

CONSULTATION ON THE HANDBOOK OFFERING GUIDANCE TO APPLICANTS FOR HACKNEY CARRIAGE, PRIVATE HIRE VEHICLE OWNERS, OPERATORS and DRIVERS

Period 1st December 2008 – 9th January 2009

CONSULTEE	REFERENCE	COMMENT	COMMENT BY HEAD OF PLANNING, HEALTH & ENVIRONMENT	ACCEPTED
Consultation Responses submitted by Independent Driver: H. Dalloway	Definition – Owner	How is this affected by any Finance or Hire Agreement?	Finance or Hire Agreement is not a consideration	No
	Data Protection	I request that my data is shared with no one outside of the authority	The Council may use the information provided for the prevention and detection of fraud	No
	General Information Fees and Charges	Fees and charges for vehicle licences are payable at the same time as making application and are not refundable under any circumstances. Fees should be refundable if the application falls through no fault of the applicant.	Sentence changed to read : Fees and charges for vehicle licences are required when making an application. They will be refundable if the licence is not granted	Yes

Agenda Item No. 22 (c) (i)
Appendix 1

	<p>General Information</p> <p>Fees and Charges</p>	<p>Cheques should be made payable to Wyre Forest District Council</p> <p>Cheques are becoming less popular – facilities should be made for debit / credit card payment.</p>	<p>Arrangements are being made with IT to implement 2009</p>	<p>Yes</p>
	<p>Licence renewal reminders.</p>	<p>Reminders will be sent at least 4 weeks before expiry to give plenty of time to make the necessary arrangements</p>	<p>Noted</p>	<p>Yes</p>
	<p>Spot checks</p>	<p>“From time to time your vehicle may be subject to a spot check ...”</p> <p>These would be better at other times than just Friday and Saturday Nights</p>	<p>Noted</p>	<p>Yes</p>
	<p>Foreign Nationals</p>	<p>You will be required to prove your right to work in the UK. This can be done by submitting the relevant documents.</p> <p>Drivers are self employed and have no employer</p>	<p>Relevant documents to include National Insurance Number, and Revenue and Customs, Code numbers</p>	<p>Yes</p>

Agenda Item No. 22 (c) (i)
Appendix 1

	Application to Renew a Hackney Carriage / Private Hire Vehicle Drivers Licence	Can Driving Licences and Medicals be co-terminus?	Licences and Medicals cannot be made co-terminus; renewed at different periods	No
	Vehicles /Ranks	Reference is made to Taxi ranks outside premises that have changed ownership	Noted	Yes
	Vehicles	A vehicle that is already licensed as a taxi with another authority cannot be licensed by Wyre Forest District Council as the vehicle would be unable to meet the conditions of the vehicle licence	Vehicle could be licensed if it meets WFDC conditions	Yes
	Fees	The fee to be paid will be determined each year by the Council will come into effect on the 1 st April each year. Should this not be the 5 th April of each year?	The fee to be paid will be determined each year by the Council.	Yes
	Application for a Private Hire Operator licence.	If an application is refused there is a right of appeal in the Magistrates Court.	If an application is refused there is a right of appeal to the Magistrates Court within 21 days from being informed of the decision of the Licensing Committee	Yes

CONSULTATION ON THE HANDBOOK OFFERING GUIDANCE TO APPLICANTS FOR HACKNEY CARRIAGE, PRIVATE HIRE VEHICLE OWNERS, OPERATORS and DRIVERS

CONSULTEE	REFERENCE	COMMENT	COMMENT BY HEAD OF PLANNING HEALTH & ENVIRONMENT	ACCEPTED
Wyre Forest Taxi Drivers Association	Definitions – The Owner	The Owner – Please clarify the status regarding finance agreements	Finance agreements are not Subject of scrutiny for Licence	No
	Dual Plating – Vehicle Explanatory Notes	Why is it that a vehicle licensed within another authority cannot be licensed in the Wyre Forest District?	Vehicles may be licensed providing that they can conform to the required Licence Conditions – e.g. Colour, Policy and Age	Yes

CONSULTATION ON THE HANDBOOK OFFERING GUIDANCE TO APPLICANTS FOR HACKNEY CARRIAGE, PRIVATE HIRE VEHICLE OWNERS, OPERATORS and DRIVERS

CONSULTEE	REFERENCE	COMMENT	COMMENT BY HEAD OF PLANNING HEALTH & ENVIRONMENT	ACCEPTED
The National Private Hire Association Forwarded by Mr T Owen	Definitions	Reference to Private Hire vehicles which may stand (i.e.) park occasionally somewhere in town	Sentence changed	Yes
		Reference is made to Operators – what about sole traders on a mobile phone?	This reference has been removed from the Definitions	Yes
		The period in which the standing authority feels a person has repented their crimes	This definition has been removed	Yes

Agenda Item No. 22 (c) (i)
Appendix 1

	Vehicle Spot Fitness Checks	Any suspension may be either immediate or deferred. The type of action taken will depend upon the severity of the defects that have been discovered and will be communicated by way of a notice (S58 LGMPA) 1976	Sentence changed	Yes
	Immediate Suspension	If a vehicle is suspended immediately the Licensing Officer will need to serve a notice of suspension and served at the time	Sentence changed	Yes
	Criteria for Hackney Carriage and Private Hire Drivers	The reference to: Applicants should have at least 3 years driving experience in the UK. This should read 12 months under S 51 (1)(b) LGMPA 1976	Sentence changed	Yes

Agenda Item No. 22 (c) (i)
Appendix 1

		<p>This sentence should be clarified to read:</p> <p>“Applicants applying for either a new / renewal of their driving licence shall give proof of their medical fitness by completing and submitting a Medical Certificate carried out by a Doctor under the Driver and Vehicle Licensing Agency’s Group 2 Medical Standards.</p> <p>Age 21 – 45 years, Medical on first application.</p> <p>Age 45 – 65 years Medical every five years</p> <p>Age 65 plus Medical every year</p>	Sentence changed	Yes
	Foreign Nationals	Is a copy of the Department for Transport Best Practice Guidance provided to applicants?	Sentence changed	Yes
	Application Stage 3	If you fail the test or any part of it at the first attempt, then you can take a further test at a later date – Is there a time frame?	Sentence changed	Yes

Agenda Item No. 22 (c) (i)
Appendix 1

	<p>SECTION B – Vehicles</p> <p>Private Hire Vehicles</p>	<p>The Council's advice is that in all other cases of carrying passengers for hire and reward, a licence is needed.</p> <p>LGMPA 1976 Section 75(1)(d) (ii) Under a contract for the hire of the vehicle for a period of not less than 24 hours = no display of a plate is required</p>	<p>Sentence changed</p>	<p>Yes</p>
	<p>Application for either a Private Hire or Hackney Carriage Vehicle Licence</p> <p>Vehicle inspection</p>	<p>Reference is made to:</p> <p>All vehicles are inspected before a licence is issued and thereafter three times at various periods. This should be - LGMPA section 50(1) allows for an inspection and testing on no more than 3 times in any 12 month period</p>	<p>Sentence changed</p>	<p>Yes</p>
	<p>Accidents</p>	<p>Any accident causing damage to a hackney carriage or private hire vehicle must be reported by the proprietor to the Council within 72 hours (This is in addition to any requirement to notify the police)</p> <p>Include words (materially effecting the safety, performance or appearance</p>	<p>Sentence changed</p>	<p>Yes</p>

Agenda Item No. 22 (c) (i)
Appendix 1

	of the ...			
	Sexual Offences	New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction. They should never hold a licence	Sentence changed	Yes
	Violence	Words "racially aggravated" to read 'racially motivated'	Sentence changed	Yes
	Possession of a Weapon	There is no definition of what a Weapon is	Sentence changed	Yes

CONSULTATION ON THE HANDBOOK OFFERING GUIDANCE TO APPLICANTS FOR HACKNEY CARRIAGE, PRIVATE HIRE VEHICLE OWNERS, OPERATORS and DRIVERS

CONSULTEE	REFERENCE	COMMENT	COMMENT BY HEAD OF PLANNING HEALTH & ENVIRONMENT	ACCEPTED
<p>Independent Owner/Driver: John Turley</p>	<p>Drivers Licence Application for a Dual Drivers Licence and Badge</p>	<p>“Applicants must be given the right to appeal for a licence to a higher body” Any person aggrieved by the refusal of the district council to grant a driver’s licence under section 51 of the LGMPA or any conditions attached to the grant of a driver’s licence may appeal to the Magistrates Court within 21 days of being informed of the refusal</p>	<p>Sentence changed :</p>	<p>Yes</p>

Agenda Item No. 22 (c) (i)
Appendix 1

		Applicants must be given the opportunity to carry out training one –to –one if they don't like/ feel uncomfortable with, the classroom environment	Tuition is given on a one to one basis by Kidderminster College – no classroom work at NVQ level	No
	Foreign Nationals How to make your First Application	What about owner of hackney carriage or prospective owner who does not wish to join firm?	Sentence changed	Yes
	Hackney Carriage Vehicles	Reference is made to a taxi rank at Kidderminster Rail station – Does this exist?	Sentence changed	Yes

CONSULTATION ON THE HANDBOOK OFFERING GUIDANCE TO APPLICANTS FOR HACKNEY CARRIAGE, PRIVATE HIRE VEHICLE OWNERS, OPERATORS and DRIVERS

CONSULTEE	REFERENCE	COMMENT	COMMENT BY HEAD OF PLANNING HEALTH & ENVIRONMENT	ACCEPTED
Martin Phipps Transport Manager Wyre Forest District Council	Definitions Certificate of Compliance	The reference to Certificate of Compliance should be omitted on the grounds that this Council does not issue. Relies on MOT Certificate.	Sentence changed	Yes
	Reference to MOT Certificate	This reference requires an MOT Certificate to be no more than 1 month old at time of mechanical inspection by the Council Garage. MOT accepted provided it is current	Sentence changed	Yes

**CONSULTATION ON THE HANDBOOK OFFERING GUIDANCE TO APPLICANTS FOR HACKNEY CARRIAGE, PRIVATE
HIRE VEHICLE OWNERS, OPERATORS and DRIVERS**

CONSULTEE	REFERENCE	COMMENT	COMMENT BY HEAD OF PLANNING HEALTH & ENVIRONMENT	ACCEPTED
Regency Vehicle Hire Kidderminster	Policy / Guidance	Letter supporting National Private Hire Association Comments	Changes made to NPHA document	Yes