



Wyre Forest
District Council

**A GUIDE FOR APPLICANTS,
DRIVERS AND OWNERS OF
HACKNEY CARRIAGE AND
PRIVATE HIRE VEHICLES**

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GENERAL INFORMATION

This guide has been written to advise and assist both new applicants and existing licence holders on how to apply for various licences, and the laws which affect the operation of private hire and hackney carriage vehicles.

The Council issues the following types of licences:

- Drivers Licence which covers both Hackney Carriage and Private Hire
- Hackney Carriage Vehicle (Proprietors) Licence
- Private Hire Vehicle Licence
- Private Hire Operators Licence

This guide is not exhaustive and, if you are in any doubt, please refer to the legislation governing the Licensing of Private Hire and Hackney Carriage Vehicles, Drivers and Operators which can be found in:-

The Town Police Clauses Act (TPCA) 1847
The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)
The Transport Act 1985 (TA)
Driver Vehicle Licensing Agency
Local Byelaws

If you have any queries about the information contained in this handbook or require advice or assistance, please contact us at:

In writing:
Wyre Forest District Council
Licensing Team
Duke House
Clensmore Street,
Kidderminster
DY10 2JX

Telephone enquiries:
Wyre Forest Customer Service Centre
01562 732928

Email address:
licensing@wyreforestdc.gov.uk

Fax:
01562 732556

PERSONAL VISITS

Can be made at the Wyre Forest Customer Service Centre where a Customer Services Advisor will be able to help you. The Service Centre is open Monday – Friday from 8.30 a.m. to 5.00 p.m. at Kidderminster Town Hall, Vicar Street, Kidderminster.

All application forms are available either by phone or direct from the Customer Services Centre. Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

DATA PROTECTION

Wyre Forest District Council is under a duty to protect the public funds it administers. To achieve this, the Council may use the information you have provided for the prevention and detection of fraud.

The Council may also share this information with other Divisions within the Council and other bodies administering or auditing public funds for the prevention and detection of fraud, the investigation of any criminal offence, or in the performance of its statutory duties for the exercise of public functions.

FEES AND CHARGES

All applications for licences are accepted subject to the following conditions:-

1. Fees and charges for vehicle licences are required when making your application. They will be refundable if the licence is not granted.
2. Cheques should be made payable to Wyre Forest District Council. Dishonoured cheques will invalidate any licence which has been issued. For licences to be re-instated, payment must be made in cash at the Customer Service Centre.

LOSS OR THEFT OF DRIVER'S BADGE AND VEHICLE PLATES

Loss or theft of your badge or vehicle plates should be reported immediately to the Council and the Police. A replacement Licence, Badge or Vehicle Plate will be issued once you have paid the appropriate fee.

DRIVERS LICENCE

Application for a Driver's Licence

The Driver's Licence covers the driving of both Hackney Carriage and Private Hire Vehicles and is valid for two years from the date of grant.

Criteria for Hackney Carriage and Private Hire Drivers:

- Applicants must be over 21 years of age
- Applicants must hold a DVLA driver's licence or an equivalent E.U. member state driving licence
- Applicants should have at least 1 years driving experience in the UK.
- Applicants must have good conversational English
- Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences
- Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than for minor traffic offences
- Applicants for new driver licences must pass the Knowledge Test before issue of licence
- Applicants for a new licence must have passed or be working towards disability awareness training during the first 12 months of being granted their initial licence
- Applicants should be medically fit to drive hackney carriages or private hire vehicles and 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

Age 21 – 45 years, Medical on first application.

Age 45 – 65 years, Medical every five years.

Age 65 plus Medical every year.

Foreign Nationals

If you are a foreign national and have lived abroad within the last twenty years for a period of 16 weeks or more then you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that Officers can confirm its authenticity.

Any relevant offences will be put before the Council's Licensing and Environmental Committee so that an informed decision as to the suitability of the applicant.

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences, it is recommended in the Department for Transport Best Practice Guidance to establish the right to work, to determine whether an applicant is a 'fit and proper' person. Consequently you will be required to prove your right to work in the UK. This can be done by submitting a National Insurance Number and Customs and Revenue Code numbers.

How to make your first Application

Stage 1

Once you have met the above-mentioned criteria, please make an appointment with the Licensing Officer for an interview and bring with you the following completed documentation:

- Licence Application form
- Your original DVLA or equivalent Driver's Licence (photocopies will not be accepted). The Licence must cover you for the category of vehicle you will be driving. If it is a photo card licence, then both the card and paper counterpart must be produced showing your current address
- Provide 3 recent coloured passport sized photographs
- DVLA Mandate Form - applicants must provide their written permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority at Swansea in order to obtain an up to date record of their driver licence records
- Criminal Records Bureau disclosure application form and fee - a search is carried out by the Criminal Records Bureau (CRB) for previous non-motoring convictions on all new applicants and then every 3 years

When completing the application form you must declare all convictions imposed by a civil or criminal court. Please note that the Rehabilitation of Offenders Act 1974 does not apply to taxi drivers and convictions are never spent. If you are in any doubt as to whether a licence can be granted, you can get advice (in confidence) from the Licensing Team or if you are unsure how to complete any part of the application.

If any convictions arise during the application process, the Licensing Team must be informed in writing with 7 days from the date of conviction.

Stage 2

On receipt of a satisfactory CRB Disclosure and DVLA check, you will now need to obtain a Medical Report from your Doctor.

Stage 3

On receipt of a satisfactory Medical Report, an appointment will be made for you at a mutually convenient date/time, for you to take the Knowledge Test.

The Knowledge Test will consist of three parts:-

Part 1 - You will be given a map on which names of streets and popular locations in Wyre Forest District have been blanked out. You will be required to identify these locations.

Part 2 - You will be given four locations and you will be asked to describe the shortest convenient route to be taken from the start of the journey to the final destination.

Part 3 - You will be required to answer twenty questions relating to the Law and Regulations relating to Hackney Carriage, Private Hire Vehicles and drivers.

In order to pass the test, you will be expected to achieve at least 80%.

If you fail the test or any part of it at the first attempt, then you can take further tests within the following 3 months without fee.

Issue of Licence

Your Licence will be issued within 5 working days.

A Licence and Drivers badge will normally be granted if you –

- pay Licence fee
- have no “unspent” criminal convictions and have no pending prosecutions for criminal or motoring offences
- have been certified physically fit by a registered medical practitioner to drive a hackney carriage or private hire vehicle, and
- have passed the knowledge test.

Those who do not meet the Criteria

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a ‘fit and proper person’.

Where there is any doubt as to whether the applicant is a ‘fit and proper’ person, for instance because the CRB or DVLA checks have shown the applicant has criminal or motoring convictions, the Licensing Team may not have the authority to grant or renew an application.

A report will be compiled by the Licensing Officer outlining the details and will report to the Licensing and Environmental Committee.

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (whether they are legally qualified or not).

In respect of criminal convictions that are declared, the Committee will have regard to the guidelines relating to the Relevance of Convictions (see Page 18).

Appealing against a Decision of the Council

After considering the applicant's representations, the Committee will determine the matter. If the applicant is not satisfied with the decision of the Licensing and Environmental Committee, there is a right of appeal to the Magistrates Court within 21 days of being notified of the Committee's decision.

Application to renew a Driver's Licence

You must apply for the renewal of your licence whilst the existing one is still in force.

A reminder letter will be sent to you approximately 4-6 weeks before the current licence expires. If the renewal application is received after 14 days of the expiry date it will be treated as a new application, so please ensure adequate time for renewal.

When renewing your licence you must submit the completed renewal application form, to the Customer Service Centre or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- Application form for Criminal Records Bureau (where applicable)
- Medical Report (where applicable)
- DVLA Licence showing current address
- DVLA Mandate
- Licence fee
- Two Passport sized photographs.

If the CRB or DVLA checks do not arrive prior to the expiry of the existing licence, you will be permitted to carry on driving, providing your application was received prior to the expiry date of your existing licence.

If the CRB disclosure reveals a conviction/s which has not been disclosed by you, then the licence will not be renewed and the application will be referred to the Licensing and Environmental Committee for determination.

If you are going on an extended holiday, you may apply for a renewal before you go or give someone else written permission to renew your licence on your behalf.

If you are unsure as to how to complete any part of the application, you should seek advice from a Licensing Officer.

Issue of Licence

An application will only be granted and the licence issued once the application procedure has been satisfactorily carried out.

Disability Awareness Training

You must attend a Disability Awareness Training Course at Kidderminster College within 12 months of your initial application. Officers may not grant renewal applications if you have not undertaken Disability Awareness Training without reasonable excuse.

VEHICLES

Application for either a Private Hire or Hackney Carriage Vehicle Licence

Hackney Carriage Vehicles

This licence is valid for one year and entitles licensed drivers to ply for hire by the public on any of the Council's Hackney Carriage ranks, or be hailed in the street.

Taxi ranks currently located within the District can be found at the following locations:

Exchange Street, Kidderminster	12 spaces
Blackwell Street, Kidderminster	2 spaces
Oxford Street, Kidderminster	6 spaces
Load Street, Bewdley	1 space
Lombard Street, Stourport on Severn	2 spaces

Private Hire Vehicle

This licence is valid for one year and hiring of the vehicle must be pre-booked through a booking office known as the Operators base. Private Hire Vehicles are not allowed to ply for hire at any of the Council's Hackney Carriage ranks or be hailed in the streets.

If you intend to operate a Private Hire business you will require an Operators Licence.

Each vehicle must have a Proprietors Licence.

A Private Hire Licence is not needed:

- For a vehicle while it is being used in connection with a funeral or for a vehicle used wholly or mainly, by a funeral director, for funerals
- For a vehicle whilst it is being used wholly or mainly in connection with a wedding.

Vehicles that are licensed with another authority may be licensed with Wyre Forest District Council providing that the vehicle can conform to the required Licence Conditions – e.g. colour policy and age.

There is no fixed limit to the number of either Private Hire or Hackney Carriage Vehicle Licences which can be issued by Wyre Forest District Council.

Each application for a new Licence is considered by an authorised officer who acts under powers delegated by the Council.

DO NOT PURCHASE A VEHICLE UNLESS YOU ARE SATISFIED IT CAN BE LICENSED

HOW TO MAKE YOUR FIRST APPLICATION

You must complete the Council's Application form. The Application form must be submitted to the Wyre Forest Customer Service Centre, Kidderminster Town Hall, Vicar Street, Kidderminster or by post to the address shown at the front of this Handbook, together with the following supporting documentation prior to the vehicle being inspected:

- Full Vehicle Registration Document (V5 Form) or 'New Keeper Supplement' or 'Confirmation of Registration Details'. Copy of the full Vehicle Registration Document must be forwarded to the Licensing Team as soon as possible
- The Registration Document must be in the name of the applicant and showing the correct address
- Hackney Carriage vehicles need to be insured for 'Public Hire', whilst Private Hire need to be insured for 'Private Hire'
- Photocopies will not be accepted
- Licence Fee.

Vehicle Inspection

- All vehicles are inspected before a licence is issued
- Vehicles are inspected by appointment at the Council's Vehicle Test centre
- Please note that appointments are not interchangeable between vehicles
- The Vehicle Test Centre is at the Property and Operational Services, Green Street, Kidderminster, Worcs. DY10 1HA
- You can telephone them via 01562 732928
- If your vehicle fails the test, then you will be provided with a copy of the failure report.

Issue of Vehicle (Proprietors) Licence

Applications will be processed and the Licence will be issued within 5 working days of being received by the Licensing Team.

A vehicle must not be used as a Hackney Carriage or Private Hire vehicle unless a Licence has been granted.

Vehicles are licensed to carry up to a specified number of passengers.

The Licence Plate must be fixed externally on the rear of the vehicle. This specifies the make of the vehicle and the number of passengers that can be carried.

RENEWAL OF A VEHICLE LICENCE

Renewal applications and Vehicle Inspection bookings for the renewal of the vehicle licences should be made at least 14 working days prior to the expiry of the existing Licence to ensure there is no time when the vehicle is not licensed.

Late Renewals

If a Vehicle Licence is allowed to expire, and no application is received to renew the Licence within 14 days of this expiry, the vehicle will be treated as if it has not been licensed before and will have to meet the criteria for a vehicle being licensed for the first occasion.

Transfer of Ownership

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Officer within 14 days from the date of sale. The application to Transfer must be made by the new owner within 14 days from the date of purchase and be accompanied by a valid Certificate of Insurance, Vehicle Registration Document and the Transfer Fee

If everything is in order, the Transfer can take effect and the Licence will be issued for the remaining time of the previous Licence.

If the vehicle is disposed of then the Vehicle Licence and Plates must be returned to the Council within 7 days. No refund of the Licence will be given if the vehicle is disposed of.

Taxi Meters in Vehicles

The Council does not require Private Hire cars to be fitted with a Taxi Meter, but if such a meter is fitted, it must be correctly calibrated, tested and sealed.

All Hackney Carriage vehicles must be fitted with a Taxi Meter which must be Calendar controlled and calibrated in accordance with the Council's Approved Table of Fares.

The meter will then be tested as part of the Vehicle Inspection.

The Table of Fares is to be displayed at all times in a Hackney Carriage vehicle.

An authorised officer or Police constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68 LGMPA).

Accidents

Any accident materially affecting the safety, performance or appearance of the 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).

- If a replacement vehicle is to be licensed, the licence plate must be removed from the damaged vehicle and returned to the Council.
- The replacement vehicle must meet the vehicle criteria and be presented to the licensing officer (by appointment) with an application form, new MOT Test Certificate, confirmation of Insurance and Licence fee. This is usually organised by the rental company, who pay the change of vehicle fee up-front for the damaged vehicle to be re-licensed after repair.

Vehicle Spot Checks

From time to time your vehicle may be subject to a spot check. The check will be carried out either by the Police, The Council's authorised officers, the Council's nominated garage, or authorised vehicle examiners of the Vehicle Operator Services Agency (VOSA). Inspections are normally carried out at the roadside but a request may be made for you to take your vehicle to a nominated garage. If your vehicle does not pass the Vehicle Licence will be suspended and your Licence Plate may be removed. This 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 to you by way of a written notice.

Immediate Suspension

This means that your vehicle cannot be used under any circumstances as a licensed vehicle until it has been re-examined and the Suspension Notice lifted by the Licensing Officer. Re-examination is by a full test being carried out at the Test Centre. If your Vehicle Licence is immediately suspended, the Licensing Officer will hand you a notice of suspension.

HACKNEY CARRIAGE BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Wyre Forest District Council with respect to Hackney Carriages.

INTERPRETATION

1. **THROUGHOUT** these Byelaws "the Council" means the Council of the District of Wyre Forest and "the District" means the administrative District of Wyre Forest.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage or on plates affixed thereto
- (b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing plying or being driven for hire
 - (ii) not cause or permit the carriage to stand, ply or be driven for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible
 - (iii) cause a plate (to be provided by the Council and hereinafter called "the number plate") bearing the number corresponding with the number of the Licence of such carriage to be conspicuously affixed on the outside of the back of such carriage
 - (iv) cause a plate (to be provided by the Council and hereinafter called the "inside number plate") bearing a number corresponding with the number of the licence of such carriage to be conspicuously affixed inside such carriage, immediately above the fare plate

PROVISION REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause the roof or covering to be kept watertight
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side
 - (d) cause the seats to be properly cushioned or covered
 - (e) cause the floor to be provided with a proper carpet mat or other suitable covering
 - (f) cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver

4. A proprietor of a duly licensed motor hackney carriage shall not cause or suffer such carriage to be used for the purpose of plying for hire or carrying passengers for reward unless and until it has been fitted with a taximeter or other similar apparatus.

5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say
 - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
 - (f) the taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL

EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

6. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic 1972 and also at any other time at the request of the hirer.

7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.

8. The driver of a hackney carriage shall when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands in the District
 - (b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
 - (c) when the carriage is the first carriage on the stand remain with the carriage ready to be hired at once

In this byelaw "stand" means a stand for the time being

 - (i) Appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 in the District; or
 - (ii) Fixed by byelaw made under Section 68 of the Town Police Clauses Act 1847 in any part of the District

9. A proprietor or driver of a hackney carriage when standing or plying for hire shall not by calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

10.
 - (a) every proprietor or driver of a motor hackney carriage shall at all times when standing, plying or driving for hire conduct herself/himself in an orderly manner.
 - (b) the driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

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

Agenda Item No. 22 (c)(i)
Appendix 2

12. The driver of a hackney carriage when hired to drive to any particular destination shall subject to any directions given by the hirer proceed to that destination by the shortest available route.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall when standing, plying or driving for hire wear that badge in such a position and manner as to be plainly and distinctly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage
 - (b) afford reasonable assistance in loading and unloading
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person
16. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Head of Planning, Health and Environment.

PRIVATE HIRE OPERATOR

Application for a Private Hire Operator Licence

As a licensed Private Hire Operator, you would be able to accept bookings for any number of Private Hire vehicles.

Bookings can be accepted from hirers both inside and outside the district.

The Council has a right to refuse an application if it considers that the applicants are not “fit and proper”.

If an application is refused, there is a right of appeal to the Magistrate’s Court within 21 days from being informed of the decision of the Licensing and Environmental Committee.

The Licence, if granted, is valid for a period not exceeding one year and is issued subject to conditions. The Council may take away a Licence where conditions are not met.

Criteria for a Private Hire Operator’s Licence

- Applicants must have conversational English
- Applicants must be over 21 years of age
- Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences
- Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences.

Those who do not meet the criteria

Officers cannot grant applications for licences to those applicants who do not meet the above criteria. In these cases the application will be determined by the Licensing and Environmental Committee.

Making an initial application

To apply for a licence to operate Private Hire vehicles the completed application form should be submitted with the following documents:

- A completed Application form
- A CRB Disclosure Application, if applicable (Standard check only)
- The Application Fee.

The completed Application form together with the above documents and fee must be submitted to the Customer Service Centre, Vicar Street, Kidderminster, Worcestershire or posted to the address shown at the front of this handbook.

Incomplete applications will be returned

If an applicant is unsure about how to complete any part of the application, please ask for advice from a Council Licensing Officer.

Applications will if granted, be granted for a period of twelve months and will expire at the end of the month in which the application was made.

Under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 it is an offence to knowingly or recklessly make a false statement or omit any material particular in giving information.

Applications will be processed within five working days of being received by the Licensing Team.

The Council cannot grant a licence unless it is satisfied:-

(a) that the applicant is a “fit and proper person” (Section 55 LGMPA).

Renewing a Private Hire Operator’s Licence

Responsibility for renewal of the operator licence rests solely with the licence holder.

The application procedure for renewal is the same as the procedure for an initial application, with the exception of the CRB application which will need to be renewed every 3 years.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

These guidelines have been produced to assist the Licensing and Environmental committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.

The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.

Each case is to be decided on its own merits.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 Sections 51 and 59 deal with the issue of driver suitability:

“...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a fit and proper person to hold a driver’s licence.”

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds

- 1) That he 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 Act of 1847 or of Part of this Act.
 - or
- 2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Convictions

The Council's Licensing and Environmental Committee is required to look at any past indicators (convictions, speeding offences, cautions etc.) that may affect a person's suitability to hold a hackney carriage/private hire driver's licence and consider the possible implications of granting such a licence.

As part of the licence conditions, the applicant is asked to disclose **all** convictions and cautions. Therefore **all** convictions must be disclosed, including spent convictions - the Rehabilitation of Offenders Act 1974 s.4, and Rehabilitation of Offenders Act (Exceptions) (Amendment) (England and Wales) Order 2003.

If a Licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of full information subsequently available to the Committee.

The disclosure of any conviction will not necessarily prevent an applicant from being issued a Licence. However, all convictions will be taken into consideration when determining an application.

All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days, any conviction, caution, or fixed penalty imposed on him/her during the period of licence.

Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

Patterns

A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received more than one conviction for a violent action, and then serious consideration should be made as to the suitability of that person to hold a licence.

The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

These guidelines have separated the various offences affecting such an application into categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold a licence. After consideration by the Committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

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The Committee cannot hear evidence, or decide that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

A “Fit and Proper Person”

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 (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on a common sense approach. Some areas give rise to particular concern, including

- Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak and understand English.

“Protecting the Public” Question

The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

If the answer is ‘yes’, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance with Conditions and requirements of the Licensing Authority

The Committee may take into account an applicant's history while holding a licence, from this or any other authority.

Traffic Offences - New Applicants only

Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result. All the possible traffic offences have been separated into two categories: Major and Minor Offences, depending on the seriousness of the offence, and state the rehabilitation period within that specific category.

Major Traffic Offences

An isolated driving licence endorsement or conviction for reckless driving, driving without due care and attention or driving while disqualified, etc. should not normally prevent a person from being granted a hackney carriage or private hire driver's licence. However the applicant should merit a warning as to their future driving and be advised on the standard expected of hackney carriage and private hire vehicle drivers.

More than one conviction for this type of offence within the last three years should merit refusal and a period of one to three years free from driving licence endorsements or convictions should elapse before a hackney carriage or private hire driver's licence is granted.

Minor Traffic Offences

Driving licence endorsements or convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc. should not normally prevent a person from being granted a hackney carriage or private hire driver's licence. If the applicant has accrued sufficient points to be disqualified from driving then a hackney carriage or private hire driver's licence may be granted after the applicant's driving licence is restored.

Disqualification

Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 5 years free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

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") 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) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence where (s)he has been prosecuted for an offence under the Acts at any time during the 6 months preceding the application or has more than one prosecution within the last 2 years preceding the date of the application.

Medical Fitness

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused unless it meets the criteria laid down by the DVLA Group 2 (Vocational Drivers)

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the Committee hearing. The Committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the Committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to his / her future conduct.

Traffic Offences

This section applies to existing Licence Holders only.

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving.

Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

Insurance Offences

The Council takes a serious view on convictions of driving or being in charge of a vehicle without Insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.

More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA Driving Licence) before an applicant, who has been disqualified from driving for Insurance offences, is considered for a hackney carriage or private hire licence.

Sexual Offences

- As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be refused
- A request for a full hearing may be made to the Licensing and Environmental Committee.
- Any existing licence holder charged with or convicted of a sexual offence or issued with a simple caution whilst licensed with the authority, will be required to attend a hearing of the Licensing and Environmental Committee.

Drunkness

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

New Applicants

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 3 years to elapse after the restoration of their DVLA licence, before being considered for a licence.

More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence.

Existing Drivers

- A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis should expect to have his hackney carriage or private hire drivers licence revoked IMMEDIATELY and a further application should not normally be considered until a period of 3 years has elapsed after restoration of the DVLA licence.

If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 3 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused. More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem, and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained.

If the results of the examination show the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered.

Drug Offences

A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.

If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required.

More than one conviction for a drugs related offence should debar an applicant for 7 years at least.

In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or abuse.

Any new applicant who has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately.

At least five years should elapse from conviction before a new application by that person will be considered.

Violence

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

- (a) An application/licence will normally be refused for the following offences, regardless of the period of time lapsed after the date of conviction:
- Murder
 - Manslaughter
 - Causing death by reckless driving, including:
 - Causing death by reckless driving when unfit through drugs:
 - Causing death by careless driving when unfit through drink
 - Causing death by careless driving with alcohol level above the limit
 - Causing death by careless driving then failing to supply a specimen for analysis
 - Manslaughter or culpable homicide while driving a vehicle
 - Causing death by dangerous driving
- (b) An application should be refused where the applicant has a conviction that is less than 10 years old prior to the date of application and an existing licence holder should expect their licence to be suspended/revoked if they are convicted of one of the following offences:
- Arson
 - Malicious wounding or grievous bodily harm which is racially motivated
 - Actual bodily harm which is racially motivated
- (c) An application should be refused where the applicant has a conviction that is less than 8 years old prior to the date of application and an existing licence holder should expect their licence to be suspended/revoked if they are convicted of one of the following offences:
- Grievous bodily harm with intent
 - Grievous bodily harm
 - Robbery
 - Racially-motivated criminal damage
 - Racially-motivated s.4 Public Order Act 1986 offence (fear or provocation of violence)
 - Racially-motivated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - Racially-motivated harassment
 - Racially-motivated fear of violence
- (d) An application should be refused where the applicant has a conviction that is less than 5 years old prior to the date of applicant and an existing licence holder should expect their licence to be suspended/revoked if they are convicted of one of the following offences:
- Common assault
 - Common assault which is racially-motivated
 - Assault occasioning actual bodily harm

- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of an offensive weapon
- Possession of a firearm
- Criminal damage
- Violent disorder
- Resisting arrest

More than one offence

The above guidelines are applicable to applicants who have been convicted of one offence.

Where an applicant has been convicted of two or more violent offences, the licence should normally be refused.

If a current licence holder is convicted of two or more violent offences during the licence period, the normal course will be for the licence to be revoked.

Possession of a Weapon

A “weapon” can be any article, made, adapted or intended to be used against any person.

If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

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, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be refused where an applicant has a conviction for an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

Complaints against Drivers

Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.

The Committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is fit and proper person to hold such a licence.

Conclusion

The fact an applicant has a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.

An applicant who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly.

Any applicant refused a driver's licence on the grounds that the Committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the Magistrates' Court within 21 days of the notice of decision

APPENDIX 'A'

RELEVANCE OF PREVIOUS CONVICTIONS

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
- BA20 Attempting to drive while disqualified by order of court

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CU80 Using a mobile phone while driving a motor vehicle

- 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
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

- IN 10 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

- UT50 Aggravated taking of a vehicle

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)

MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver, etc.

- MW10 Contravention of Special Road Regulations (excluding speed limits)

- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

- 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)

- 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 tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers

- 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 Undefined speed limit offence

Aiding, abetting, counselling or procuring

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Appendix 2

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)