXI LICENSING SUB-COMMITTEE HEARING PROCEDURE

1. Welcome and introductions - The Chair will welcome the parties to the hearing, introduce the members of the sub-committee, and invite the parties to introduce themselves.
2. The Chair will outline the hearing procedure.
3. The licensing officer will outline the nature of the matter to be considered. The sub-committee may seek 'expert witness' from Safeguarding Officers within the Council in relation to Safeguarding issues being considered. Members of the Sub-Committee can then ask any relevant questions of the licensing officer, after which the applicant/licence holder (or their representative) may ask the licensing officer any questions.
4. The Chair will then invite the applicant (or his/her representative) to respond to the issues raised in the licensing officer's report. Members of the sub-committee can ask any relevant questions of the applicant (or his/her representative), after which the licensing officer can ask the applicant (or his/her representative), questions.
5. The Chair will ask the Licensing Officer to summarise his/her case.
6. The Applicant (or his/her representative) will be invited to make a closing statement.
7. At the end of the hearing the Chair will ask the parties to leave the room. The Legal Advisor and Democratic Services Officer will remain in the room to provide legal or procedural advice.
8. The Sub-Committee withdraw to private session to consider their decision.
9. When the Sub-Committee has reached a decision all parties will be invited back into the room and the legal advisor will read out the decision of the members to those present.
10. The legal advisor will then give a verbal summary of the members' decision to the applicant and advise the applicant that they will receive a written decision notice setting out the full reasons and that they will have a right to appeal the decision within 21 days from receipt of the decision notice. In certain circumstances the decision notice will be issued to the applicant at the conclusion of the hearing.

PLEASE NOTE:

- i). Where the Sub-Committee considers it necessary the procedure may be varied.
- ii). In circumstances where any party fails to attend, the Sub-Committee will consider whether to proceed in that party's absence or, defer to the next meeting. In deciding whether to proceed all notices and representations will be considered.
- iii). The hearing will take the form of a discussion and the Sub-Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.

- iv). If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.
- v). The hearing will usually be recorded to provide a true account of the evidence provided by both parties. A digital copy (MP3 or audio cd) can be provided upon request following the hearing.

PROOF OF RIGHT TO WORK IN THE UK

The Council notes that the Department for Transport considers it best practice for Council's to check on an applicant's right to work, before granting a hackney carriage/private hire vehicle driver's licence. Therefore, all currently licensed drivers will be required to produce documentary proof of their right to work in the UK when they next apply to renew their current driver's licence. Anyone applying for a new licence will be required to produce documentary proof of their right to work in the UK.

Applications received that do not include one of the below documents will be rejected by the Licensing Authority.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued

by a Government agency or a previous employer.

- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.□
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.
- Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical
- insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i). any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

CONVICTIONS POLICY

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing Officers
- Members of the Licensing Committee/ Panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Crown Court hearing appeals against magistrates/local authority decisions

Thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee/Panel (or other relevant decision-making body). Whilst Officers and the Committee/Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines. These Guidelines apply to existing drivers, private hire vehicle operators and hackney carriage/private hire proprietor's (Vehicle Owners) whose fitness and propriety falls to be reconsidered as well as to new applicants.

Background

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a 'fit and proper person' to hold such a licence.
2. The document is intended to give guidance on one aspect of whether a person is or is not a 'fit and proper' person namely in the situation where a person has previous allegations, convictions or cautions, as determined by an Enhanced DBS check.
3. The Council is concerned to ensure:
 - a. That a person is a 'fit and proper' person
 - b. That a person does not pose a threat to the public
 - c. That the public are safeguarded from dishonest persons
 - d. The safeguarding of children and young persons
4. The public does not normally attend Licensing hearings for hackney carriage or private hire applications. The Licensing Committee/Panel however is required to take account of the public's human rights in reaching their decisions.

5. When submitting an application for a licence or for renewal of a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous allegations and/or convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
6. Whilst this Policy makes reference to “allegations/convictions”, it is recognised that a conviction has resulted from a criminal process where an individual has either accepted his guilt or been found guilty following a trial whereas an allegation may never result in any criminal proceedings being brought. The weight that is given to an allegation will depend on the credibility and source of the evidence, any corroborating evidence and the related circumstances, which will include an assessment of the risk posed by the Applicant in the event that the facts alleged are true. A old allegation that was not taken further may carry less weight than a recent allegation which is still being investigated but each assessment as to the weight to be given will depend on the circumstances of the individual case and an old allegation which is serious may still give cause for concern. Appropriate weight will be given depending on the circumstances of the case.
7. It is recognised that a caution is not a criminal conviction and cannot be given the weight of a conviction. However, it is also recognised that in order to be given a formal caution, the Applicant must have accepted that he/she committed the crime for which the caution was administered.
8. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a ‘fit and proper person’ to hold a driver’s licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 of the Act (i.e. suspension, revocation or refusal to renew a licence).
9. Applicants should be aware that the Council is empowered by law to check with the Disclosure & Barring Service DBS (formerly the Criminal Records Bureau) for the existence and content of any criminal record and other intelligence held in their name. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
10. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver’s licence. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.
11. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver’s licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

12. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous allegations and/or convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*ref. Nottingham City Council v. Mohammed Farooq (1998)*].
13. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
14. These guidelines do not deal with every type of allegation / offence, but do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual's application. If an applicant has a conviction for an offence not covered by the guidelines regard will be taken to the factors at paragraph 10 when deciding what action (if any) should be taken.

Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

15. The guidelines are not an attempt to define what is a 'fit and proper person'.
16. Any applicant refused a driver's licence on the ground that the Council is not satisfied they are a 'fit and proper person' to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
17. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences. It is recognised that drivers who are existing licence holders have already been found "fit and proper" by this Licensing Authority and this guidance will be used to determine if they remain fit and proper in the light of new allegations/convictions or other relevant information within the knowledge of the Licensing Authority.
18. It is common practice for Applicants to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Licensing Authorities may use the same application form that allows the applicant to specify if they are applying both types of driver's licences or only one type. This provides an efficient service for the customer and saves needless duplication. For dual applications the Licensing Committee/Panel are asked to apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Committee/Panel the fit and proper test will be applied individually to each Licence.
19. Any person applying for a driver's licence who has previously had a licence revoked by Warrington Borough Council (or any other Authority responsible for the licensing of drivers under the Local Government (Miscellaneous Provisions) Act and the Town Police Clauses Act 1847) will have any further application referred to the Taxi Licensing Sub-Committee. The decision to revoke a licence is not taken lightly therefore any applicant wishing to regain a

licence must provide evidence that their circumstances have changed and that they can now be considered a “fit & proper person”.

GUIDELINES ON THE RELEVANCE OF PREVIOUS ALLEGATIONS / CONVICTIONS

General Policy

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers are fit and proper persons to hold licences. One aspect of that is the extent to which previous allegations / convictions, including but not limited to allegations / convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. A person with an allegation / conviction for a serious offence need not be automatically barred from obtaining or retaining a licence, but would normally be expected to:
 - a. Remain free of allegation / conviction for an appropriate period; and
 - b. Show adequate evidence that he or she is a ‘fit and proper person’ to hold a licence (the onus is on the applicant to produce such evidence).

Simply remaining free of allegation / conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

4. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the allegation / offence is an isolated one with mitigating circumstances or where a allegation / conviction defaults outside of the policy between the application and determination date. Similarly, multiple allegations / offences or a series of allegations / offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
5. The following examples afford a general guide on the action, which might be taken where allegations / convictions are disclosed:

a. Offence of Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include persons who are especially vulnerable.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any allegations or convictions involving dishonesty. In general an applicant or existing licence holder with allegations / convictions for dishonesty, which are less than 3 years old, is unlikely to be considered favourably.

In particular, a licence will normally be refused where the applicant/licence holder has an allegation / conviction for one or more of the offences set out below or similar offences or offences which replace the below offences and the conviction is less than 3 years prior to the date of application

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit Fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception

b. Violence

1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where allegations or offences of violence involve children or young persons.

Where the commission of an offence involves loss of life a licence will normally be refused. In other cases a period of 5 to 10 years free of allegation / conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an Applicant/Licence holder is likely to be considered fit and proper to hold a licence.

2. Offences against Other Persons

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In

other cases a period of 3 to 10 years free of conviction for allegations / offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an Applicant/Licence holder is likely to be considered favourably.

In particular:

i. A licence will normally be refused where the applicant/licence holder has a conviction for an offence or similar offence(s), which replace the below offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

ii. A licence will also normally be refused where the applicant/licence holder has a conviction (in some cases an allegation) for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application/existing licence being reviewed:

- 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) 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)
- Grievous bodily harm without intent (s.20 Offences Against the Person Act)
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest

iii. A licence will also normally be refused where the applicant/licence holder has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application/existing licence being reviewed:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

iv. A licence will also normally be refused where the applicant/licence holder has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application or existing licence being reviewed:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Criminal damage

c. Drugs

A licence will normally be refused where the applicant/licence holder has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

A licence 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/existing licence being reviewed.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 4 years will require careful consideration of the facts.

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

d. Sexual and Indecency Offences

Any applicant currently on the Sex Offenders Register would not normally be granted a licence.

If an existing licence holder is placed on the Sex Offenders Register the licence will normally be revoked.

1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Where the commission of a sexual offence involves a child or young person a licence will normally to be refused.

2. Offences against persons other than children / young persons

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

Applicants/existing licence holder with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not be a criminal offence.

e. Drunkenness

i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

A licence will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to merit refusal.

ii. With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before a licence can be considered.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant/licence holder from gaining/retaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants/licence holder will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

MOTORING CONVICTIONS

Major Traffic Offences

A licence will normally be refused where an applicant/licence holder has a conviction for a major traffic offence where the conviction is less than 2 years prior to the date of the application.

An application from an applicant or existing licence holder being reviewed with more than one Major Traffic Offence, within the last 5 years will normally be refused.

If any conviction for a Major Traffic Offence results in a disqualification, applicants/licence holders should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as '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
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle

DD80	Causing death by dangerous 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
DR31	Driving or attempting to drive when unfit through drugs
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 specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / 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
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle
CU80	Breach of requirements as to control of the vehicle mobile phones etc

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

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.

INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.

One Conviction

Where an applicant has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

For existing licence-holders where they hold no other driving convictions within a 2 year period prior to receiving an intermediate traffic offence **and** do not have a history of frequent motoring convictions then a written warning may be issued.

Two or more Convictions

Where an applicant/licence holder has 2 or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application or an existing licence being reviewed, the applicant/licence holder will normally be expected to show a period of at least 12 months free from conviction before an application/licence is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants/licence holders should refer to the section of these guidelines entitled “disqualification”.

For the purposes of these guidelines the following motoring offences are classed as ‘Intermediate 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
	Text moved
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 of other road users
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

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).
Or similar offences or offences which replace the above offences.

MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Single conviction

Where an applicant has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

For existing licence-holders where they hold no other driving convictions within a 2 year period prior to receiving an intermediate traffic offence **and** do not have a history of frequent motoring convictions then a written warning may be issued.

Two or more Convictions

Where an applicant/licence holder has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application an applicant will normally be expected to show a period of at least six months free from conviction before an application/licence is considered.

For the purposes of these guidelines the following motoring offences are classed as ‘Minor Traffic Offences’:

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
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
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

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

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.

Plying for Hire

In the case of a private hire driver found guilty of an offence of plying for hire, the Committee/Panel would normally order the licence to be revoked or suspended.

Breach of Conditions, Bye-laws and complaints

Any serious or repeated breach of conditions by a private hire driver or similar breach of bye-laws by a hackney carriage driver will be referred to the Committee/Panel.

Re-application

Applicants are advised that Council guidelines are that where an applicant has had an application refused or a licence revoked, the Committee/Panel would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the applicant's circumstances.

Any person who has previously had a licence refused or revoked within the past 5 years must have any new application heard by the Committee/Panel in order to provide evidence that they are now a "fit and proper person" to hold such a licence.

DISQUALIFICATION

Disqualification – Major Traffic Offence

A licence will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

Disqualification – Intermediate Traffic Offence

A licence will generally be refused unless the applicant/existing licence holder being reviewed can show a 12 month period free from conviction has elapsed from the restoration of the DVLA licence.

Disqualification – Minor Traffic Offence

A licence will generally be refused unless the applicant/licence holder being reviewed can show a 12 month period free from conviction has elapsed from the restoration of the DVLA licence.

TOTTING UP

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

Totting up With Disqualification

A licence will generally be refused unless the applicant/existing licence holder being reviewed can show a period of 12 months free from conviction has elapsed from the restoration of the DVLA licence.

Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under "Disqualification - major traffic offence"

Totting up without Disqualification

An applicant/licence holder who has accrued sufficient points for disqualification, under totting up, to be considered by the Court, may argue exceptional hardship and not receive a disqualification from them. Under these circumstances the Court does not consider if a driver is a "fit and proper

person” as per the Local Government (Miscellaneous Provisions) Act 1976 but merely considers the drivers ability to hold a driving licence as issued by the DVLA.

In these circumstances the Council will consider the application/licence as a disqualification for the most serious of the offences, which contributed to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under ‘Disqualification – Major Traffic Offence’).

SPENT CONVICTIONS

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002, taxi drivers are an exempted occupation for the purposes of the 1974 Act.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant/licence holder 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 AND ENDORSABLE FIXED PENALTIES

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

MULTIPLE CONVICTIONS FROM SINGLE INCIDENT

Where an applicant/licence holder has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant/licence holder is to be treated as a fit and proper person to hold a licence. In particular, an applicant/licence holder will normally be refused a licence if he/she has been convicted of an offence under the Acts at any time during the 2 years preceding the application/licence being reviewed or has more than one conviction within the last 5 years preceding the date of the application/existing licence being reviewed.

Policy relating to the Code of Conduct For Hackney Carriage & Private Hire Licence Holders

1.0 INTRODUCTION

- 1.1 In order to promote its licensing objectives as regards hackney carriage and private hire vehicle licensing, the Council has adopted a Code of Good Conduct for all licence holders, which should be read in conjunction with the other statutory and policy requirements that apply to your licence.
- 1.2 This Code of Conduct will be used for the determination of whether a current licence holder remains fit and proper to hold a licence.
- 1.3 For the purpose of clarity any reference to licence holder in this document includes Hackney Carriage/Private Hire Drivers, Hackney Carriage/Private Hire Vehicle Proprietors and Private Hire Vehicle Operators.
- 1.4 This Code of Conduct document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
- Hackney Carriage/Private Hire Drivers
 - Hackney Carriage/Private Hire Vehicle Proprietors
 - Private Hire Vehicle Operators
 - Licensing Officers
 - Members of the Licensing Panel
 - Magistrates hearing appeals against local authority decisions
- 1.5 Where Licensing Officers have delegated powers to consider the fitness and propriety of a current licence holder they will utilise this Code of Conduct when making a decision. Cases may also be referred to the Licensing Panel. Whilst Officers and the Licensing Panel will have regard to the document, each case will be considered on its individual merits and, where the circumstances demand, the Licensing Panel may depart from the Code of Conduct.

2.0 RESPONSIBILITIES OF THE TRADE:

- 2.1 In exercising its powers the Council will expect licence holders to promote the image of the Hackney Carriage and Private hire vehicle trade and to conduct themselves in a manner which demonstrates that:
- (a) They remain fit and proper to hold a licence;
 - (b) They comply with this Code of Good Conduct;
 - (c) They do not pose a threat to the public;
 - (d) They comply with all the conditions of their Licence and the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy;

- (e) They behave in a civil, orderly and responsible manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
- (i) Cause any person to take offence at their actions or words
 - (ii) Cause any person to believe their actions or language to be inappropriate
 - (iii) Cause any person to fear for their physical safety
 - (iv) Cause any person to doubt their integrity
 - (v) they do not cause any person to take offence due to their lack of respectability, cleanliness and hygiene in their dress or person
 - (vi) Comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
 - (vii) Bring in to disrepute the integrity of the Council for having issued a licence to such a person.

3.0 EXPECTED STANDARDS OF BEHAVIOUR

- 3.1 Warrington Borough Council expects licence holders to behave in a fit and proper manner at all times commensurate with their position as licence holders.
- 3.2 Licence holders are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- 3.3 Licensed drivers and operators are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an indication of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. Operators are aware of properties being empty when taking bookings for example when the householder is going on holiday Licence holders must not abuse their position of trust.
- 3.4 Passengers paying for a transport service rely on their driver to get them to their destination safely. Hackney Carriage and Private Hire Drivers are considered to be professional drivers and must be fully aware of all Road Traffic legislation and conditions attached to the licence and must always have the appropriate insurance in place. Licensed drivers are expected to drive at all times in accordance with all relevant traffic regulations and the Highway Code, and should never drive in an aggressive or dangerous manner. This is the case whether passengers are being conveyed in the licensed vehicle or not.
- 3.5 Misconduct will generally involve behaviour which falls below the standard expected of a licensed driver. This may relate to the conduct of the driver or their standard of driving. Misconduct of a licensed driver may involve the use of rude, inappropriate or unreasonable language, inappropriate behaviour, or dishonest practices or other behaviour which falls short of this Code. It may also include circumstances where a driver may have been arrested or cautioned for an offence but where no further action was taken or criminal conviction imposed. In these circumstances the licence holder may be referred to the Licensing Panel who will consider whether the licence holder remains a fit and proper person to hold a licence.

- 3.6 Warrington Borough Council is particularly concerned about conversations of a sexual nature between licensed drivers and passengers.
- 3.7 Whilst it should be obvious that it is completely unacceptable for a licensed driver to engage in sexual activity of any kind with a passenger, Warrington Borough Council is of the firm view that there is also no excuse, justification, or reason, for a licensed taxi or private hire driver to engage in any form of conversation with passengers of a sexual nature even if the conversation is instigated by the passenger, or that the driver just thought the conversation to be 'banter'.
- 3.8 It is completely inappropriate in the context of an individual being licensed to convey members of the public, and even though it may appear that the passenger is not objecting to such conversation, in reality this may well be because they feel uncomfortable and uncertain how to react, or afraid as to their personal well-being if they were to object or refuse to engage with the conversation. Such conversations are particularly inappropriate where the passenger is a young person or is vulnerable through intoxication, disability, or any other reason.
- 3.9 Warrington Borough Council will be firm in dealing with any licensed driver who takes advantage of his position to indulge in such conversations, and will take robust action where necessary.
- 3.10 Licence holders must advise the Licensing Section of any incident which they believe may lead to a complaint against them. Failure to do so could lead to action being taken which may include a licence being suspended or revoked. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect.
- 3.11 Any amount of alcohol or drugs can affect a driver's judgement. The Council will take a very serious view of any licensed driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

4.0 RESPONSIBILITY TO CHILDREN & VULNERABLE ADULTS:

- A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.
- All complaints, information or any other concern brought to the Councils attention regarding a child or vulnerable adult will result in the immediate investigation of any licensed driver or operator and this may lead to revocation of licence or suspension of license pending the outcome.
- Warrington Borough Council shall follow its Safeguarding Children & Vulnerable Adults Policy when responding to any complaints/concerns.

4.1 DO...

- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of

appropriate measures; however they should check that they are in place. This will allow you to prepare for the journey in the right way.

- Always ask if a vulnerable passenger needs help, do not assume
- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one. If necessary, you should obtain a record of the carer's contact details if there is no escort/chaperone.
- Treat all children and vulnerable adults with respect.
- Be aware that verbal interaction with children or vulnerable adults may be interpreted by them as offensive or harassment, even if this was not your intention.
- Report to Warrington Borough Council any unacceptable behaviour from a child or vulnerable adult.
- Be aware that contact made outside of a school environment or any other care institute, as a result of you coming into contact with a child/vulnerable adult whilst you are working, is considered inappropriate.
- Suggest that passengers sit in the rear seat unless there is a good reason to the contrary.
- If you are concerned about someone else's conduct relating to safeguarding including allegations of abuse or suspicion, you should report your concerns to the Council's Licensing Section (01925 442517), The Police (101) or Crimestoppers (0800 555111).

4.2 DO NOT...

- (a) Instigate any verbal or physical contact with children/vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work).
- (b) Respond to any verbal or physical contact from children or vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work). If you are approached or contacted, or you have any other concerns about the person's behaviour then you should report it immediately to your employer or to another responsible body. If you are unsure who to report it to please contact the Licensing Officer.
- (c) Give any personal information to any child or vulnerable adult, for example your name, dress, telephone or mobile number or email address.
- (d) Accept or respond to a child or vulnerable adult attempting to give you personal information, for example their name, address, telephone or mobile number or email address.
- (e) Engage with children or vulnerable adults via internet chatrooms, instant messaging services e.g. MSN Messenger, WhatsApp, Snapchat or social networking sites e.g. Facebook, Instagram, Tweeter, Bebo and Myspace.
- (f) Accept physical or verbal abuse from a child or vulnerable adult. DO NOT respond yourself, but report it immediately to someone in the school office or to Warrington Borough Council.
- (g) Make promises to keep any disclosure confidential from relevant authorities.
- (h) Allow any allegations go unreported or trivialise any abuse issues.
- (i) Start any investigation after an allegation or concern has been raised. You just need to record the facts and report these to Warrington Borough Council.
- (j) Show favouritism to anyone or threaten to carry out any form of physical punishment.
- (k) Behave in a way that may make a vulnerable passenger feel intimidated or threatened.

4.3 NEVER

- (a) Initiate or engage in sexually provocative conversation or activity or allow the use of inappropriate language to go unchallenged. Never do things of a personal/intimate nature with passengers.**
- (b) Touch a vulnerable person/passenger inappropriately.**
- (c) Make offensive or inappropriate comments (such as the use of swearing or sexualized or discriminatory language).**

4.0 RESPONSIBILITY TO ALL CLIENTS:

Licence holders shall:

- (a) Keep their vehicles clean and suitable for hire to the public at all times.
- (b) Attend punctually when undertaking pre-booked hiring.
- (c) Not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Hackney Carriage/Private hire vehicle he or she is driving has been hired.
- (d) Pay attention to personal hygiene and dress so as to present a professional image to the public.
- (e) Be polite, helpful and fair to passengers.
- (f) Assist, where necessary, passengers into and out of vehicles.
- (g) Offer passengers reasonable assistance with luggage.
- (h) Carry on request any assistance animal such as a guide dog. No additional charge should be made for the assistance dog.
- (i) Ensure that all hackney and private hire vehicles are smoke-free areas at all times. This includes whether the vehicle is working or not.
- (j) Drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile 'phone (or similar device) whilst driving.
- (k) Obey all traffic regulations.
- (l) Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- (m) Not drive while having misused legal or illegal drugs.
- (n) Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- (o) Not eat or drink in the vehicle in the presence of customers

6.0 RESPONSIBILITY TO RESIDENTS:

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

- (a) Not sound the vehicle's horn illegally.
- (b) Keep the volume of radio/cassette/CD/MP3 players and VHF radios to a minimum.
- (c) Switch off the engine if required to wait.
- (d) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

7.0 AT TAXI RANKS AND OTHER PLACES WHERE HACKNEY CARRIAGES PLY FOR HIRE BY FORMING QUEUES, DRIVERS SHALL, IN ADDITION TO THE REQUIREMENTS ABOVE:

- (a) Rank in an orderly manner and proceed along the rank in order and promptly;
- (b) Remain in the vehicle.

8.0 AT PRIVATE HIRE OFFICES A LICENCE HOLDER SHALL:

- (a) Not undertake servicing or repairs of vehicles.
- (b) Not allow their radio/cassette/CD/MP3 players or VHF radios to cause disturbance to residents of the neighbourhood.
- (c) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

9.0 DRESS CODE FOR LICENSED DRIVERS

9.1 The Council 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 Warrington.

9.2 Drivers are expected to dress in a neat and tidy manner that will not cause offence and act courteously both to passengers and other road users. The following are acceptable standards of dress;

- Upper clothing should cover the shoulders (not sleeveless);
- Shorts may be worn in exceptionally hot weather **BUT** must be tailored;
- Shirts or blouses can be worn with a tie or open-necked
- Smart jean type trousers are permitted;
- Footwear should fit around the heel of the foot;
- Other forms of dress may be acceptable – please ask for appropriate advice from the Licensing Team.

9.3 Unacceptable standards of dress:

- Bare chests;
- Unclean, damaged or inappropriate clothing/footwear;
- Clothing with offensive words, logos or graphics;
- Beach type footwear (e.g. flip flops and mules) or any other form of footwear not secured around the heel;
- Sports shirts or shorts e.g. football, rugby or cricket tops or track suits
- Studs or sharp-edged clothing
- Headwear that conceals (or partially conceals) the face of the driver; and
- Baseball caps.

9.4 If drivers are in any doubt about the appropriateness of their proposed attire they should seek guidance from the Licensing Team.

10.0 FAILURE TO REPORT MATTERS

10.1 Licence holders must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrate's or Crown Court have started against them.

10.2 In accordance with licence conditions licence holders shall immediately disclose to the Authorised Officer, in writing, details of any criminal or driving conviction imposed on

him/her during the currency of his/her licence.

- 10.3 Licence conditions also require that a licence holder must notify the Council within 7 calendar days details of any change of his/her address and change of contact telephone number during the period of the licence.
- 10.4 Licence holders must also report to the Council any incidents which may lead to a complaint against them.
- 10.5 If a licence holder is found to have failed to disclose any of the above or other matters which may affect their fitness and propriety to hold a licence it will be regarded very seriously by the Council as the Council will have been denied the opportunity to promptly consider whether the licence holder remains fit and proper to hold a licence. Failure to properly disclose any of these matters may lead to a licence being suspended or revoked and may also lead to prosecution.
- 10.6 An existing licence holder who is subject to an ongoing police investigation or criminal proceedings may, subject to the circumstances, have their licence suspended or revoked if it is in the interest of the public and the Council is no longer satisfied that they are a 'fit and proper' person. If it is in the interest of public safety such suspension or revocation will have immediate effect.
- 10.7 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations

11.0 COURSE OF ACTION TO BE TAKEN BY THE LICENSING SECTION

- 11.1 Drivers and operators should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a Hackney Carriage/Private Hire driver's or Operator's licences where:
- (a) the driver has been convicted, since the grant of the licence, of motoring offence, an offence, involving dishonesty, indecency or violence;
 - (b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Vehicle Licensing Policy relating to taxi regulation;
 - (c) there is a breach of Licence condition and this Code of Conduct.
- 11.2 Licensed drivers and operators have close regular contact with the public and a firm line will be taken with those who commit an act of violence, are found to operate without the appropriate insurance being in place, demonstrate dishonest behaviour or cause a passenger to feel unsafe whilst in a licensed vehicle.
- 11.3 The course of action taken by Warrington Borough Council will be proportionate to the incidents or allegations being investigated. Action taken by the Licensing Section may include the issuing of a written warning, or the suspension or revocation of a licence under delegated powers. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect. In certain circumstances the matter may be referred to the Licensing Panel.
- 11.4 A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to their licence should expect to have action escalated to the highest

level to protect the public.

- 11.5 In all cases the history of the licence holder, including the existence of previous complaints, any advice and warnings previously issued, and the circumstances surrounding any alleged incident, will be taken into account. These matters will be used to determine the most appropriate course of action deemed necessary and proportionate in the circumstances.
- 11.6 Even if a complaint appears to be isolated or is the first recorded against a licence holder, having taken all matters into consideration, Warrington Council may deem it appropriate and proportionate to revoke or suspend the driver's licence and may decide that, in the interests of public safety, such decision should have immediate effect.
- 11.7 The Council may not be satisfied that a licence holder remains a fit and proper person to hold a licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse to renew a licence or to revoke the licence.
- 11.8 In considering evidence of a licence holder's good character and fitness to hold a licence the Council will consider the nature of the conduct as well as the impact of this conduct on the public, the nature of the offence and the penalty imposed, and any other factors which might be relevant.

12.0 DISCIPLINARY LICENSING HEARINGS

- 12.1 Each licence holder referred to the Licensing Panel will be considered on their individual merits. In those circumstances the Licensing Panel will decide whether the licence holder remains a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to allow a licence holder to continue to hold a licence, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the licence holder's suitability as a Private Hire/Hackney Carriage Driver or Private Hire Vehicle Operator.
- 12.2 In some circumstances the Licensing Panel may consider the licence holder remains a fit and proper person to continue to hold a licence however the Panel may impose a sanction on the licence holder, for example issue the licence holder with a warning or referral to a driver awareness course, at the driver's own expense to raise, enhance or train them to be able to conduct themselves in a professional manner commensurate with the safety of the customers they serve, irrespective of whether or not any other course of action is taken.
- 12.3 The overriding consideration of the Licensing Panel will always to be to protect the public. Licence holders should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles.
- 12.4 Being a licensed Hackney Carriage/Private Hire Driver or Private Hire Vehicle Operator is a responsible position and the Council takes its public protection role very seriously. The Council will only allow a licence holder to continue to hold a licence if they are satisfied that they are 'fit and proper'.

POLICY ON CCTV SYSTEMS IN VEHICLES LICENSED BY WARRINGTON BOROUGH COUNCIL**CCTV POLICY AND GUIDANCE :****Purpose**

The Council is committed to safeguarding people, particularly vulnerable members of our society, and to taking appropriate steps to deter and prevent crime.

Our objectives are:-

- The protection of the travelling public and children using taxi support services.
- The protection of drivers.
- To ensure that licensed drivers remain fit and proper persons to continue to hold a licence.
- The protection of contracted support.

We recognise that our drivers provide an invaluable service as part of our integrated transport strategy. Drivers help to support vulnerable people, including the elderly and disabled users and transport children to and from school. They also serve the late night economy, often providing the only means of late night public transport.

In exercising its functions, including its safeguarding duties, the Council recognises that it must comply with the Data Protection Act and relevant human right provisions. CCTV systems that process personal data/information must comply with the principles of the Data Protection Act. We are mindful of the "data protection principles" and supporting Codes of practice and guidance. The Crime and Disorder Act also requires the Council to consider crime and disorder reduction measures. The Council, having considered all relevant matters, concluded at its full Council meeting in 8th December 2014 that it would assist the prevention and detection of crime in taxis and be reasonable, proportion and therefore lawful to introduce a licensing requirement for CCTV. The Council now requires all licensed vehicles to have CCTV equipment installed and operational.

The policy requirement for CCTV forms part of the Council's Hackney Carriage/Private Hire Licensing Policy. The Policy contains a clear statement that licence holders must comply with "all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy Statement". The policy became effective on the 1st June 2016 and the Policy states that "all vehicles will be required to install CCTV. Any system must comply with Warrington Borough Council's specifications". Appendices I, K and M of the Policy sets out the conditions for Private Hire and Hackney Licensed vehicles, including CCTV.

This Policy is designed to support the fundamental policy requirement for CCTV.

Procedures

The Council recognises the need to have policies and procedures as part of its governance arrangements.

The Council has produced the following procedures that support and underpin the policy. There is a clear requirement and need for these policies to be kept under review and to be updated where appropriate; in response to changes in legislation, guidance or local circumstances. These documents are available on our website.

Privacy Impact Assessment (PIA)

The Council has produced a PIA to consider the need for CCTV, to ensure that the issue of privacy has been considered, and to put appropriate controls in place to both minimise any intrusion and to protect the data.

CCTV Specification

The Council has produced a minimum system specification which provides guidance on the system requirements, particularly in relation to data protection.

The Council maintains a list of Approved Systems. The Approved Systems will meet the minimum system specification.

Drivers may elect their preferred CCTV system; however, the system chosen must be selected from the Council's Approved List.

The Council reserves the right to inspect vehicles and to require any system that does not meet the minimum system requirement to be removed and replaced with an appropriate product. Any breach of the Council's vehicle licence conditions is likely to lead to the suspension or revocation of the vehicle licence and may call into question the fitness and propriety of the driver.

Systems that previously, but no longer, meet the Specification may be given "grandfather rights" providing that they remain operational and do not undermine the safety and integrity of the vehicle.

The driver shall ensure that the system is installed in accordance with the Technical Specification. Drivers may elect to install a forward facing camera. This does not form part of the policy requirement or system specification. The forward facing system must be installed in a manner that does not interfere with the 'in car' CCTV system or the safety of the vehicle.

Data Download Policy

The Council has produced a Data Download Policy to ensure that there are clearly defined rules on who can gain access and for what purpose such access is granted. This is available on the Council's website.

Exemption Requests

There is a clear policy presumption that all Hackney Carriage and Private Hire Vehicles (including additionally conditioned private hire vehicles) will have an appropriate CCTV system installed due to the fact that the standard operating model carries inherent risks, as identified in the Privacy Impact Assessment (PIA), which cannot be reasonably mitigated by other means. The Policy requirement for CCTV also helps to fulfil our responsibility to detect crime and disorder and to protect the most vulnerable.

All licences, with the exception of additionally conditioned vehicles, confer the same entitlement on the licence holder and do not seek to restrict the ability of the driver to operate within the conditions of their licence.

Maintenance

The System shall be maintained in accordance with the licence conditions. The driver, or operator, shall report any issues to both the installer of the system and the Council.

The driver shall submit the vehicle upon reasonable request to a location nominated by the Licensing

Authority for a compliance check of the system.

System transfer/Replacement

It is the driver's responsibility to ensure that the system is safely installed and is fully operational. Transfers must be carried out by a suitable auto-electrician in accordance with the manufacturer's instructions.

Enforcement

The system should be capable of producing images for the purpose of supporting both a criminal and civil investigation. Any deliberate attempt to obscure the camera, to disconnect it, or to access or damage the unit will be treated extremely seriously. This may, subject to the decision of an appropriate committee or sub-committee, result in the suspension or revocation of the driver's licence.

Review

As with any policy, we will keep the policy under review. The procedures are considered to be 'live' documents and these will be amended as appropriate outside of the main Hackney Carriage/Private Hire Policy. Any amendment to the policy requirement itself will be consulted on and considered in accordance with our constitution and scheme of delegation.

VEHICLE SPECIFICATIONS AND TESTING POLICY

About the Vehicle Test

All vehicles must reach or exceed the standard of the Ministry of Transport test (MOT) as well as satisfying the designated vehicle testing station that all current conditions of licensing for Warrington Borough Council have been met.

Details of all testable items under the current MOT system can be found by visiting the following Government website:

www.gov.uk/government/publications/mot-guides-and-inspection-manuals

The following conditions are in addition to the MOT and must be adhered to in order for the vehicle to be deemed as suitable for licensing by Warrington Borough Council.

Please note that the testing or inspection of any item listed below shall be carried out without the dismantling of any equipment on the vehicle unless stated.

Vehicle Size

Vehicle Length (Minimum) The length of a vehicle must not be less than 2500mm. The only exemption to this is for a private hire vehicle (to include additionally conditioned private hire vehicle) where the vehicle is designed to only carry 1 passenger then the minimum length is 1867mm. These measurements will be taken from the wheelbase.

Vehicle Length (Maximum) Vehicles cannot exceed 7 metres in length.

Vehicle Width The width of a vehicle is based on the amount of passenger seats across the width of the vehicle. Where a vehicle is fitted with 3 rear passenger seats the measurement will be taken across all of the seats (with doors closed) and must not be less than 1218mm. The only exemption to this is for a private hire vehicle (to include additionally conditioned private hire vehicle) where the vehicle is designed to only carry 1 passenger then the minimum width across the passenger seat is 406mm.

Head Room The minimum internal floor to roof height in seating areas shall be 1092mm except in vehicles that are wheelchair accessible (excludes Wheelchair accessible vehicles).

Step Up/Down The maximum height of the primary exit step of an unladen vehicle should not exceed 435mm with a minimum height of 230mm.

The horizontal “treads” should have a minimum depth of 175mm and the treads must be “non-slip”. The fitting and use of foldout steps or the use of a free standing step positioned by the driver is acceptable to meet this standard.

Wheelchair Vehicles

Doorways which are to be used by passengers in wheelchairs must be at least 750mm wide up to a height of 800mm. The height of the door must be a minimum of 1300mm.

The minimum internal floor to roof height in seating areas of a wheelchair accessible vehicle shall be 1350mm.

Electrical Equipment

Starter Motor

Ensure that the starter motor is mounted securely.

Panel and Interior Lights

Ensure that interior and passenger lights, where fitted, are operative.

Engine

Oil Leaks

Ensure that any leakage of oil is within reasonable limits and does not constitute a fire hazard (75mm Pool within 5 minutes with engine off)

Cooling System

Hoses (Interior)

Ensure that any hoses visible in the driver or passenger compartment do not leak.

Heater(s) and Demister Heaters, where fitted, are to be tested to ensure that the water system is capable of being adjusted from cold to hot, any fan assistance works and demister functions. Where heaters do not blow cold and are not designed to do so, air conditioning must be fitted and working properly or the vehicle has opening windows that can be operated by passengers.

Transmission

Gearbox Mountings

Ensure they are secure and are not so corroded as to be likely to fail.

CLUTCH (if fitted)

Operation

Ensure clutch does not “judder”, “grab” or “slip” outside normal limits.

Hydraulics

Ensure, if fitted, that system is not leaking and that pipes and fittings are not so corroded as to be likely to fail.

Instrumentation

Speedometer Ensure that the speedometer is working in a normal manner. Odometer Ensure that the odometer is working in a normal manner.

Bodywork (Exterior)

Bumper Bars Ensure front and rear bars are fitted and they are securely mounted.

Doors and Locks Ensure that all doors, including boot, open and close easily both from the inside and outside. Any door locking mechanism shall be easily operated by passengers. Ensure that doors are secure when shut.

Exterior Mirrors Both exterior rear view mirrors must be present. Mirror glass must be complete and be free from any damage.

Rear Screen Wash Where fitted, the rear screen wash and wipe facility must be in full working order. If these are removed they must be left tidy i.e. all parts removed and grommet fitted.

Wheel Trims Where a vehicle is fitted with steel wheels (not alloy wheels), all wheels must have undamaged matching wheel trims securely fitted to them.

Alloy Wheels Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.

General Condition Ensure that all exterior bodywork has no undue damage which detracts from the overall appearance of the vehicle. For vehicles that wish to be licensed as additionally conditioned private hire vehicles (not including novelty or stretched) any body damage including dents shall be assessed by standing 3 metres from the vehicle (in good lighting). If the damage can be clearly seen from this distance then the vehicle will fail the test. In doubtful cases or where the damage cannot be seen from this distance the vehicle presenter will be given an advisory note by the vehicle examiner.

Paintwork Condition Ensure paintwork is clean and uniform over the whole vehicle. Any temporary repairs have got to be to the satisfaction of an authorised officer. The colour of all panels on the vehicle must match exactly. Where a vehicle has a vinyl wrap this must be maintained in its original condition.

For vehicles that wish to be licensed as additionally conditioned private hire vehicles (not including novelty or stretched) any scratches, scuff or oxidisation marks that exceed 50mm will fail

the test. Any scratches, scuff or oxidation marks that do not exceed 50mm will be assessed by standing 3 metres from the vehicle, if the damage can be clearly seen from this distance then the vehicle will fail the test. Any stone chips that can be clearly seen from 3 metres will also fail the test. In doubtful cases or where the damage cannot be seen from this distance then the vehicle presenter will be issued with an advisory note by the vehicle examiner.

Oxidisation/Corrosion	Any oxidation found must not equal or be greater than 40mm. Where multiple “spots” of oxidation exist on the same panel these can be added together and should the combined surface area of oxidation equal or exceed 40mm then this would also be deemed unacceptable.
Window Glass	Ensure all window glass fitted to vehicle is manufactured to British Standard.
Private Hire Stickers	Both rear doors must display the ‘Warrington Borough Council’ stickers supplied. The stickers must not be altered in any way. They must be permanently fitted and not magnetised. They must only be fitted on the upper half of the door except where the vehicle is licensed to carry 6 to 8 passengers when the licence holder is allowed to fit the sign on the rear third of the vehicle in a position above the half way.
Hackney Tariff Stickers	Hackney Carriage vehicles must display 2 Warrington Borough Council issued tariff sheets in the rear of the vehicle where they are clearly visible to passengers. A further Warrington Borough Council tariff sheet must be clearly displayed in the front of the vehicle.
Wheelchair accessible vehicles Stickers	Vehicles to have wheelchair stickers – 1 at the near side rear, 1 at the offside rear side windows plus 1 at the rear window.
Seating	
Dimensions	Seats must provide a minimum width of 406mm per passenger, measured with the doors closed. The minimum leg room available to any passenger shall be 609 mm. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
Direction	All passengers including those in wheelchairs must be seated facing forwards or backwards (except for stretched and/or novelty vehicles). If rear facing seats are used there must be suitable head restraints fitted (unless fitted with a bulkhead directly in front of seats).

Emergency Access	<p>There must be unobstructed access to an exit from every seat in a vehicle. There is a requirement to have a gap of at least 250mm width for all rows of seats to access an exit (150mm is allowed to the off-side rear door with the seat back in an upright position).</p> <p>The only exception to this rule is in the case of vehicles that are mass manufactured (not purpose built) and have 3 rows of seats. In this instance the lever to move the seat must be fluorescent in colour and be clearly visible. No Tape allowed.</p> <p>If these criteria are not met then the nearside seat of the middle row must be permanently removed.</p>
Seat Relocation	<p>If seats are removed and remounted anywhere other than in their original mounting points then a seatbelt installation check is required. This can be conducted by the test bay for an additional fee and a seatbelt installation certificate will be issued.</p>
Bodywork (Interior)	
Grab Handles	<p>Ensure grab handles, where fitted, are secure.</p>
Seats and Upholstery	<p>Ensure that all seats, coverings, upholstery, trim and carpets are clean. Ensure there are no sharp edges, which would be likely to cause injury or damage. Ensure seat coverings are sound and that the interior springs are sound. No repairs by tape.</p>
Seat Belts	<p>As well as the required seat belts for driver and front passengers, <u>all</u> seats in the passenger area must have at least lap belts fitted.</p>
Front Seat/Gear Stick	<p>Where a vehicle has 2 front passenger seats they will be tested for width across each seat of 406mm as well as the proximity of the passenger's leg when the driver changes gears. The test will be conducted with 2 persons in the front passenger seats and a third person in the driver's seat. If when changing gear the driver's hand comes into contact with a passenger's leg then the vehicle will be refused for licensing whilst 2 front passenger seats remain fitted in the vehicle. Alternatively the fitting of an acceptable guard would be allowed,</p>
Floor Condition	<p>Ensure floor is sound and that it is covered by adequate carpets or mats. Ensure floor covering is not excessively worn as would be likely to cause damage or be hazardous to passengers. No repairs by tape.</p>
Window Openings	<p>Ensure all windows (except for drivers) open and close by the use of winders or otherwise where fitted. A passenger's ability to open and close windows must not be impeded.</p>

Interior Rear View Mirror	Interior rear view mirror must be present on inspection. Mirror glass must be complete and be free from any damage.
Fire Extinguisher	Must be a 1kg powder type with an ABC rating and manufactured and fully certified to British & European standard EN3 (marked BSEN3). Must be clearly marked with the licence number of the vehicle in which it is used and maintained in accordance with the manufacturer's instructions
1 st Aid Kit	<p>1st aid kits must be kept in a bag/box prominently marked as a first aid kit, maintained in a good condition and be suitable for the purpose of keeping the contents in good condition. They must contain the following items as a minimum: 24 adhesive dressings (plasters), 2 sterile eye pads with attachments, 2 triangular bandages, 12 safety pins, 3 sterile ambulance dressings (not less than 15cm by 20cm), 1 pair of first aid scissors, 10 antiseptic wipes and 1 conforming bandage (not less than 7.5cm). Must be clearly marked with the licence number of the vehicle in which it is used and maintained in accordance with the manufacturers instructions.</p> <p>The vehicle shall carry a notice that is clearly visible in the front of the vehicle, indicating the respective positions of both the fire extinguisher and the first aid kit.</p>
Communication System	Check for secure fitting and tidy/safe cabling
No Smoking Stickers	For each row of seats the vehicle must be fitted with 1 standard no smoking sticker which is at least 70mm in diameter and sighted where it is clearly visible.
CCTV Stickers	A minimum of 3 warning signs, approved by an authorised officer, must be clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
Luggage Capacity	Adequate facilities for the conveyance of luggage safely and protected from inclement weather must be provided. Generally speaking, the luggage capacity in the boot space should not be reduced from the originally specified by the manufacturer. If this is reduced for any acceptable reason (e.g. fitting of LPG Tank), alternative arrangements for luggage must be provided.

Where luggage racks are fitted in a vehicle they must be constructed

so that anything placed on them is unlikely to fall on the driver or affect his control of the vehicle.

Roof Racks/Boxes

Roof racks and/or roof boxes must be specifically designed for the vehicle on which it is being used. They must be fitted and maintained in accordance with the manufacturers' instructions.

Trailers

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- Trailers can only be used in connection with private hire vehicle bookings and cannot be used for plying for hire on a rank;
- The trailer must at all times comply with all requirements of road traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
- The vehicle insurance must include cover for towing a trailer;
- Trailers must not be left unattended anywhere on the highway;
- The speed restrictions applicable to trailers must be observed at all times;
- A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
- Trailers must have been manufactured by a recognised Manufacturer and not have been structurally altered since manufacture;
- Un-braked trailers shall be less than 750 KGs gross weight;
- Trailers over 750 KGs gross weight shall be braked, acting on at least two roads wheels.
- The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer;
- The capability of the towing vehicle must be to the manufactures plated specifications
- The maximum permissible length of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres;
- The maximum length for braked twin axle trailers is 5.54

metres;

- All trailers are subject to testing and must be presented for testing twice per year;
- All trailers must have lights and braking lights;
- The fee for testing a trailer must be paid prior to the test.

Tables Fixed or foldaway tables are acceptable provided they are fitted by the vehicle manufacturer or approved installer.

Taximeters (this relates to all hackney carriages and also to include private hire vehicles where fitted)

Set correctly and Road Test Ensure it can be illuminated for hours of darkness. Ensure it is **firmly secured**. Ensure it is set to correct rates. Test over measured distance, ensure accuracy. Only Warrington Borough Council seals can be used. The vehicle examiner will allow + or – 5 minutes inaccuracy.

Top sign minimum size = 350mm x 125mm

CCTV All vehicles must be fitted with a CCTV system approved by the Council.

Fuel System

Electrical Wiring Ensure there is no electrical wiring adjacent to a fuel

pipe Refuelling Orifice The refuelling orifice must be outside of the vehicle

Fuel Tanks Ensure that there are no fuel tanks or any apparatus for the supply of fuel in any of the compartments or other spaces provided for the accommodation of the driver or passengers.

Please note that where a vehicle has been converted to run on LPG, it must be registered with the Drive LPG website www.drivelpg.co.uk in order to be licensed.

Wheelchair Accessible Vehicles (WAV)

Vehicles must hold “European Community Whole Type Approval” (ECWVA) or “Low Volume Type Approval” (LVTA). In either case the appropriate “Type Approval” certificate must be produced.

Ramps & Restraints Where a vehicle has been adapted to carry passengers in wheelchairs, suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer’s instructions. All restraints and ramps must be permanently marked

with the WBC licence number of the vehicle. The driver of the vehicle must demonstrate how to operate the loading and restraining of a wheelchair in the vehicle to the tester to ensure:

1. stowed ramps or lifts do not prevent service and emergency doors from being operated from inside and outside the vehicle.
2. internally stored lifts fold down as designed to allow access to the emergency exit when the door is open.

Tail Lifts

Vehicles with tail lifts must produce a tail lift weight certificate and service inspection certificate when the vehicle is being inspected for its annual check.

In the event of an accident where the primary means of operating the tail lift is damaged, a separate means of lowering the tail lift for the exit of wheelchair passengers must be provided.

RENEWALS ONLY

Exterior WBC Plates

In the case of TX's etc. in the place provided by the manufacturer. In other cases at the rear of the vehicle, below window level, in a vertical plane (as near as possible). The front plate on the front centre or nearside of the vehicle below window level in a vertical plane, facing forwards. All Council License Plates must be securely fixed with bolts, screws or registration plate adhesive or as agreed by an Authorised Officer. Tie wraps are allowed with no sharp edges.

Interior WBC Plate

The interior plate must be clearly displayed in the front of the vehicle, facing inside for customers to read.

IMPORTANT

The Certificate of Compliance only covers the vehicle as an M.O.T whilst there is a Licence (Hackney Carriage, Private Hire Vehicle or Additionally Conditioned Private Hire) in force on that vehicle. If the licence is suspended, cancelled or expires an ordinary M.O.T will be required to use the vehicle on the road (this does not apply if your vehicle is exempt from an M.O.T on age grounds).

Additional requirements for vehicles that have 8 passenger seats

The vehicle must be "type approved" and based on a manufacturer's current production minibus and who have achieved BS5750, is VBRA or SMMT approved and is not a converted goods vehicle.

Fuel Tanks

The maintenance of fuel tanks is most important. The Regulations governing this are contained in the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986 No: 1078).

Reasons for rejection when the vehicle is submitted for annual tests include:

- fuel pipe adjacent to electrical wiring
- refuelling orifice inside the vehicle
- no vehicle shall be fitted with a fuel tank or any apparatus for the supply of fuel which is in the compartments or other spaces provided for the accommodation of the drivers or passengers.

Exhaust Pipes

Exhaust pipe outlet should be either at the rear or offside and close enough to the rear to prevent, as far as possible, fumes from entering the vehicle.

Doors

The vehicle must have the following doors:-

- (a) driver's door
- (b) front seat passenger door
- (c) nearside and offside sliding doors situated behind front seat driver and passenger door or nearside sliding door situated behind front seat passenger door together with rear opening emergency door and labelled as such; with an 'emergency door open' warning lights on dashboard within full view of driver (both doors) or audible alert.

Every door must operate without obstructing access to any entrance or exit from inside or outside the vehicle.

There must be a means of securing the door closed.

Where one of the doors is a rear door or tailgate and a tail lift is fitted which obstructs the door when not in use, this would still be defined as a door provided that after the door is opened the tail lift can be lowered with a single movement so that it does not obstruct the exit.

Each door must have two devices (i.e. handles) to operate it:-

- (a) one device inside the vehicle for normal operation by the owner of the bus or a person authorised by him, and
- (b) one, but not more than one, device for opening/closing the door from the outside.(Supplementary locks for securing unattended vehicles may be disregarded if a single movement of a handle inside the vehicle opens the door).

All devices must be capable of being operated by a single movement and by persons of normal height without the risk of their being struck by the door. If the operating device is not on the door itself, it must be placed where it is readily associated with it.

The direction of any pull required to operate a device must be shown and its location must be clearly indicated.

Windows

Roof vents or air conditioning is acceptable where the vehicle is not fitted with opening windows.

Marking, Positioning and Operation of Emergency Exits

Every emergency exit of a minibus must:-

- (a) be clearly marked as such both inside and outside the vehicle.
- (b) have doors which open outwards and are not power operated.
- (c) be readily accessible to passengers.

They must be situated so that passengers can step directly out of the vehicle.

The means of operation must be clearly indicated and any such means of operation on the outside of the vehicle must be readily accessible to persons of normal height standing outside the vehicle.

Drivers Accommodation

The driver, when seated, must have adequate room and be readily able to reach and operate the controls. These must not impede access to his seat.

Gangways

Interior height of 1330mm to be measured from the floor to ceiling along the centre line of the vehicle.

DRIVER LICENCE CONDITIONS**PRIVATE HIRE DRIVERS**

- 1 The licensee shall not permit any other person to drive a vehicle let for hire except with the consent of the vehicle proprietor.
- 2 The licensee shall at all times when the vehicle is available or being driven for hire be clean and respectable in his dress and person and shall behave in a civil and orderly manner and at all times adhere to Warrington Borough Council's Code of Conduct for Private hire vehicle and Hackney Carriage licence holders.
- 3 If requested by the hirer not to do so the licensee shall not drink or eat in the vehicle. Smoking is not permitted at any time whilst in the vehicle, whether stationary or moving, hired or un- hired, by either the driver or any other person.
- 4 If requested by the hirer not to do so the licensee shall not play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.
- 5 The licensee, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.
- 6 The licensee shall not, except with the express consent of the hirer, convey any person other than the hirer in the private hire vehicle.
- 7 During any period which the vehicle is used for hire or reward the licensee shall not conceal either the exterior licence plate of the private hire vehicle or the details marked thereon, and will keep the licence plates in a clean and legible condition.
- 8 The licensee shall ensure that daily checks of the licensed vehicle are carried out and recorded on the form prescribed by the Council
- 9 The licensee who has agreed or has been hired to be in attendance with a vehicle at an appointed time or place shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at such appointed time and place.
- 10 The licensee shall afford all reasonable assistance with passengers' luggage, unless there is a medical reason why the specific driver cannot accede to any such request, documentary evidence must be provided to the Authorised Officer in advance and the hirer(s) must be made aware of the drivers inability to assist at the point of hiring or upon their entrance to the vehicle.
- 11 The licensee shall deposit a copy of his private hire driver's licence with the proprietor of the vehicle which he is driving before commencing to drive that vehicle for private hire.

- 12 The licensee shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have accidentally been left therein.
- 13 The licensee shall, if any property is accidentally left thereby by any person who may have been conveyed in the vehicle and been found by or handed to him:
 - (a) transport it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of it's owner, to a Police Station in the Borough in order to receive instructions from the Police regarding it's custody;
 - (b) be entitled to receive from the person to whom the property may be delivered an amount equal to 5p in the £ of it's estimated value or the fare from the distance of the place of finding to the Police Station, whichever is the greater. The sum of receipt cannot exceed £20.
- 14 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.
- 15 The licensee shall not permit their vehicle to carry a greater number of passengers than the number prescribed in the licence.
- 16 The licensee shall permit only one passenger to be conveyed in the front of the vehicle beside the driver, save that two passengers may be conveyed where two seats beside the driver have been installed to the satisfaction of the Authorised Officer.
- 17 The licensee shall at all times carry a copy of these Conditions in the private hire vehicle for inspection during the course of the journey by the hirer or other passengers.
- 18 The licensee shall if required by the hirer provide him with a written receipt for the fare paid that includes the following information:
 - The amount of fare paid
 - The date of travel
 - The driver's licence number
- 19 If the vehicle being driven is fitted with a taximeter the licensee shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- 20 Not to operate the vehicle horn to signal to the hirer that you have arrived. Such actions cause annoyance to residents and may constitute an offence; offenders will be dealt with either by the Courts or the Licensing Sub-Committee.
- 21 The licensee shall give notice in writing to the Authorised Officer of any change of his address and change of contact telephone number during the period of the licence within seven calendar days of such change taking place.

- 22 The licensee shall immediately disclose to the Authorised Officer, in writing, details of any:
- **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices
 - anti social behaviour order (or other order) issued by the Court

The licensee must also report to Warrington Borough Council any incidents which may lead to a complaint against him/her.

- 23 The driver of a licensed vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council from either a Registered Medical Practitioner designated by the Council or from the practice of where the driver is registered to the effect that he/she is, or continues to be, physically fit to be a driver of a licensed vehicle.
- 24 Whether or not such a certificate is produced, the driver must, if required by the Council, at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council
- 25 The driver must cease driving any licensed vehicle and contact the Council immediately if he/she knows of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.
25. The driver must ensure that the CCTV is operational in the vehicle he is driving.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. An up to date copy of Warrington Borough Council's "vehicle specifications and testing policy" booklet must be kept in the vehicle at all times.
2. The proprietor shall immediately disclose to the Authorised Officer, in writing, details of any:
 - **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices
 - anti social behaviour order (or other order) issued by the Court

You must also report to Warrington Borough Council any incidents which may lead to a complaint against you.

3. The licence-holder AND driver must comply with all sections of Warrington Borough Council's "vehicle specifications and testing policy".
4. A valid insurance must be submitted to the Council in respect of the licensed vehicle and any alterations or modifications notified promptly.
5. The proprietor shall ensure that the private hire vehicle is not:
 - (a) a vehicle of the LTi type
 - (b) a vehicle of the Metrocab (UK) Ltd manufacture
 - (c) a saloon vehicle the exterior colour of which is (or appears to be) white, black or cream.This provision does not apply to additionally conditioned private hire vehicles.
5. The proprietor shall ensure that the private hire vehicle is maintained in a sound mechanical and structural condition which is capable of satisfying the Council's inspection at any time during the period of the vehicle licence.
6. The proprietor shall ensure that the interior and exterior of the private hire vehicle are maintained in a clean and safe condition.
7. The proprietor shall not allow any alteration to the mechanical and structural specifications including seating of the private hire vehicle, without the prior written consent of the Authorised Officer.
8. Any damage to the private hire vehicle materially affecting its safety, performance or appearance shall be reported by the proprietor to the Council, as soon as practicable and in any case, within 72 hours in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and until any such damage is repaired as required by the Authorised Officer, the private hire vehicle shall not be used as such.

- 9 The proprietor of the private hire vehicle shall:
 - (a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - (b) cause the interior of the vehicle to be kept wind and water-tight;
 - (c) cause fitting and furniture of the vehicle to be kept in a clean and dry condition, well maintained and in every way fit and safe for public use;
 - (e) provide at least two doors for the use of passengers conveyed in the vehicle and a separate means of ingress and egress for the driver (unless the vehicle has been licensed to carry one passenger when only one passenger door is required);
 - (f) ensure at all times that the vehicle is driven by a 'competent person' who has received 'suitable and sufficient' training in the correct operation and use of any ramps, lifting equipment, fixings or other equipment designed to assist with the access and egress of passengers or their comfort and safety when being transported in the vehicle.
 - (g) ensure daily checks of the vehicle are carried out and recorded on the form prescribed by the council
- 10 The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of an Authorised Officer, any signs or notices required from time to time by the Council, including signs advising passengers that a CCTV system in operation in the vehicle.
- 11 The proprietor shall display on the front offside and nearside doors the name, address and telephone number of the private hire operator accepting bookings for the private hire vehicle, together with the words **"Private Hire Only"**. Lettering must be at least 1cm in size and be clearly legible. Should a request be made to the Taxi Licensing Team to extend the Private Hire Operator door sign beyond the front door (to the rear door) the request will be automatically refused where the sign goes up further than half way up the rear door and/or there is insufficient space for the Council door sign. This provision does not apply to additionally conditioned private hire vehicles.
- 12 The proprietor shall not display or permit to be displayed on the private hire vehicle any sign or notice, which consists of or includes the word "hackney", "taxi" or "cab" in the singular or plural.
- 13 Except as provided for by Conditions 10, 11, 12 and 21 (d), the proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the private hire vehicle, except with the prior approval of the Authorised Officer.
- 14 The proprietor shall not permit the private hire vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
- 15 If the vehicle is fitted with a taximeter:
 - (a) the proprietor shall cause the taximeter to be a type approved by the Council and to be maintained in a sound mechanical condition at all times and for it to be located within the vehicle in accordance with the reasonable instructions of the Authorised Officer;
 - (b) the proprietor shall not use or permit to be used a taximeter that the Council has not sealed to

prevent unauthorised adjustment thereto.

- 16 The proprietor shall retain a copy of the driver's licence of all drivers driving his vehicle and produce the same to an Authorised Officer or Police Officer on request.
- 17 The proprietor shall ensure that any radio and/or communication equipment fitted to the vehicle is at all times kept in a safe and secure condition.
- 18 The proprietor shall give notice in writing to the Authorised Officer of any change in his address during the period of the licence within seven calendar days of such change taking place.
- 19 Front and rear 'plates' must be mounted onto the brackets supplied by the Council or securely fixed with bolts, screws or registration plate adhesive or as agreed by an Authorised Officer.
- 20 Both rear doors must display the 'Warrington Borough Council' notice supplied. This notice must not be altered in any way. These signs must be permanently fitted and may not be magnetised. They must only be fitted on the upper half of the door except where the vehicle is licensed to carry 6 to 8 passengers when the licence holder is allowed to fit the sign on the rear third of the vehicle in a position above the half way.
- 21 In relation to CCTV systems proprietors must:
 - (a) have approved CCTV equipment installed and ensure that it is operated in accordance with the Licensing Authority's Policy
 - b) ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
 - c) declare to the Licensing Authority the number and location of all cameras fitted in the vehicle. The number and location of the cameras shall not be varied without the prior written consent of the Licensing Authority
 - d) have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
 - e) ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
 - e) Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
 - f) shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

NOTE: Any dishonoured cheques will result in the immediate suspension of the licence for which it was issued.

NOTE: pursuant to section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court
Any appeal must be lodged within 21 days of the condition being imposed or decision to refuse.

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

- 1 The records of hirings accepted by the operator, required to be kept under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976, shall contain the following details, in a format agreed by the Authorised Officer, and it shall be the responsibility of the operator to ensure the records are so kept:
 - (a) time and date hiring accepted
 - (b) name of hirer
 - (c) location, date and time of pick up
 - (d) destination*
 - (e) licence plate number of vehicle allocated

An operator is exempted from conditions 1(b) and 1(d) only where the following criteria applies:

- An electronic despatching system is used that tracks and records the movement of all vehicles
 - Such system has been approved by the Authority
 - Evidence of a booking must be demonstrated to an Authorised Officer upon request from an electronic device in the vehicle.
 - All routes taken by a vehicle during a hiring must be kept for a minimum of 14 calendar days. This information must be kept for a longer period upon request of an Authorised Officer or Police Officer during the 14 day period
 - The operator must be able to identify the vehicle and driver upon request to an Authorised Officer or Police Officer even without the name of the hirer
- 2 The operator shall not dispose of any record of hiring's required to be made by Condition 1 within a minimum of nine months from the date of the latest hiring contained therein and must produce them on request to any Authorised Officer of the Council or Police Officer. Facilities must be available for the records to be supplied in 'hard copy' format to such officer if requested.
 - 3 Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator whether or not he himself provides the vehicle.
 - 4 When the operator accepts a hiring they shall, if requested to do so, specify to the hirer the fare or the rate of the fare for the journey to be undertaken and shall immediately enter all the details of the hiring legibly in ink (or as agreed by the authorised officer) on the form / record prescribed by Condition 1.
 - 5 When the operator accepts a hiring they shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.
 - 6 The operator shall maintain an up to date list of the proprietors and registration numbers of all private hire vehicles connected with the business and of their drivers, which shall include details of any radio/data system call signs used, and shall produce such list on request to any

Authorised Officer of the Council or Police Officer.

- 7 The operator shall provide adequate telephone facilities and staff to provide an efficient and courteous service to the public using the operator's facilities.
- 8 The operator's premises, where they are open to the public for the purposes of waiting, shall be clean, adequately heated, ventilated and lit.
- 9 The operator shall ensure that any waiting area for the use of prospective hirers is provided with adequate seating, properly cushioned or covered, or otherwise agreed by the authorised officer.
- 10 Only Private Hire Operators who operate Hackney Carriage vehicles within their fleet are allowed to advertise using 'hackney' 'taxi' or 'cab' in the vicinity of their premises.
- 11 The operator's radio/data equipment, where such is installed, shall be safely secured and maintained in a sound condition, any defects identified shall be repaired promptly.
- 12 The operator shall not display or suffer or permit to be displayed on, at, from or adjoining his premises any sign or notice which consists of or includes the word "hackney", "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
- 13 The operator shall give notice in writing to the Authorised Officer of any change of his address or the address of the premises from which he operates during the period of the licence within seven calendar days of such change taking place (Please remember that should you change the operating address then a new licence must be obtained before operating from the new address).
- 14 The operator shall display, in a prominent position in their premises, a copy of their current Private Hire Operators License.
- 15 The operator must identify a point of contact for consumer related complaints. This point of contact must be provided to the authority on grant of license. Any change to this point of contact must be notified to the Authority within 7 days of the change of contact.
16. The proprietor must notify Warrington Borough Council immediately within 48 hours of any:
 - **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices
 - anti social behaviour order (or other order) issued by the Court

The proprietor must also report to Warrington Borough Council any incidents which may lead to a complaint against him/her.

17. The operators must report to Warrington Borough Council any allegation or complaint, within 48 hours of receiving it, which relates to any person licensed by the Warrington Borough Council and which involves the following:

- Racist behaviour
- Violence
- Dishonesty
- Equality breaches
- Allegations of sexual misconduct with a child or incidents of child sexual exploitation.
- Allegation or complaints from consumers relating to licensed drivers overcharging or plying for hire.

18. The operator will keep a record of all complaints made (irrespective of the outcome). The records can be kept in any format but must show as a minimum the following details:

- Details of complainant
- Accurate details of complaint
- What action was taken to investigate complaint
- Outcome/result of investigation into complaint

These records shall be made available to an Authorised Officer upon request.

19 Where a licensed Hackney Carriage vehicle undertakes work for an operator then a different operator door sign must be secured to the front nearside and offside doors (usually reverse colours). The operator must ensure all vehicles undertaking work under their licence use the operator door signs that have been authorised by the Authority.

20 At all times the operator will ensure that the local Authority has the current telephone number (to include email and/or website) that is used to receive bookings).

Additional Safeguarding Measures:

21. The operator shall complete a standard basic Disclosure and Barring Service (DBS) check in relation to any person deployed to 'booking clerk' duties. The DBS check will assist the operator in determining whether that person is suitable to carry out that role.

22. The operator shall maintain records of all persons employed by him who undertake the role of booking clerk. This requirement includes full time, part time and casual staff whether paid or unpaid. Such records shall include the employee's full name, address, date of birth and National Insurance Number together with a copy of photo identity. i.e. passport, photo driving licence.

23. The operator shall ensure that, at the commencement and termination of any shift or work period, any person acting as a booking clerk enters his/her start and finish times and dates and signs and prints his/her name in the private hire booking register

24. The operator shall provide information immediately, and in writing (by email) to Warrington

Borough Council of any complaints of sexual impropriety or behaviour which may compromise the safety and welfare of children.

25. The operator shall notify the Council of any other complaints or information received about any of their drivers or other members of staff that may undermine their fitness or propriety to carry out their duties.

Cross-Border Hire Licence Conditions

26. (i) General

- (a) Any booking accepted by the Licensed Operator (and not sub-contracted to another operator) must be discharged by either a private hire vehicle and private hire driver which have been licensed by the Council or by a licensed hackney carriage and licensed hackney carriage driver, in which case both vehicle and driver must have been approved by the Council.
- (b) Booking accepted by the licensed operator” means any booking which is received via the telephone number, website, email or any app or other software or program associated with that operators licence, and registered with and recognised by the council as being so associated.
- (c) Any booking accepted by the licensed operator must be recorded in the booking records as required by the operators’ licence conditions, irrespective of which vehicle or driver discharges it.”

(ii) Approval Process

- (a) Any request for approval must be made to the Licensing Manager, Public Protection in the Council’s prescribed form.
- (b) On receipt of the prescribed form, the Licensing Manager, Public Protection will assess the information and determine whether or not to approve the Hackney Carriage Vehicle and/or Hackney Carriage driver to undertake the booking by the licensed Operator.
- (c) If refused the operator may provide a reasoned response to the Licensing Manager, Public Protection on any and all issues raised by him/her in his/her statement at clause (b) above.
- (d) All records of approvals shall be held at the Operators base for inspection by authorised Officers of the Council upon request.
- (e) There is no right of appeal to the magistrate’s court against a decision not to approve a vehicle or driver.
- (f) Appropriate fee charge will apply for the approval process.

(iii) Driver Standards

- (a) In relation to any proposed driver, the notification referred to the clause (a) above shall set out any other Licence the individual is subject to including the Licensing authority and any reference number from that authority for that said Licence. The Operator's should complete the Council's prescribed form detailing the character and convictions of the individual, the individual's topographical knowledge of the Warrington Borough, statement of the individual's English language skills, their driving skills together with details of any DVSA Taxi Standard Driving Assessments or equivalent , CSE training and relevant taxi/private hire licensing qualification or equivalent.

(iv) Vehicle Standards

- (a) In relation to any proposed vehicle, the operators notification shall set out the details of vehicle make, model, age, colour and appearance, together with maintenance arrangements for the vehicle including daily checks on it over the preceding month, records of checks carried out on the vehicle should be kept every month and any assessment of the vehicle (e.g. Certificate of Compliance, Insurance Certificate, Council Taxi's/Private Hire test, 6 monthly tests checks, licence holder details, Certificate of ownership of vehicle etc.) within the preceding twelve months.
- (b) Any vehicle used by the operator to discharge a booking which is not licensed by WBC must be of an equivalent or higher standard to a WBC licensed vehicle. This will include equivalent or higher standards of CCTV, and meet all WBC requirements in relation to CCTV". Operators must ensure that data controllers for CCTV footage are registered with the Information Commissioners Office (ICO).
- (c) The reasoned response referred to clause (c) above shall set out the arrangements to be made to address the issues raised in the statements concerned as identified in clause (b) above. Compliance with the requirements of clause (a) and (c) above will be upon acknowledgement of the communication being received by the Licensing Manager, Regulatory Services at Warrington Borough Council.

Sub-contracting Licence Conditions

27. The Licensed Operator shall not provide details of a client for Private Hire Services to any other business in order to fulfil any contract to provide a vehicle and driver for that client without first:-
- (a) Having received from that other business sufficient guarantees in respect of its technical and organisational security measures for the handling of personal data of the client.
- (b) Having documented reasonable steps the Licensed Operator will take to ensure the other business complies with guarantees referred to in clause (a) above.

- (c) Having a written contract with the other business to ensure the use of the client details shall only be as directed by the Licensed Operator and that the other business will take all reasonable measures to prevent unauthorised or unlawful disclosure of the client details and against accidental loss or destruction of, or damage to, the client details concerned.

28. ALTERATIONS OF CONDITIONS

- (a) The Council may alter these conditions upon the giving of 28 days' notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. Any alteration of conditions under this condition will be consulted upon prior to implementation and the licence holder, if aggrieved, will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

- 1 An up to date copy of Warrington Borough Council's "vehicle specifications and testing policy" booklet must be kept in the vehicle at all times.
- 2 The licence-holder AND driver must comply with all sections of Warrington Borough Council's "vehicle specifications and testing policy".
- 3 A valid insurance must be submitted to the Council in respect of the licensed vehicle and any alterations or modifications notified promptly.
- 4 The proprietor shall ensure that the exterior colour of the hackney carriage is either white (to include cream) or black. The colour is defined by how it appears and not by what is recorded on the V5 document (log book). The only exception to this rule is if the vehicle is made by LTI.
- 5 The proprietor shall ensure that the hackney carriage is maintained in a sound mechanical and structural condition which is capable of satisfying the Council's inspection at any time during the period of the vehicle licence.
- 6 The proprietor shall ensure that the interior and exterior of the hackney carriage are maintained in a clean and safe condition.
- 7 The proprietor shall not allow the mechanical and structural specifications including seating arrangements, of the hackney carriage to be varied without the written consent of the Authorised Officer.
- 8 Any damage to the hackney carriage materially affecting the safety, performance or appearance of the carriage shall be reported by the proprietor to the Council as soon as possible and in any case within 72 hours where appropriate. Until such damage is repaired to the satisfaction of the Authorised Officer, the carriage shall not be used to ply for hire.
- 9 The proprietor of the hackney carriage shall;
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver during the course of the hiring;
 - (b) cause the interior of the carriage to be kept wind and water-tight;
 - (c) cause fittings and furniture of the carriage to be kept in a clean condition, well maintained and in every way fit and safe for public use;
 - (d) provide facilities for the conveyance of luggage which is both safe and protected from inclement weather;
 - (e) provide at least two doors for the use of persons conveyed in the carriage and a separate means of ingress and egress for the driver;
 - (f) ensure at all times that the vehicle is driven by a 'competent person' who has received 'suitable and sufficient' training in the correct operation and use of any ramps, lifting equipment, fixings or other equipment designed to assist with the access and egress of passengers or their comfort and safety when being transported in the vehicle.

(g) ensure daily checks are carried out and recoded on the form prescribed by the Council

- 10 The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council, any signs or notices required from time to time by the Council including signs advising passengers that a CCTV system is in operation in the vehicle.
- 11 The proprietor may display on the hackney carriage any advertisement, a copy of which has been previously submitted to and approved by the Authorised Officer, provided that any such advertisement so displayed must not exceed the maximum dimensions prescribed by the Authorised Officer.
- 12 Except as provided for by Conditions 10 , 11 and 23 (d), the proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the hackney carriage.
- 13 The proprietor shall not permit the hackney carriage to be used to carry a greater number of passengers than the number prescribed on the licence.
- 14 The proprietor shall permit only one passenger to be conveyed in the front of the carriage beside the driver save that two passengers may be conveyed where two seats beside the driver have been installed to the satisfaction of the Authorised Officer.
- 15 The proprietor shall cause any hackney carriage to be fitted with a taximeter approved by the Council before plying for hire, and this shall be located within the carriage in accordance with the reasonable instructions of the Authorised Officer.
- 16 The proprietor shall cause the hackney carriage, if it is not of the LTi/TX or Metrocab type, to be fitted with an internally illuminated roof sign, which measures at least 400mm long x 125mm high with the word "TAXI" clearly displayed and visible. The sign is to be positioned in the centre of the vehicle roof or as agreed by an Authorised Officer.
- 17 The proprietor shall ensure that three copies of the fare tables are exhibited inside the carriage at all times in a manner prescribed by an authorised officer.
- 18 The proprietor shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is plying for hire.
- 19 The proprietor shall retain the licence of all drivers driving his carriage and produce the same to an Authorised Officer of the Council or Police Officer on request.
- 20 The proprietor shall ensure that any radio and/or communication equipment fitted to his hackney carriage is at all times safely secured.
- 21 The proprietor shall give notice in writing to the Authorised Officer of any change of his address during the period of the licence, no later than seven calendar days of such change taking place.
- 22 The proprietor of a hackney carriage shall immediately disclose to the Authorised Officer, in writing, details of any:
 - **investigation** into any criminal or motoring offence

- criminal convictions received
- cautions, warnings or reprimands received
- motoring offences or penalty points received
- fixed penalty notices
- anti-social behaviour order (or other order) issued by the Court

You must also report to Warrington Borough Council any incidents which may lead to a complaint against you.

23 In relation to CCTV systems proprietors must

- have approved CCTV equipment installed and ensure that it is operated in accordance with the Licensing Authority's Policy
- ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
- declare to the Licensing Authority the number and location of all cameras fitted in the vehicle. The number and location of the cameras shall not be varied without the prior written consent of the Licensing Authority
- have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
- ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
- Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
- shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

24 A copy of these conditions shall be carried in the hackney carriage and be available for inspection by an Authorised Officer at all times.

25 All non-wheelchair accessible vehicles must carry a 'Shuffle Board' this must be permanently marked with the licence number of the vehicle.

Additional Conditions for Hackney Carriage Plates 900 and above

- Vehicles presented for licensing must be both "fully wheelchair accessible" and capable of being licensed to carry 5, 6, 7 or 8 passengers.
- All vehicles replacing one issued under these criteria may only be replaced by one, which meets these conditions.

NOTE: pursuant to section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976
Any person aggrieved by any conditions attached to such a licence, may appeal to a magistrates' court

Any appeal must be lodged within 21 days of the condition being imposed or decision to refuse.

ADDITIONALLY CONDITIONED PRIVATE HIRE DRIVERS LICENCE CONDITIONS

- 1 Holders of additionally conditioned private hire driver's licenses can only drive vehicles that are licensed by Warrington Borough Council as additionally conditioned private hire vehicles. This licence does **not** allow the holder to driver private hire or hackney carriage vehicles.
- 2 The licensee shall not permit any other person to drive a vehicle let for hire except with the consent of the vehicle proprietor.
- 3 The licensee shall at all times when the vehicle is available or being driven for hire be clean and respectable in his dress and person and shall behave in a civil and orderly manner and adhere at all times to Warrington Borough Council's Code of Conduct for private hire vehicle and hackney carriage licence holders.
- 4 If requested by the hirer not to do so the licensee shall not drink or eat in the vehicle. Smoking is not permitted at any time whilst in the vehicle, whether stationary or moving, hired or un- hired, by either the driver or any other person.
- 5 If requested by the hirer not to do so the licensee shall not play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.
- 6 The licensee, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.
- 7 The licensee shall not, except with the express consent of the hirer, convey any person other than the hirer in the vehicle.
- 8 During any period which the vehicle is used for hire or reward the licensee shall not conceal the exterior licence plate of the private hire vehicle or the details marked thereon and will keep the licence plates in a clean and legible condition.
- 9 The licensee who has agreed or has been hired to be in attendance with a vehicle at an appointed time or place shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at such appointed time and place.
- 10 The licensee shall afford all reasonable assistance with passengers' luggage, unless there is a medical reason why the specific driver cannot accede to any such request, documentary evidence must be provided to the Authorised Officer in advance and the hirer(s) must be made aware of the drivers inability to assist at the point of hiring or upon their entrance to the vehicle.
- 11 The licensee shall deposit a copy of his private hire driver's licence with the proprietor of the vehicle which he is driving before commencing to drive that vehicle for private hire.

- 12 The licensee shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have accidentally been left therein.
- 13 The licensee shall, if any property is accidentally left thereby by any person who may have been conveyed in the vehicle and been found by or handed to him:
 - (a) transport it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the Borough in order to receive instructions from the Police regarding its custody;
 - (b) be entitled to receive from the person to whom the property may be delivered an amount equal to 5p in the £ of its estimated value or the fare from the distance of the place of finding to the Police Station, whichever is the greater. The sum of receipt cannot exceed £20.
- 14 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.
- 15 The licensee shall not permit a licensed vehicle to carry a greater number of passengers than the number prescribed in the licence.
- 16 The licensee shall permit only one passenger to be conveyed in the front of the vehicle beside the driver, save that two passengers may be conveyed where two seats beside the driver have been installed to the satisfaction of the Authorised Officer.
- 17 The licensee shall at all times carry a copy of these Conditions in the private hire vehicle for inspection during the course of the journey by the hirer or other passengers.
- 18 The licensee shall if required by the hirer provide him with a written receipt for the fare paid.
- 19 If the vehicle being driven is fitted with a taximeter the licensee shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- 20 Not to operate the vehicle horn to signal to the hirer that you have arrived. Such actions cause annoyance to residents and may constitute an offence; offenders will be dealt with either by the Courts or the Licensing Sub-Committee.
- 21 The licensee shall give notice in writing to the Authorised Officer of any change of his address during the period of the licence within seven calendar days of such change taking place.
- 22 The licensee shall immediately disclose to the Authorised Officer, in writing, details of any details of any:
 - **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices

- anti-social behaviour order (or other order) issued by the Court

The Licensee must also report to Warrington Borough Council any incidents which may lead to a complaint against him/her.

- 23 The driver of a licensed vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council from either a Registered Medical Practitioner designated by the Council or from the practice of where the driver is registered to the effect that he/she is, or continues to be, physically fit to be a driver of a licensed vehicle.
- 24 Whether or not such a certificate is produced, the driver must, if required by the Council, at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.
- 25 The driver must cease driving any licensed vehicle and contact the Council immediately if he/she knows of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.
- 26 The driver must ensure that any CCTV is operational in the vehicle he is driving.

ADDITIONALLY CONDITIONED PRIVATE HIRE VEHICLE LICENCE CONDITIONS

- 1 An up to date copy of Warrington Borough Council's "vehicle specifications and testing policy" booklet must be kept in the vehicle at all times.
- 2 The licence-holder AND driver must comply with all sections of Warrington Borough Council's "vehicle specifications and testing policy".
- 3 Additionally conditioned private hire vehicles are exempt from displaying the "standard" private hire vehicle plates. As an alternative to "standard" plates a discreet identifying card must be displayed in the front nearside of the windscreen and in the rear facing window. These must be mounted into the discreet holder supplied by the Authorised Officer.
- 4 A valid insurance must be submitted to the Council in respect of the licensed vehicle and any alterations or modifications notified promptly.
- 5 The proprietor shall ensure that the Additionally Conditioned Private Hire vehicle is not:
 - (a) a vehicle of the LTi type
 - (b) a vehicle of the Metrocab (UK) Ltd manufacture
- 6 The proprietor shall ensure that the vehicle is maintained in a sound mechanical and structural condition which is capable of satisfying the Council's inspection at any time during the period of the vehicle licence.
6. The proprietor shall immediately disclose to the Authorised Officer, in writing, details of any:
 - **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices
 - anti social behaviour order (or other order) issued by the Court

You must also report to Warrington Borough Council any incidents which may lead to a complaint against you.
- 7 The proprietor shall ensure that the interior and exterior of the vehicle are maintained in a clean and safe condition.
- 8 The proprietor shall not allow any alteration to the mechanical and structural specifications including seating of the vehicle, without the prior written consent of the Authorised Officer.
- 9 Any damage to the vehicle materially affecting its safety, performance or appearance shall be reported by the proprietor to the Council, as soon as practicable and in any case, within 72 hours in accordance with Section 50(3) of the Local Government (Miscellaneous

Provisions) Act 1976 and until any such damage is repaired as required by the Authorised Officer, the vehicle shall not be used as such.

- 10 The proprietor shall ensure that the vehicle is kept in exceptional condition at all times. Bodywork must be free from scratches, dents and oxidation (with the exception of novelty and stretched vehicles). Panels and trim must be aligned and fitted in accordance with the manufacturer's recommendations.
- 11 The proprietor of the additionally conditioned private hire vehicle shall:
 - (a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - (b) cause the interior of the vehicle to be kept wind and water-tight;
 - (c) cause fitting and furniture of the vehicle to be kept in a clean and dry condition, well maintained and in every way fit and safe for public use;
 - (d) ensure at all times that the vehicle is driven by a 'competent person' who has received 'suitable and sufficient' training in the correct operation and use of any ramps, lifting equipment, fixings or other equipment designed to assist with the access and egress of passengers or their comfort and safety when being transported in the vehicle.
 - (e) Ensure daily checks are carried out and recorded on the form prescribed by the council
- 12 The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of an Authorised Officer, any signs or notices required from time to time by the Council, including signs advising passengers that a CCTV system is in operation in the vehicle.
- 13 Except as provided for by condition 12 and 19(d), the proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the vehicle, except with the prior approval of the Authorised Officer.
- 14 The proprietor shall not permit the vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
- 15 If the vehicle is fitted with a taximeter:
 - (a) the proprietor shall cause the taximeter to be a type approved by the Council and to be maintained in a sound mechanical condition at all times and for it to be located within the vehicle in accordance with the reasonable instructions of the Authorised Officer;
 - (b) the proprietor shall not use or permit to be used a taximeter that the Council has not sealed to prevent unauthorised adjustment thereto.
- 16 The proprietor shall retain a copy of the driver's licence of all drivers driving his vehicle and produce the same to an Authorised Officer or Police Officer on request.
- 17 The proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept

in a safe and secure condition.

- 18 The proprietor shall give notice in writing to the Authorised Officer of any change in his address during the period of the licence within seven calendar days of such change taking place.
- 19 In relation to CCTV systems the following proprietors must:
- a) have approved CCTV equipment installed and ensure that it is operated in accordance with the Licensing Authority's Policy.
 - b) ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
 - c) declare to the Licensing Authority the number and location of all cameras fitted in the vehicle .The number and location of the cameras shall not be varied without the prior written consent of the Licensing Authority
 - d) have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
 - e) ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
 - f) Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
 - g) shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
- 20 A copy of these conditions shall be carried in the vehicle and be available for inspection by an Authorised Officer at all times.

NOTE: Any dishonoured cheques will result in the immediate suspension of the licence for which it was issued.

GLOSSARY OF TERMS

Throughout this document:

"The Council" means Warrington Borough Council.

"The Borough" means the geographical area of Warrington Borough Council

"The Licensing Authority" means Warrington Borough Council.

"Driver's Licence" means a licence granted by the Council to drive a Taxi or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 (as amended) respectively.

"Licence" means a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847 or Section 48, Local Government (Miscellaneous Provisions) Act 1976 (as amended).

In this licence;

- (a) "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) "The Council" means the Warrington Borough Council;
- (c) "The operator" means a person holding a licence to operate private hire vehicle issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
- (d) "Private Hire Vehicle" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- (e) "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- (f) References to the masculine ("he") refer equally to the feminine ("her") and vice versa

"Licensee" means the holder of a licence.

"Licensing Officer" and **"Authorised Officer"** are the officers appointed from time to time by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles within the Council's administrative area.

"Operator" is the holder of a Private Hire Operator's (PHO) Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended). **"Private Hire Vehicle"** (PHV) is as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire

"Taxi" means a hackney carriage (HC) as defined in the Town Police Clauses Act 1847. A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.

"Taxi Proprietor" means the holder of a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847.

"Vehicle" or **"Licensed Vehicle"** means either a Taxi or Private Hire Vehicle.

"Internal Vehicle licence" is a laminated replica of the licence plate issued by the Council on the grant and renewal of the licence giving details of the vehicle and licence for display within the vehicle.

"Licence Plate" is the plate issued by the Council in respect of a Taxi under Section 51 Town Police Clauses Act 1847 and in respect of a Private Hire Vehicle under Section 48(5) Local Government

(Miscellaneous Provisions) Act 1976 (as amended).

“Dft” means Department for Transport

“Fit and Proper Person” A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.

“DBS” means Disclosure and Barring Service (formerly known as Criminal Records Bureau).

“Appeal” A means by which a Sub-Committee decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the sub-Committee may be upheld or overturned.

“Regulatory Sub-Committee” Local Councillors gathered together to discuss the suitability of a person to hold a taxi related licence.

“Conviction” Judicially determining that someone is guilty of a crime.

“Mitigating Circumstances” The circumstances surrounding a conviction. These circumstances may alter the seriousness of a crime.

“Plying for Hire” To actively invite (touting) or respond to a hail for a taxi with the intent to charge a specific fare for the service.

“Rehabilitation” The period sufficient to demonstrate that a person has repented of their crimes and is unlikely to re-offend.

“Revoke” To take back something – a licence- permanently.

“Suspend” To hold something – a licence- away from its owner for a period of time.

“Written Warning” A letter advising that although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed was unacceptable and has caused concern among the Sub-committee as to the suitability to hold such a licence such that any further repetition of such conduct is likely to lead to suspension or revocation.