



**Worcester**  
CITY COUNCIL

## **Hackney Carriage and Private Hire Handbook**



[www.worcester.gov.uk/licensing](http://www.worcester.gov.uk/licensing)

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## INTRODUCTION

This handbook aims to advise and assist both new applicants and current licence holders on the laws affecting hackney carriages and private hire vehicles, and how to apply for the associated licences. It is for general guidance only, and is not intended to be an exhaustive or definitive statement of the law. The Council reserves the right to amend the conditions relating to hackney carriage and private hire licensing in light of changing circumstances or changes in the law.

The main legislation governing hackney carriage and private hire vehicles, drivers and operators can be found in:

- The Town Police Clauses Act 1847 (TPCA)
- The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)
- Driver and Vehicle Licensing Agency (DVLA)
- Local Byelaws

Copies of Byelaws and conditions attached to licences can be found in this guide.

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

Licensing  
Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
DY11 7WF

Telephone: 01905 822799

Fax: 01562 745516

Email: [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk)

### **Data Protection**

Worcester City 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 City Council may also share this information with other departments 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.

## DEFINITIONS USED THROUGHOUT THIS HANDBOOK

The Council	Worcester City Council
Authorised Officer	Head of Community Services Licensing Manager Senior Practitioner - Licensing Technical Officer - Licensing
The Owner	The person shown on the hackney carriage or private hire vehicle licence as the owner of the vehicle.
The Driver	The person to whom the Council has granted the Hackney Carriage/Private Hire Driver's licence to which conditions are attached.
The Vehicle	The subject of the hackney carriage or private hire vehicle licence to which conditions are attached.
Private Hire Vehicle	A licensed vehicle which is licensed to carry passengers for hire or reward, but only by being pre-booked. It may not stand or ply for hire on the ranks or in the streets of the City of Worcester.
Hackney Carriage	A licensed vehicle which can stand on ranks or ply for hire in the streets of the City of Worcester.
Private Hire Operator	Any person who is licensed in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle and manages, controls or allocates work to drivers through a central system.
Plate	The licence plate issued by the Council to be displayed in accordance with the Council's conditions.
Nominated Garage	The Council's approved mechanical testing centre.
Certificate of Fitness	The certificate issued by the Council's nominated garage certifying that the vehicle is mechanically sound and fit for use.
Wheelchair Accessible Vehicle	A vehicle whereby a wheelchair user can remain in their wheelchair whilst entering and being conveyed in that vehicle. The vehicle must be fit for this purpose at all times.

## GENERAL INFORMATION

**YOU ARE REQUIRED TO ENSURE THAT YOU ARE FAMILIAR WITH THE CONTENTS OF THE HACKNEY CARRIAGE AND PRIVATE HIRE HANDBOOK, THAT IT IS KEPT UP TO DATE, AND IS MADE AVAILABLE FOR INSPECTION UPON REQUEST BY AN AUTHORISED OFFICER OF THE COUNCIL.**

### **Fees and Charges**

Fees and charges for all licences are payable in advance at the Worcestershire Hub Customer Service Centre, The Hive, Sawmill Walk, The Butts, Worcester, WR1 3PB

Full details of all current fees and charges are obtainable from the Licensing Team, the Customer Service Centre, or from the Council website [www.worcester.gov.uk](http://www.worcester.gov.uk).

Cheques should be made payable to **Worcester City Council**. Dishonoured cheques will invalidate any licence which has been issued. For licences to be re-instated, payment must be made in cash.

### **Loss or Theft of Driver's Badges and Vehicle Plates**

Loss or theft of licences, drivers' badges, or vehicle plates should be reported immediately to both the Council and the Police. A replacement licence, badge or plate will be issued once the appropriate fee is paid. Confirmation, in writing, that the plate or badge has been lost and has been reported to the Police is required before a replacement is issued.

### **How to Update this Handbook**

This handbook is updated on a periodic basis. The most up to date copy of the handbook is available to view or download from [www.worcester.gov.uk](http://www.worcester.gov.uk).

It is your responsibility to ensure that you always refer to the most up to date version. If in doubt, Please contact a member of the Licensing Team immediately.

No significant amendments will be made to the Handbook without undertaking a consultation exercise with all the bodies concerned.

### **Loss of Handbook**

Loss of the Hackney Carriage and Private Hire Handbook should be reported to the Council immediately so that a replacement can be supplied to you. The replacement will be issued to you upon the payment of the appropriate fee.



## CRITERIA FOR LICENSING

### **Hackney Carriage/Private Hire Driver Licence**

1. Applicants must have good conversational English.
2. Applicants must be over 21 years of age.
3. Applicants must have a right to work in the UK.
4. Applicants must hold a full UK or EU member state driving licence.
5. Applicants must have at least three years' driving experience in the UK. Evidence of this should be forwarded with the application form.
6. Applicants for new licences should have no more than three current penalty points on their DVLA licence.
7. Applicants for renewal of licences should also have no more than three current penalty points on their DVLA licence. Dependant upon the nature of the offence(s), applicants who have between three and six current penalty points may be referred to the Licensing Sub-Committee for determination of the application. Applicants with more than six current penalty points will be referred to the Licensing Sub-Committee for determination of the application.
8. Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences. (Please refer to guidance on page 53) Any charges for offences should be disclosed on the application form.
9. Applicants for renewal of licences must be free from new convictions and cautions since the date of the grant of their last licence, other than for minor traffic offences. Any charges for offences should be disclosed on the application form.
10. Applicants for new licences must have passed the Knowledge Test within the last 12 months.
11. Applicants for new licences must have passed a Driving Assessment with Worcestershire County Council within the last 12 months.
12. Applicants should be medically fit to drive hackney carriages or private hire vehicles. Applicants for new licences, and those applicants applying for each renewal after their 45<sup>th</sup> birthday shall give proof of their medical fitness by completing and submitting a copy of the Council's medical form.

### **Disability Awareness Training Course**

Applicants for new licences must have attended a Disability Awareness Training course with Worcestershire County Council within the last 12 months. It is a condition on all drivers' licences that they must have attended a Disability Awareness Training Course. Officers may not grant renewal applications if the driver concerned has not undertaken Disability Awareness Training without reasonable excuse.

### **Those Who Do Not Meet the Criteria**

Officers cannot grant applications for licences to those applicants who do not meet the above criteria. An applicant who does not meet the above criteria may request in writing to have their application determined by the Licensing Sub-Committee. The Licensing Sub-Committee will have regard to the guidelines relating to the relevance of convictions which can be found on page 53.

## HACKNEY CARRIAGE VEHICLE LICENCES

**THERE IS CURRENTLY A LIMIT (CAP) IN PLACE ON THE ISSUE OF HACKNEY CARRIAGE VEHICLE LICENCES. NO NEW HACKNEY CARRIAGE VEHICLE LICENCES WILL BE GRANTED, UNLESS IT IS FOR THE REPLACEMENT OF AN EXISTING LICENSED VEHICLE.**

1. New vehicle licences will only be granted to side and rear access wheelchair accessible vehicles.
2. New vehicle licences will only be granted to vehicles less than three years of age from the date of first registration.
3. Vehicle licences for saloon type vehicles will not be renewed once a vehicle is over eight years of age from the date of first registration.
4. Vehicle licences for wheelchair accessible vehicles (side access) will not be renewed once a vehicle is over 15 years of age from the date of first registration. Other types of side access vehicles will not be renewed once a vehicle is over 12 years of age from the date of first registration.
5. Vehicle licences for wheelchair accessible vehicles (rear access) will not be renewed once a vehicle is over 10 years of age from the date of first registration
6. Vehicles must be confirmed as fit for use in accordance with the hackney carriage vehicle licence conditions by the Council's nominated garage prior to a new application or renewal application being granted.
7. Worcester City Council will accept vehicles aged up to three years from the date of first registration for temporary plating for a period not exceeding 4 months. The vehicle must comply in all respects for the class of intended use. The full annual licence fee will be payable.

### **Those Who Do Not Meet the Criteria**

Authorised Officers under delegated powers may on a case by case basis assess the suitability of any vehicle which has been put forward for hackney carriage vehicle licensing, only once a full application has been submitted to the Council.

A vehicle licence will not be granted by the Council unless that vehicle has been presented in such a condition that it could be considered an exception to the above policy on age limits.

## **PRIVATE HIRE VEHICLE LICENCES**

1. New vehicle licences will only be granted to vehicles less than five years of age from the date of first registration.
2. Vehicle licences for saloon type vehicles will not be renewed once a vehicle is over ten years of age from the date of first registration.
3. Vehicle licences for wheelchair accessible vehicles will not be renewed once a vehicle is over 12 years of age from the date of first registration.
4. Vehicles must be confirmed as fit for use in accordance with the private hire vehicle licence conditions by the Council's nominated garage prior to a new application or renewal application being granted.
5. Worcester City Council will accept vehicles aged up to three years from the date of first registration for temporary plating for a period not exceeding 4 months. The vehicle must comply in all respects for the class of intended use. The full annual licence fee will be payable.

### **Those Who Do Not Meet the Criteria**

Authorised Officers under delegated powers may on a case by case basis assess the suitability of any vehicle which has been put forward for hackney carriage vehicle licensing, only once a full application has been submitted to the Council.

A vehicle licence will not be granted by the Council unless that vehicle has been presented in such a condition that it could be considered an exception to the above policy on age limits.

## **PRIVATE HIRE OPERATOR LICENCE**

1. Applicants must have conversational English.
2. Applicants must be over 21 years of age.
3. Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences. Please refer to guidance on page 53. Any charges for offences should be disclosed on the application form.
4. 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. Please refer to guidance on page 53. Any charges for offences should be disclosed on the application form.

### **Those Who Do Not Meet the Criteria**

Officers cannot grant applications for licences to those applicants who do not meet the above criteria.

Any applicant who does not meet the above criteria may request to have their application determined by the Licensing Sub-Committee. The Licensing Sub-Committee will have regard to the guidelines relating to the relevance of convictions which can be found on page 53.

## APPLYING FOR A LICENCE

**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.**

### **Application for Hackney Carriage/Private Hire Driver Licence**

#### **How to Make Your First Application**

Licences to drive hackney carriage and private hire vehicles will only be granted to those applicants who satisfy the Council's criteria for licensing as set out in the licence conditions (see page 2.1)

1. All new applicants must first pass the Knowledge Test set and administered by the Council (see explanatory note A).
2. Once the knowledge test has been passed, the applicant must pass a Driving Assessment with the Road Safety Officer at Worcestershire County Council (see explanatory note B).
3. The applicant may then apply for their Hackney Carriage/Private Hire Vehicle Drivers Licence. The completed application form should be submitted with the following documents:
  - A countersigned DBS vetting form (see explanatory note C).
  - DVLA check code, to allow the sharing of DVLA licence details (see explanatory note D).
  - DVLA Drivers Licence (see explanatory note E).
  - Two passport size photographs (see explanatory note F).
  - The relevant licence fee (see explanatory note G).
  - Medical form (see explanatory note H).
  - Proof that the driving assessment has been passed.
  -
4. The completed application form together with the above documents and fee must be submitted at the Customer Service Centre, The Hive, Sawmill Lane, The Butts, Worcester.

#### **INCOMPLETE APPLICATIONS WILL BE RETURNED.**

If an applicant is unsure about how to complete any part of the application, he/she should for contact the Licensing Office for further advice.

Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

## **HOW TO APPLY TO RENEW YOUR LICENCE**

1. Initial licences will normally fall due for renewal three years after the application is granted unless varied by the Taxi Licensing Sub-Committee. Thereafter renewals of driver licences will normally be every three years unless varied by the Taxi Licensing Sub-Committee.
2. Responsibility for renewal of the driver licence rests solely with the licence holder. The application should be submitted at least 4 weeks prior to the expiry of the old licence. This is in order to give sufficient time for the required checks to be made (see explanatory note J).
3. The completed application form must be submitted with the following documents:-
  - A countersigned DBS vetting form (see explanatory note C).
  - DVLA check code, to allow the sharing of DVLA licence details (see explanatory note D).
  - DVLA Drivers Licence (see explanatory note E).
  - Two passport size photographs (see explanatory note F)
  - The relevant licence fee (see explanatory note G).
  - Medical form, where applicable (see explanatory note H).
4. The completed application form together with the above documents and fee must be submitted at the Customer Service Centre, The Hive, Sawmill Lane, The Butts, Worcester.

### **INCOMPLETE APPLICATIONS WILL BE RETURNED.**

If an applicant is unsure about how to complete any part of the application, he/she should contact the Licensing Team for further advice.

5. Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

## EXPLANATORY NOTES

### **A Knowledge Test**

The Knowledge Test is carried out by Worcestershire County Council on behalf of Worcester City Council. It is currently a written examination. However any applicant who has difficulty in reading and writing can ask for an oral test to be arranged.

The examination will consist of three parts:-

**Part A** – Questions relating to the law, including Byelaws, conditions and guidance relating to Hackney Carriage, Private Hire Vehicles and Drivers.

**Part B** – Names of streets and popular locations where the public may wish to visit (i.e. Pubs, Hotels, Restaurants, Schools, Shopping Areas, etc.)

**Part C** – You will be required to describe a route naming every street as you travel from the start of the journey to the destination, using the shortest route.

To pass the examination you must achieve 80% in each part. You will be given one hour to complete the test.

No person, other than applicants and the tester, may be present during the test.

If the applicant fails the knowledge test, he may retake it but it will be subject to a further test fee.

Failure to attend a knowledge test without giving prior notification to the Worcestershire County Council or the Licensing Team of Worcester City Council will result in forfeiture of the fee paid to undertake the examination.

If an applicant for a Hackney Carriage/Private Hire Vehicle Driver's licence sitting the Knowledge and Ability Test is reasonably suspected of cheating during the test, this should be classed dishonesty, the candidate will be debarred from taking the test again for a period of 12 months, with the provision that if on a second occasion it is reasonably suspected that a candidate has cheated during the test, that candidate will be disqualified for a further three years from taking the test.

To book a Knowledge Test please contact Worcestershire County Council at County Hall on 01905 766827/766825.

### **B Driving Assessment**

New applicants will be required to have an assessment of their driving ability with the Road Safety Officer of Worcestershire County Council. This will be carried out after the satisfactory completion of the Knowledge Test.

If the Road Safety Officer considers the applicant to be a fit and proper person to hold a drivers licence then the applicant will be allowed to continue with their application. If further training is considered appropriate then the Road Safety Officer will give details by way of a written report to the applicant.

To book a Driving Assessment please contact Worcestershire County Council at County Hall on 01905 766827/766825.

### **C Disclosure and Barring Service (DBS) Vetting Form**

The DBS vetting form must be completed and countersigned by a duly authorised person employed by the Council and registered with the DBS. This form will then be sent to the DBS. A licence will not be issued until the DBS have provided a certified reply. It is essential that you submit your DBS vetting form in sufficient time, and at least four weeks prior to expiry of your existing licence, as the period for processing of these forms rests with the DBS.

## **D DVLA Mandate/Check Code**

Applicants will be required to complete a DVLA mandate or provide a DVLA licence check code in order to share their DVLA licence detail with the Council. Check codes can be obtained from the GOV.UK website.

## **E DVLA Licence**

The applicant will produce a full DVLA or EU Drivers Licence to cover them for the class of vehicle they will be driving.

## **F Passport Photographs**

The applicant will provide two passport size photographs for their hackney/private hire driver licence. The photographs should be to the same criteria as for passport application.

## **G Fee**

The fee to be paid will be determined each year by the Licensing and Environmental Health Committee. The change will come into effect on 1 April each year.

## **H Medical Authorisation**

The Council's medical form, completed by a doctor, must be submitted on the initial application stating that the applicant is physically fit to be the driver of a hackney carriage/private hire vehicle. If required, the applicant will submit to an examination by a medical practitioner approved by the Council. The examination will be to the DVLA Group 2 medical standard.

An applicant shall provide a medical certificate on the first renewal after their 45<sup>th</sup> birthday and then on each future renewal until they reach the age of 65. Upon reaching the age of 65, they will provide a medical certificate each year.

## **I Disability Awareness Course**

It is a condition of the granting of a Hackney Carriage/Private Hire Drivers Licence that the driver will attend a Disability Awareness Course prior to the grant of their first Licence.

To book Disability Awareness Training please contact Worcestershire County Council at County Hall on 01905 766827/766825.

## **J Issuing of Licences**

An initial application will only be granted and the licence issued once all of the application procedure has been satisfactorily carried out. This includes the return of the DBS check and DVLA licence mandate.

For renewal applications, if the DBS or DVLA checks do not arrive prior to the expiry of the existing licence, drivers will be permitted to carry on driving hackney carriage and private hire vehicles, providing their application was received prior to the expiry date of their existing licence.

If an applicant allows their licence to expire, any further application to renew the licence may be treated as an initial or new application.

This may require an applicant to undertake a new knowledge test, driving assessment and medical.

Additionally the driver will not be permitted to continue driving hackney carriage or private hire vehicles as they will not hold a current licence.

If applicants are going on an extended holiday, they may apply for a renewal before they go or may give a relative written permission to renew their licence on their behalf i.e. submit payment fee, application form.



## **K Right to work in the UK**

The Immigration Act 2016, requires the Council to check that ALL of those that it licences to drive or operate hackney carriage and/or private hire vehicles, have the right to work in the UK. ALL licence holders have to be checked, regardless of their place of birth or nationality.

This means that before the Council can issue or renew a licence, they must carry out a proper check on relevant documents held by the applicant, to confirm they have the right to work in the UK. The documents checked must also be copied and retained by the Council.

For details of the types of documentation which need to be produced please contact the Licensing Office.

## **APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE**

### **Licensing a Vehicle for the First Time**

A vehicle will not be licensed unless it satisfies the Council's criteria for licensing. (See page 2.3 for hackney carriage vehicle licensing criteria and page 2.4 for private hire vehicle licensing criteria).

There is currently a limit or cap on the issue of new hackney carriage vehicle licences by the Council. However there is no fixed limit to the number of licences issued in respect of private hire vehicles. Each application for a new licence is considered by an authorised officer who acts under powers delegated by the Council. These powers enable the authorised officer to grant hackney carriage/private hire vehicle licences where the vehicle fulfils the basic qualifications.

**DO NOT PURCHASE A VEHICLE UNLESS YOU ARE SATISFIED IT CAN BE LICENSED. IF IN DOUBT, SEEK THE VIEWS OF THE LICENSING OFFICERS.**

To apply to licence a vehicle as a hackney carriage or private hire vehicle the completed application should be submitted with the following documents:-

- MOT certificate, if applicable (see explanatory note A).
- Vehicle registration document (V5) (see explanatory note B).
- Valid insurance certificate (see explanatory note C).
- Vehicle inspection certificate (see explanatory note D).
- The licence fee for initial application (see explanatory note E).

The completed application form together with the above documents and fee must be submitted at the Worcestershire Hub Customer Service Centre, The Hive, Sawmill Walk, The Butts, Worcester.

**INCOMPLETE APPLICATIONS WILL BE RETURNED.**

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

Applications will be processed within five working days of being received by the Licensing Team (see explanatory note F).

Applications for new vehicle licences, if approved, will be granted for a period of twelve months. Hackney carriage licences can never be granted for more than one year.

Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

## **RENEWING A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE**

A vehicle will not be licensed unless it satisfies the Council's criteria for licensing. (See page 2.3 for hackney carriage vehicle licensing criteria and page 2.4 for private hire vehicle licensing criteria).

To apply for renewal of a licence for a hackney carriage or private hire vehicle the completed application should be submitted with the following documents:-

- MOT certificate, if applicable (see explanatory note A).
- Vehicle registration document (V5) (see explanatory note B).
- Valid insurance certificate (see explanatory note C).
- Vehicle inspection certificate (see explanatory note D).
- The licence fee for a renewal application (see explanatory note E).

The completed application form together with the above documents and fee must be submitted at the Worcestershire Hub Customer Service Centre, The Hive, Sawmill Walk, The Butts, Worcester.

**INCOMPLETE APPLICATIONS WILL BE RETURNED.**

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

Applications will be processed within five working days of being received by the Licensing Team (see explanatory note F).

Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

Applications for renewal of vehicle licences, if granted, will be granted for a period of twelve months from the date on which the previous licence expired.

## **TRANSFERRING A VEHICLE LICENCE**

### **Existing Owner**

If you sell a vehicle that is already licensed as a hackney carriage or private hire vehicle with the Council, you must advise the Council of the details of the new owner, in writing, within 14 days from the date of the sale.

**FAILURE TO DO SO MAY CONSTITUTE A BREACH OF LEGISLATION WHICH MAY RESULT IN PROSECUTION.**

### **New Owner**

If you purchase a vehicle that is already licensed as a hackney carriage or private hire vehicle with the Council, you must make an application in writing to transfer the licence to your name within 14 days from the date of purchase of the vehicle.

**FAILURE TO DO SO MAY CONSTITUTE A BREACH OF CONDITIONS WHICH MAY RESULT IN THE LICENCE BEING SUSPENDED OR REVOKED.**

To apply for transfer of a licence of a hackney carriage or private hire vehicle the completed application should be submitted with the following documents:-

- MOT certificate, if applicable (see explanatory note A).
- Vehicle registration document (V5) (see explanatory note B).
- Valid insurance certificate (see explanatory note C).
- A letter from the previous owner (see explanatory note H).
- The licence fee for a transfer application (see explanatory note E).
- 

The completed application form together with the above documents and fee must be submitted at the Worcestershire Hub Customer Service Centre, The Hive, Sawmill Walk, The Butts, Worcester.

**INCOMPLETE APPLICATIONS WILL BE RETURNED.**

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

Applications will be processed within five working days of being received by the Licensing Team (see explanatory note F).

Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

## EXPLANATORY NOTES

### **A MOT certificates**

You will need to produce a current and valid MOT certificate if the vehicle you are applying to licence is over 1 year old.

### **B Vehicle Registration Document (V5)**

The full vehicle registration document should be submitted. However if this is not possible as the document has been forwarded to DVLA for the registered keepers name or address to be altered, then the “new keeper supplement” may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Team as soon as possible.

If the vehicle is brand new and the vehicle registration document has not yet been issued by DVLA, then the “Confirmation of Registration Details” document may be submitted instead. However a copy of the full vehicle registration document should be forwarded to the Licensing Team as soon as possible.

### **C Insurance Certificates**

A valid insurance certificate or cover note should be submitted proving the vehicle is correctly insured. Hackney carriage vehicles need to be insured for “public hire use” whilst private hire vehicles need to be insured for “private hire use.” The insurance should be valid for a period of no less than 14 days.

### **D Vehicle Inspection Certificates**

Your vehicle must be confirmed as fit for use as a hackney carriage or private hire vehicle by the Council’s inspection garage before it can be considered for licensing.

### **E Fee**

The fee to be paid will be determined each year by the Licensing and Environmental Health Committee. The change will come into effect on the 1 April each year.

### **F Issuing of Licences**

Completed applications submitted for vehicle licences will be processed within 5 working days of being received by the Licensing Team. A vehicle may not be used as a hackney carriage or private hire vehicle unless the relevant application has been processed and the licence granted and issued.

Therefore applications for renewal of vehicle licences should be made at least six working days prior to the expiry of the existing licence to ensure there is no time when the vehicle is not licensed and therefore not able to be used.

### **G Late Renewals**

If an applicant applies for renewal of a vehicle licence after their previous licence has expired, even if this licence has only expired by one day, then the application fee for an initial application will be charged. Additionally the driver will not be permitted to continue using the vehicle as a hackney carriage or private hire vehicle until the application has been processed and the new licences granted and issued.

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.

## **H Transfer Letters**

When applying for transfer of a vehicle licence, a letter should be provided from the previous licence holder. This letter must confirm the date of transfer of the vehicle to the applicant and include the names and addresses of both the transferor and the transferee. Alternatively, you may use a vehicle transfer notification form which is available from the Licensing Team.

## **APPLICATION FOR A LICENCE TO OPERATE PRIVATE HIRE VEHICLES**

### **Making an Initial Application**

A person wishing to operate private hire vehicles requires a licence from the Council to do so. "Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle

The Council cannot grant a licence to an individual to operate private hire vehicles unless they are satisfied that the applicant is a "fit and proper person"

You may require planning permission to operate private hire vehicles from a premises. For more information and advice contact:-

The Planning Department  
The Guildhall  
High Street  
Worcester  
WR1 2EY  
Email: [planning@worcester.gov.uk](mailto:planning@worcester.gov.uk)

To apply for a licence to operate private hire vehicles the completed application form should be submitted with the following documents:-

- A countersigned DBS vetting form, if applicable (see explanatory note A).
- The application fee (see explanatory note B).

The completed application form together with the above documents and fee must be submitted at the Worcestershire Hub Customer Service Centre, The Hive, Sawmill Walk, The Butts, Worcester..

**INCOMPLETE APPLICATIONS WILL BE RETURNED.**

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

Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

## **RENEWING A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE**

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

The application procedure for renewal is exactly the same as the procedure for an initial application.

Should your application require information from a third party, once it has been received by the Council it will be considered accepted but not complete until the third party information has also been received.

### **Explanatory Notes**

#### **A Disclosure and Barring Service Bureau (DBS) Vetting Form**

If the applicant for an operator's licence is already a licensed hackney carriage/private hire driver with the Council, no DBS vetting form needs to be submitted.

If the applicant is not a licensed hackney carriage/private hire driver, the DBS vetting form must be completed and countersigned by a duly authorised person employed by the Council and registered with the DBS. This form will then be sent to the DBS. A licence will not be issued until the DBS have provided a certified reply.

#### **B Fees**

The fee to be paid will be determined each year by the Licensing and Environmental Health Committee. The change will come into effect on 1 April each year.



## CONDITIONS ATTACHED TO LICENCES

**FAILURE TO COMPLY WITH THE FOLLOWING CONDITIONS MAY RESULT IN THE LICENCE BEING SUSPENDED OR REVOKED OR LEAD TO PROSECUTION.**

### **Conditions Relating to Hackney Carriage and Private Hire Drivers Licences**

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done. Not only must the driver obey the rules or conditions, he must not allow any other person to break the rules in his vehicle.

Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment. Any additions or changes to the law must be obeyed. All parts of the conditions must be obeyed.

If you do not understand anything, ask for help. Not understanding is not an acceptable excuse for breaking the rules or the law.

These conditions are not to be treated as exhaustive.

### **Conduct**

- (a) The driver shall behave in a civil and orderly manner at all times.
- (b) The driver shall take all reasonable precautions to ensure the safety of persons carried in or entering or leaving the vehicle.
- (c) The driver shall at all times when acting as the driver of a hackney carriage or private hire vehicle wear the badge provided by the Council in accordance with the conditions set out below.
- (d) When a passenger is in the vehicle, a driver should not eat, drink or smoke in the vehicle. The Health Act 2006 states that from 1 July 2007 all hackney carriages and private hire vehicles will be no smoking areas.
- (e) The radio shall not be played at such a level to cause annoyance to passengers.
- (f) The most direct route shall be taken unless the hirer directs otherwise.

### **Prompt Attendance**

The driver shall be in attendance at the appointed pick up as soon as practicable or at the time arranged, unless prevented by sufficient cause.

### **Sounding the Horn**

A licensed driver shall not sound his horn to announce his presence to the hirer.

### **Number of Passengers**

- (a) The driver shall not convey in the vehicle any greater number of persons than the number of passengers specified on the licence plate affixed to the outside rear of the vehicle, regardless of the age of any passenger carried.
- (b) The driver shall not without the express consent of the hirer, convey or permit to be conveyed, any other person in the vehicle.

### **Luggage**

The driver of a vehicle so constructed as to carry luggage shall when requested by a person hiring the vehicle:

- (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 building, station, or any place at which he may take up or set down such person.

### **Appearance**

- (a) The driver shall be clean and tidy in appearance.
- (b) The driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public.

### **Deposit of Licence**

If a driver is permitted to work for an operator, he will provide the operator with his PHV licence before starting to work, and will leave it with the operator until he finishes working for him.

The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

### **Taximeter**

If the vehicle is fitted with a taximeter, the following conditions must be complied with:

- (a) The driver 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.
- (b) The driver shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, or with the fittings thereof or with the seals affixed thereto.
- (c) Vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked and sealed by an authorised officer.
- (d) All vehicles fitted with a taximeter must display a current tariff card.

### **Fare to be Charged**

The driver shall not exceed the fare agreed with the hirer, or the fare previously displayed on the taximeter.

### **Receipts**

Any passenger requesting a receipt for payment made will be provided with a receipt showing the date, fare paid, and will be signed by the driver. It shall be in such a form as to identify the company and/or individual providing the receipt.

### **Change of Circumstances**

The driver shall notify the Council in writing within seven days of:

- (a) change in name or address.
- (b) change in employer.
- (c) any endorsements, convictions, motoring or otherwise (including fixed penalty), caution or any charges he/she has received.
- (d) any medical condition that may affect the ability to drive or carry out the duties of a Hackney Carriage or Private Hire Driver. A medical examination may be required.

### **FAILURE TO DO SO MAY CAUSE THE DRIVER TO BE REFERRED TO THE COUNCIL'S LICENSING SUB-COMMITTEE.**

In the case of (c) above failure to notify within seven days will require the driver to retake and pass that part of the knowledge test relating to conditions of the licence, and upon passing may be granted their licence for a 12 month period only.

## **Disability Awareness Course**

It is a condition of the granting of a Hackney Carriage/Private Hire Drivers Licence that the driver attend the next available course run by the Council and in any case within 12 months of the grant of their first Licence.

The driver will have to pay the fee for this course prior to attending it. On completion of the course, the driver will receive a certificate of attendance.

## **Medical Examinations**

An applicant shall provide a medical certificate on the first renewal after their 45<sup>th</sup> birthday and then on each future renewal until they reach the age of 65.

Upon reaching the age of 65, they will provide a medical certificate each year.

## **Driving Assessments**

Drivers aged 70 and over will be required to pass an annual driving assessment. This will be at the driver's expense.

## **Driving Standards**

Complaints received regarding the standard of driving may result in a further driving assessment, which will be at the driver's expense. Failure to pass this assessment is a reasonable cause to suspend or revoke a licence.

## **Badges**

- (a) The driver's badge must be worn in a position where it is plainly and distinctly visible. This must be in the chest region of the body.
- (b) The badge need not be worn when the vehicle is being used in connection with a wedding or funeral or with the express written permission of an authorised officer.
- (c) A pocket wallet must be fixed to the dashboard or partition screen between the driver and passengers to enable a duplicate badge to be placed therein. This badge must be removed and replaced when the driver changes shift.
- (d) Upon expiry, revocation or suspension, the licence must be surrendered to the Council on demand.
- (e) The badge remains the property of the Council at all times.

## **Operators**

- (a) All drivers are responsible for checking that the operator through whom they are working has a current Private Hire Operator's Licence.
- (b) A licensed driver must notify the Council in writing as soon as he changes the operator through whom he takes bookings.
- (c) A licensed driver who holds an operator's licence must comply with all the conditions and requirements of that licence even when working for another operator.

## **Lost Property**

The driver shall immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there. Any property found must be handed to the police within 48 hours of finding.

## **Animals**

The driver may not carry his/her or an operator's animals whilst engaged in carrying a fare. Other animals may be carried at the driver's discretion.

## **Assistance Dogs**

- (a) No driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- (b) Any driver with a medical reason for not complying with this condition must apply to the Council for a certificate of exemption. Any charge for any necessary medical examination is to be paid by the applicant.
- (c) Such certificate of exemption shall be displayed in the vehicle at all times whilst the person holding the exemption is driving the vehicle.
- (d) Drivers must comply with the Equalities Act 2010, and any subsequent relevant legislation, at all times.

## **Towing of Trailers**

For information on the towing of trailers, please contact an authorised officer.

## **General Licence Conditions**

All drivers shall operate strictly within the terms of any licence issued under the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses act 1847 and Conditions and Guidance issued by the Council.

## **Suspension and Revocation**

A licence may be suspended, revoked or fail to be renewed if the driver:

- (a) has been convicted of an offence involving dishonesty, indecency or violence
- (b) has been convicted of an offence or has failed to comply with the provisions of TPCA 1847 or LGMPA 1976
- (c) any other reasonable cause

A revoked or suspended licence **MUST** be surrendered to the Council **ON DEMAND**.

Where information is received concerning the holder of an existing Hackney Carriage and Private Hire Driver's licence which raises serious concerns about public safety, the information will be immediately passed to the Licensing Manager. Representations from the police must be approved by either the Chief of Police or a Senior Police Officer (Chief Inspector or above).

In such circumstances, the Licensing Manager, in consultation with the Chair of the Licensing Committee or his deputy, will determine whether in the interests of public safety and based upon the balance of probabilities, there is reasonable cause to suspend the driver's Hackney Carriage and Private Hire Vehicle Driver's licence with immediate effect.

Where a Hackney Carriage and Private Hire Vehicle Driver's licence is suspended under such circumstances, the matter will be kept under regular review by the Licensing Manager.

## **Conditions Specific to Private Hire Drivers**

### **Touting and Soliciting**

The driver shall not, whilst driving or in charge of a private hire vehicle:

- (a) Tout or solicit any other person to hire, or be carried for hire in any private hire vehicle.
- (b) Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (c) Ply for hire or appear to be plying for hire.

## CONDITIONS RELATING TO HACKNEY CARRIAGES

**FAILURE TO COMPLY WITH THE FOLLOWING CONDITIONS MAY RESULT IN THE LICENCE BEING SUSPENDED OR REVOKED OR LEAD TO PROSECUTION.**

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done. Not only must the driver obey the rules or conditions, he must not allow any other person to break the rules in his vehicle.

Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment. Any additions or changes to the law must be obeyed. All parts of the conditions must be obeyed.

If you do not understand anything, ask for help. Not understanding is not an acceptable excuse for breaking the rules or the law.

These conditions are not to be treated as exhaustive.

### **Safety Considerations**

A vehicle which is capable of carrying a passenger who is seated in a wheelchair must load and unload any such passengers through a side or rear door.

### **Age of vehicle**

- (a) In the case of a first application for a vehicle licence, the vehicle must be under three years old since the date of first registration.
- (b) The maximum age for which a vehicle licence can be renewed is eight years from the date of first registration. However, if the vehicle is a wheelchair accessible vehicle, this age is extended to 10 years if wheelchair access is from the rear, 12 years if wheelchair access is from the side and 15 years if the vehicle is a London International fully wheelchair accessible vehicle.
- (c) The age of the vehicle is to be taken from the date of registration as shown in the vehicle registration document.

### **Left Hand Drive**

The vehicle shall not be left hand drive.

### **Appearance of the Vehicle**

The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle:

- (a) Be safe
- (b) Be tidy
- (c) Be clean
- (d) Comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs, including but without prejudice to the generality of the foregoing, the Motor Vehicle (Construction and Use) Regulations.

The vehicle must have been issued with a Certificate of fitness by the Council's nominated garage.

The vehicle shall have an engine size of not less than 1600 cc.

The vehicle must be kept in exceptional condition to include the following:

- (a) RUST- any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure any vehicle with more than three visible rust patches of more than 20 sq cm each should be failed.

- (b) DENTS – any vehicle with minor dents on three or more panels, where such dents are more than 5 cm diameter or length or a single dent of more than 20 cm in diameter or length should be failed.
- (c) SCRATCHES – any vehicle with visible scratches down to bare metal on three or more panels, of 5 cm length or a single scratch of more than 20 cm in length should be failed.
- (d) PAINTWORK – all panels on a saloon vehicle shall be painted in a manufacturer’s standard colour. Panels with unmatched colours or primer should be deemed to be failures.
- (e) SEATS –
- In a conventional saloon vehicle where it is intended that the licence be for four passengers, the rear seat must be at least 48 inches wide.
  - A height of 34 inches must be available between the top of the seat squab and the roof.
  - A distance of 7 inches from the back of the seat in front (when in it’s rear-most position) to the front of the seat behind.
  - All seats in any vehicle must have a minimum of 16 inches per person, and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations.
- All seats including the driver’s must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
    - Properly fitted seat covers may be used.
    - In the case of a vehicle with removable seats, when seats have been removed to make way for wheelchairs, luggage, or any other reason, the number of passengers authorised will be deemed to be reduced to match the total number of seats, including wheelchairs, provided that in no circumstances will the number of passengers authorised be greater than that on the licence.
    - The vehicle must not be capable of carrying a greater number of passengers, including those in wheelchairs, than authorised on the licence, and in no case will the number of passengers authorised exceed eight.
    - Swivel seats must meet with Equality Act 2010 requirements.
    - The vehicle must have at least four doors.
    - There shall be a nearside and offside door for each row of seats.
    - If the vehicle is licensed for the carriage of at least five passengers but no more than eight, then there must be fitted two separate uninterrupted access/exit doors and sufficient space for luggage still leaving gangways clear. There must be not more than nine seats fitted which includes the driver’s seat.
- (g) CARPETS/FLOOR COVERING – all carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
- (h) HEADLINING and OTHER TRIM - all interior trim including the headlining shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- (i) WINDOW OPERATION – all opening windows must be in good working order at all times. A Photo-optic Vehicle Tint Tester will be used to assess the level of tint to the rear side and rear windows of hackney carriages and private hire vehicles, setting the agreed level at 60%. This will be applied to any new application for a licensed hackney carriage or private hire vehicles. The front window and front side windows to be in accordance with current national and EU legislation.
- (j) FIRST AID KIT - The Health and Safety (First Aid) Regulations 1981 require a self employed person to provide, or ensure that there is provided, such equipment, if any as is adequate and appropriate in the circumstances to enable him to render first-aid to himself while he is at work. It should be borne in mind that although a driver does not have legal responsibilities for

members of the public who enter his premises, the Health and Safety Executive strongly recommends that they are included in the first-aid provision.

- (k) **BOOT/LUGGAGE COMPARTMENT** – this should be empty, except for spare wheel, essential tools which should all be in good working order. The compartment should be clean and free from major cuts, tears or other damage, or staining. Means of securing luggage should also be provided. The first aid kit may be kept in the luggage compartment.
- (l) **FIRE EXTINGUISHER** – an efficient vaporising liquid or dry powder fire extinguisher shall be carried in such a position as to be readily available at all times. This shall meet the current BSI standard.
- (m) **INTERIOR** – the interior must be kept clean, tidy and free from any litter or other rubbish.
- (n) **FIXTURES AND FITTINGS** – all fixtures and fittings to be kept clean and well-maintained. If the vehicle is wheelchair accessible, all relevant attachments needed to secure a wheelchair must be carried in the vehicle at all times and be in safe working order. All vehicles must be fitted with seat belts.
- (o) **TAXIMETER** – shall be maintained in working order at all times and must be inspected and sealed by an authorised officer before use.
- (p) **ALTERATIONS** – no material alteration or change in the specification, design, condition or appearance of the vehicle should be made without the prior written approval of the Council at any time whilst the licence is in force.
- (q) **FIT AND SAFE FOR USE** – the vehicle should be fit and safe for use at all times.

### **Inspection of Vehicle**

The vehicle must be inspected and issued with a certificate of fitness by the Council's nominated garage within six weeks prior to the submission of an initial or renewal application.

All vehicles will require two annual inspections at six monthly intervals.

**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 authorised garage, or authorised vehicle examiners of The Vehicle Operator Services Agency (VOSA). If your vehicle does not pass the examination, then the vehicle licence may be suspended. The licence plate may be removed from the vehicle. A prohibition notice may also be served. If it is an immediate prohibition the vehicle may not be driven away. If it is a deferred prohibition the licence plate may not be removed. A notice will be issued to have the necessary works completed by a certain date. The vehicle may be used but if the necessary works are not satisfactorily completed by the date specified the licence becomes suspended.

### **Documents**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- (a) Copy of the current Certificate of Insurance or a current insurance cover note.
- (b) Copy of the current tariff as advertised by the operator clearly displayed within the vehicle where any person being carried may see it.
- (c) A sign giving the licence number of the vehicle and the maximum number of passengers to be carried, (the internal plate issued by the Council), will be displayed in the top left hand corner of the windscreen, where it may be clearly seen by any passenger carried.
- (d) A pocket wallet may be fixed to the dashboard or partition screen between the driver and passengers to enable a duplicate badge to be placed therein. This badge must be removed and replaced when the driver changes shift.

## Signs

No signs, advertisements, letters or numbers to be visible inside or outside the vehicle except as may be required by any statutory provisions and these conditions.

Signs permitted are:

- (a) Any registration numbers.
- (b) Any sign required by Statute.
- (c) Any sign on a taximeter indicating that the vehicle is for hire.
- (d) The licence plate giving the licence number and the maximum number of passengers to be carried, to be displayed on the outside rear of the vehicle below the window line. A frame holder will be permanently fixed to the vehicle and the licence plate fitted to the holder in the prescribed manner. The backing plate remains the property of Worcester City Council and must be returned when no longer required. When a vehicle is replaced the backing plate must be transferred to the new vehicle. Replacement backing plates will be charged for. The licence plate does not have to be displayed during the course of a wedding or funeral.
- (e) A roof sign (see page 33).
- (f) A sign giving the company name and telephone number may be displayed on front and rear doors following approval from an authorised officer.
- (g) A maximum of two 'Superside' advertisements (one per side).
- (h) Flip seat advertising
- (i) Membership of a Private Hire Association may be indicated on the sign displayed
- (j) Any internal sign which indicates membership of a national motoring organisation
- (k) Any internal sign requesting passengers not to smoke in the vehicle. The Health Act 2006 states that from 1 July 2007 all hackney carriages and private hire vehicles MUST display a "No Smoking" sign inside each compartment the vehicle.
- (l) Any tariff card and licence plate/badge
- (m) Any sign approved by the Council to indicate that the payment of fares may be made by credit cards may be displayed in the front windscreen of the vehicle
- (n) Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts shall be displayed in the windscreen in such a manner so as not to obstruct the driver's vision and may only be displayed when actually employed in the performance of such contract work, with pupils actually being carried.
- (o) Any sign to indicate that CCTV is in use in the vehicle.

Any permitted sign must conform to the restrictions below:

- They do not contain anything of a religious or political nature.
- Advertisements for alcohol or tobacco products are not allowed.
- Advertisements and signs which contain any matter likely to cause offence are not allowed.
- Advertisements and signs which are insulting or abusive are not allowed.
- No advertisements or signs are allowed on any part of the glass area, except those signs required by law or specifically allowed by these conditions.
- Signs known as 'Contravision' will be permitted on the rear window but can only advertise the operating company of the vehicle and no other issues.
- The signs must be maintained to allow clear vision to the rear.
- All requests for advertising are submitted by the owner for prior written approval by the authorised officer.

All badges, plates or signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an authorised officer.



## **Roof Signs**

- (a) All vehicles (other than a purpose designed taxi vehicle) shall be fitted with an illuminated roof sign showing only the words in black lettering "TAXI" to the front on a white background and a red background to the rear.
- (b) The dimensions of the roof sign to be approximately 170mm high and approximately 870mm wide, the lettering "TAXI" to be a minimum of 8cm high.
- (c) The sign must be illuminated when the vehicle is plying for hire, during the hours of darkness or in conditions that make the use of sidelights or headlights compulsory or advisable. (d) The sign must comply with any requirements of vehicle lighting regulations at all times.

## **Taxi Meters**

Meters must be Public Carriage Office and British Standards Institute approved. They must be capable of being calendar controlled and capable of being sealed.

- (a) The taximeter shall be fitted with a device bearing the words "FOR HIRE" in plain letters in which the words are horizontal and clearly legible to intending passengers within the vehicle;
- (b) when the words "FOR HIRE" are displayed no charge or fare shall be recorded on the face of the taximeter;
- (c) when the taximeter is being used the fare shall be clearly recorded on the face of the taximeter. The fare must not exceed the rate or fare which the proprietor or driver is entitled to demand for the hire of the carriage by distance and time;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters;
- (e) the taximeter shall be so placed that all letters and figures on the face are plainly visible at all times to any person being conveyed in the carriage. For that purpose the letters and figures shall be suitably illuminated during any period of hiring;
- (f) the taximeter and its fittings shall be so affixed to the carriage to make the taxi meter tamper proof;
- (g) the illuminated roof sign shall be wired to the taximeter to enable it to be turned off during the carrying of a fare for which the meter is in operation.

## **Hire Signs**

The Hackney Carriage shall be provided with a sign so constructed as to comply with the following requirements:-

- (a) The sign shall bear the words "FOR HIRE" in plain letters at least 35mm in height and illuminated, being clearly visible from the exterior.
- (b) As soon as the carriage is hired by distance and before beginning the journey bring the machinery or the taximeter into action, so that the word "HIRED" is legible on the face of the taximeter, and keep it in action until the termination of the hiring.

## **Licence Plate**

The plate identifying the vehicle as a hackney carriage and stating the number of persons permitted to be carried therein, which is required to be exhibited on the vehicle pursuant to Section 51 of the Town Police Clauses Act 1847, shall be securely fitted externally at the rear of the vehicle and below the window line (as prescribed at page 32 "Signs").

- (a) The Council must be informed immediately should the licence plate showing the number of the Taxi licence be broken lost or defaced. A fee will be charged for the replacement plate.
- (b) On no account must a Taxi ply for hire without a plate, as required under Town Police Clauses Act 1847, sections 51 and 52.
- (c) The plate must be removed immediately when the licence expires or is suspended, revoked or cancelled.

- (d) The plate remains the property of the Council and must be returned prior to another plate being issued.

### **Change of Address and Change of Ownership**

The Proprietor must inform the Council in writing of any change of address, before the change if possible, but in any case not more than seven days afterwards. If the vehicle is sold, both the buyer and the seller must inform the Council of the details of the new owner, in writing within 14 days of the sale.

### **Transporting Wheelchair Users**

Applicable only to vehicles which comply with the Conditions of Fitness as prescribed by the Equality Act 2010.

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheel chair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
- (c) There must be sufficient space for a wheelchair to travel facing rearwards.
- (d) There must be a separate means of securing the chair and the wheelchair occupant.
- (e) Wheel ramps must be carried in the vehicle at all times.
- (f) Any swivel seat fitted must meet the requirements of the Equality Act 2010.

### **Assistance Dogs**

- (a) No driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- (b) Any driver with a medical reason for not complying with this condition must apply to the Council for a Certificate of Exemption. Any charge for any necessary medical examination is to be paid by the applicant.
- (c) Such a certificate of exemption shall be displayed in the vehicle at all times whilst the person holding the exemption is driving the vehicle.
- (d) Drivers must comply with the Equality Act 2010 at all times.

### **Dual Plating**

No vehicle may be licensed if it is licensed in another District. However, companies providing temporary replacement vehicles should contact an authorised officer for further advice on this matter.

### **Complaints**

Any complaint in writing about a vehicle may result in the vehicle being called for inspection by an authorised officer. The vehicle must be presented with all documents within one working day from the time the owner/driver/proprietor is informed.

### **Reporting of Accidents**

Accidents or damage to the vehicle shall be reported to an authorised officer within 72 hours of the incident occurring.

Any licensed driver who uses a temporary vehicle licensed by an accident management company whilst his vehicle is repaired or replaced, must follow the procedure outlined on page 45.

**Council Car Parks**

The vehicle shall not ply for hire from any car park owned by the Council without the permission of the Council.

## CONDITIONS RELATING TO PRIVATE HIRE VEHICLES

**FAILURE TO COMPLY WITH THE FOLLOWING CONDITIONS MAY RESULT IN THE LICENCE BEING SUSPENDED OR REVOKED OR LEAD TO PROSECUTION.**

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done. Not only must the driver obey the rules or conditions, he must not allow any other person to break the rules in his vehicle.

Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment. Any additions or changes to the law must be obeyed. All parts of the conditions must be obeyed.

If you do not understand anything, ask for help. Not understanding is not an acceptable excuse for breaking the rules or the law.

These conditions are not to be treated as exhaustive.

### **Age of Vehicle**

- (a) In the case of a first application for a vehicle licence, the vehicle must be under 5 years old from the date of first registration.
- (b) The maximum age for which a vehicle licence can be renewed is 10 years from the date of first registration. However, if the vehicle is a wheelchair accessible vehicle, this age is extended to 12 years.
- (c) The age of the vehicle is to be taken from the date of registration as shown in the vehicle registration document.

### **Left Hand Drive**

The vehicle shall not be left hand drive.

### **Appearance of the Vehicle**

The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle:

- (a) Be safe
- (b) Be tidy
- (c) Be clean
- (d) Comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs, including but without prejudice to the generality of the foregoing, the Motor Vehicle (Construction and Use) Regulations.

The vehicle must have been issued with a Certificate of fitness by the nominated garage.

The vehicle shall have an engine size of not less than 1600 cc.

The vehicle must be kept in exceptional condition to include the following:

- (a) RUST – any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure any vehicle with more than three visible rust patches of more than 20 sq cm each should be failed.
- (b) DENTS – any vehicle with minor dents on three or more panels, where such dents are more than 5 cm diameter or length or a single dent of more than 20 cm in diameter or length should be failed.
- (c) SCRATCHES – any vehicle with visible scratches down to bare metal on three or more panels, of 5 cm length or a single scratch of more than 20 cm in length should be failed.

- (d) PAINTWORK – all panels on a saloon vehicle shall be painted in a manufacturer’s standard colour. Panels with unmatched colours or primer should be deemed to be failures.
- (e) SEATS –
- In a conventional saloon vehicle where it is intended that the licence be for four passengers, the rear seat must be at least 48 inches wide.
  - A height of 34 inches must be available between the top of the seat squab and the roof.
  - A distance of 7 inches from the back of the seat in front (when in it’s rear-most position) to the front of the seat behind.
  - All seats in any vehicle must have a minimum of 16 inches per person, and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations.
  - All seats including the driver’s must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
  - Properly fitted seat covers may be used.
  - In the case of a vehicle with removable seats, when seats have been removed to make way for wheelchairs, luggage, or any other reason, the number of passengers authorised will be deemed to be reduced to match the total number of seats, including wheelchairs, provided that in no circumstances will the number of passengers authorised be greater than that on the licence.
  - The vehicle must not be capable of carrying a greater number of passengers, including those in wheelchairs, than authorised on the licence, and in no case will the number of passengers authorised exceed eight.
  - Swivel seats must meet with Disability Equality Act 2010 requirements.
  - The vehicle must have at least four doors.
  - There shall be a nearside and offside door for each row of seats.
  - If the vehicle is licensed for the carriage of at least five passengers but no more than eight, then there must be fitted two separate uninterrupted access/exit doors and sufficient space for luggage still leaving gangways clear. There must be not more than nine seats fitted which includes the driver’s seat.
- (f) CARPETS/FLOOR COVERING – all carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
- (g) HEADLINING and OTHER TRIM – all interior trim including the headlining shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- (h) WINDOW OPERATION – all opening windows must be in good working order at all times. A Photoptic Vehicle Tint Tester will be used to assess the level of tint to the rear side and rear windows of hackney carriages and private hire vehicles, setting the agreed level at 60%. This will be applied to any new application for a licensed hackney carriage or private hire vehicles. The front window and front side windows to be in accordance with current national and EU legislation.
- (i) FIRST AID KIT - The Health and Safety (First Aid) Regulations 1981 require a self employed person to provide, or ensure that there is provided, such equipment, if any as is adequate and appropriate in the circumstances to enable him to render first-aid to himself while he is at work. It should be borne in mind that although a driver does not have legal responsibilities for members of the public who enter his premises, the Health and Safety Executive strongly recommends that they are included in the first-aid provision.
- (j) BOOT/LUGGAGE COMPARTMENT – this should be empty, except for spare wheel, essential tools which should all be in good working order. The compartment should be clean and free from major cuts, tears or other damage, or staining. Means of securing luggage should also be provided. The first aid kit may be kept in the luggage compartment.

- (k) FIRE EXTINGUISHER – an efficient vaporising liquid or dry powder fire extinguisher shall be carried in such a position as to be readily available at all times. This shall meet the current BSI standard.
- (l) INTERIOR – the interior must be kept clean, tidy and free from any litter or other rubbish.
- (m) FIXTURES AND FITTINGS – all fixtures and fittings to be kept clean and well-maintained. If the vehicle is wheelchair accessible, all relevant attachments needed to secure a wheelchair must be carried in the vehicle at all times and be in safe working order. All vehicles must be fitted with seat belts.
- (n) TAXIMETER – if fitted, shall be maintained in working order at all times and must be inspected and sealed by an authorised officer before use.
- (o) ALTERATIONS – no material alteration or change in the specification, design, condition or appearance of the vehicle is made without the prior written approval of the Council at any time whilst the licence is in force.
- (p) FIT AND SAFE FOR USE – the vehicle should be fit and safe for use at all times.

### **Inspection of Vehicle**

The vehicle must be inspected and issued with a certificate of fitness by the nominated garage within six weeks prior to the submission of an initial or renewal application.

All vehicles will require two annual inspections at six monthly intervals.

**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 authorised garage, or authorised vehicle examiners of The Vehicle Operator Services Agency (VOSA). If your vehicle does not pass the examination, then the vehicle licence may be suspended. The licence plate may be removed from the vehicle. A prohibition notice may also be served. If it is an immediate prohibition the vehicle may not be driven away. If it is a deferred prohibition the licence plate may not be removed. A notice will be issued to have the necessary works completed by a certain date. The vehicle may be used but if the necessary works are not satisfactorily completed by the date specified the licence becomes suspended.

### **Documents**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- (a) Copy of the current Certificate of Insurance or a current insurance cover note.
- (b) If a taximeter is fitted, a copy of the current tariff as advertised by the operator clearly displayed within the vehicle where any person being carried may see it.
- (c) A sign giving the licence number of the vehicle and the maximum number of passengers to be carried, (the internal plate issued by the Council), will be displayed in the top left hand corner of the windscreen, where it may be clearly seen by any passenger carried.
- (d) A pocket wallet may be fixed to the dashboard or partition screen between the driver and passengers to enable a duplicate badge to be placed therein. This badge must be removed and replaced when the driver changes shift.

### **Signs**

No signs, advertisements, letters or numbers to be visible inside or outside the vehicle except as may be required by any statutory provisions and these conditions.

Signs permitted are:

- (a) Any registration numbers.
- (b) Any sign required by Statute.
- (c) Any sign on a taximeter indicating that the vehicle is for hire.

- (d) The licence plate giving the licence number and the maximum number of passengers to be carried, to be displayed on the outside rear of the vehicle below the window line. A frame holder will be permanently fixed to the vehicle and the licence plate fitted to the holder in the prescribed manner. The backing plate remains the property of Worcester City Council and must be returned when no longer required. When a vehicle is replaced the backing plate must be transferred to the new vehicle. Replacement backing plates will be charged for. The licence plate does not have to be displayed during the course of a wedding or funeral.
- (e) A sign giving the company name and telephone number may be displayed on the front doors following approval from an authorised officer.
- (f) Membership of a Private Hire Association may be indicated on the sign displayed.
- (g) Any internal sign which indicates membership of a national motoring organisation.
- (h) Any internal sign requesting passengers not to smoke in the vehicle. The Health Act 2006 states that from 1 July 2007 all hackney carriages and private hire vehicles MUST display a "No Smoking" sign inside each compartment of the vehicle.
- (i) Any tariff card and licence plate/badge.
- (j) Any sign approved by the Council to indicate that the payment of fares may be made by credit cards may be displayed in the front windscreen of the vehicle.
- (k) Any sign provided by Worcestershire County Council to show that the vehicle is used for School Contracts shall be displayed in the windscreen in such a manner so as not to obstruct the driver's vision and may only be displayed when actually employed in the performance of such contract work, with pupils actually being carried.
- (l) Any sign to indicate that CCTV is in use in the vehicle.
- (m) All private hire vehicles must display on the front doors of their vehicle the words "ADVANCED BOOKINGS ONLY" in letters not less than 5cm high.
- (n) Signs known as 'Contravision' will be permitted on the rear window but can only advertise the operating company of the vehicle and no other issues. The signs must be maintained to allow clear vision to the rear.

All badges, plates or signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an authorised officer.

The owner of a private hire vehicle must only display on his vehicle the name of the operator through whom he takes bookings for the use of the vehicle.

### **Advertising**

All requests for advertising are submitted by the owner for prior written approval by the authorised officer. Advertising must not relate to alcohol, tobacco, or any matter which may cause offence.

### **Licence Plate**

- (a) The plate identifying the vehicle as a private hire vehicle and stating the number of persons permitted to be carried therein, shall be securely fitted externally at the rear of the vehicle and below the window line.
- (b) The Council must be informed immediately should the licence plate showing the number of the Taxi licence be broken, lost or defaced. A fee will be charged for the replacement plate.
- (c) On no account must a private hire vehicle be used for hire without a plate unless written application has been made for and an exemption certificate issued.
- (d) An exemption certificate will only be granted if the application meets the requirements of Section 75 LGMPA.
- (e) The plate must be removed immediately when the licence expires or is suspended, revoked or cancelled.

- (f) The plate remains the property of the Council and must be returned prior to another plate being issued.

### **Change of Address and Change of Ownership**

The Proprietor must inform the Council in writing of any change of address, before the change if possible, but in any case not more than seven days afterwards. If the vehicle is sold, both the buyer and the seller must inform the Council of the details of the new owner, in writing within 14 days of the sale.

### **Transporting Wheelchair Users**

Applicable only to vehicles which comply with the Conditions of Fitness as prescribed by the Equality Act 2010 .

- (a) A vehicle complying with the specifications required by the Act must be designed or adapted to carry at least one passenger who is seated in a wheel chair.
- (b) There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
- (c) There must be sufficient space for a wheelchair to travel facing rearwards.
- (d) There must be a separate means of securing the chair and the wheelchair occupant.
- (e) Wheel ramps must be carried in the vehicle at all times.
- (f) Any swivel seat fitted must meet the requirements of the Equality Act 2010 .

### **Assistance Dogs**

- (a) No driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- (b) Any driver with a medical reason for not complying with this condition must apply to the Council for a Certificate of Exemption. Any charge for any necessary medical examination is to be paid by the applicant.
- (c) Such a certificate of exemption shall be displayed in the vehicle at all times whilst the person holding the exemption is driving the vehicle.
- (d) Drivers must comply with the Equality Act 2010 at all times.

### **Dual Plating**

No vehicle may be licensed if it is licensed in another District. Companies providing temporary replacement vehicles should contact an authorised officer for further advice on this matter.

### **Complaints**

Any complaint in writing about a vehicle may result in the vehicle being called for inspection by an authorised officer. The vehicle must be presented with all documents within one working day from the time the owner/driver/proprietor is informed.

### **Reporting of Accidents**

Accidents or damage to the vehicle shall be reported to an authorised officer within 72 hours of the incident occurring.

Any licensed driver who uses a temporary vehicle licensed by an accident management company whilst his vehicle is repaired or replaced, must follow the procedure outlined on page 45.

### **Taxi Ranks**

- (a) Private hire vehicles may not stop on an appointed rank **at any time**.



- (b) Any private hire vehicle that gives the appearance that it is available for immediate hiring commits an offence.
- (c) No more than two vehicles may congregate in any one location giving the appearance that they are forming a rank and may be plying for hire, except at the office location of the operator for whom they work.

## CONDITIONS RELATING TO PRIVATE HIRE OPERATORS

**FAILURE TO COMPLY WITH THE FOLLOWING CONDITIONS MAY RESULT IN THE LICENCE BEING SUSPENDED OR REVOKED OR LEAD TO PROSECUTION.**

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done. Not only must the driver obey the rules or conditions, he must not allow any other person to break the rules in his vehicle.

Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment. Any additions or changes to the law must be obeyed. All parts of the conditions must be obeyed.

If you do not understand anything, ask for help. Not understanding is not an acceptable excuse for breaking the rules or the law.

These conditions are not to be treated as exhaustive.

### **Records to be kept by the Operator**

- (a) The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, or other means approved by the authorised officer, and shall be produced for examination on demand. Pages of such a book or folder should be numbered consecutively.
- (b) An operator who takes a booking made by another operator is acting as a sub-contractor for the first operator. The operator who accepted the booking remains the role of contractor with the client, and remains responsible for the satisfactory completion of the contract.
- (c) A driver who works for an operator but who is also the holder of an operator's licence in his own right is regarded as working for the other operator as a sub-contractor, and is responsible for keeping his own records as required below.
- (d) The operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle accepted by him:
  - Time and date of the booking
  - Name of the hirer
  - Time, date, and place of pickup
  - Call sign of the vehicle used, or the name or other means of identifying the vehicle and driver.
  - How the booking was made, (e.g. by telephone, in person, etc.)
  - Destination
- (e) The operator may keep records of bookings in a suitable computer programme, provided that an authorised officer shall be able to inspect them on demand, and the Licensing Officer has approved the programme used for such purpose.
- (f) The operator shall keep a record of all Private Hire drivers used by him. These records shall include:
  - Name and current address of the driver.
  - Driver's DVLA licence details.
  - Driver's private hire driver's licence number and date of expiry.
  - Date the driver started working for that operator.
  - Date the driver ceased to work for that operator.
- (g) The operator shall hold a copy of the driver's Private Hire Driver's Licence during the period that he utilises such driver, but the licence must be returned to the driver when the driver leaves the service of the operator.

- (h) The operator shall keep records of the particulars of all private hire vehicles operated by him. These shall include:
- Details of the owner.
  - Registration number.
  - Details of the private hire vehicle licence, including the date of expiry.
  - Driver.
  - Any radio call sign used.
  - Date the operator started to use the vehicle.
  - Date the operator ceased to use the vehicle.
  - Copy of current insurance document for the vehicle covering use for carriage of persons.
  - Copy of current MOT certificate for the vehicle.
- (i) The operator shall keep all records for a period of at least 12 months following the date of the last entry.
- (j) The operator shall hold the owner's Private Hire Vehicle Licence during the period that he utilises such vehicle, but the licence must be returned to the owner when the vehicle leaves the service of the operator.
- (k) The operator should advise the Council of changes of drivers.

### **The Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall in particular:

- (a) Ensure that when a private hire vehicle has been booked, the driver attends at the appointed time and place punctually, unless delayed or prevented by circumstances beyond his control.
- (b) Keep clean, adequately heated, ventilated and lit any premises that the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided has adequate seating facilities.

### **Signs on Vehicles**

- (a) The proprietor of a private hire business shall not cause or permit any advertisement in respect of his business, either as part of his trading name or on the private hire vehicles used for that purpose, to include the words "taxi" or "cab", whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word.
- (b) In addition, signs on vehicles may not include the words "For Hire" or similar.
- (c) A Private Hire vehicle must not give the impression that it is available for immediate hire.
- (d) The proprietor shall not cause or permit any unlicensed vehicle to carry any advertisement in relation to his business.

### **Conduct of the Operator**

- a) The operator shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change.
- b) No operator may change the address from which he operates without the prior agreement of the Council and all licence requirements being met.
- c) The operator shall notify the Council of the sale of his business within seven days of such event taking place.
- d) The operator shall disclose to the Council in writing within seven days details of any convictions, (including any caution), motoring or otherwise, imposed upon him, or if the

Operator is a Company or partnership, upon any of the Directors or partners, during the period of the licence.

- e) The operator should advise the Council of changes of drivers.
- f) The operator shall instruct their drivers not to sound the horn to announce their presence to the hirer.

### **Operator Office Location**

The office must, if not located within the city of Worcester, be no further than a five mile radius of the city boundary.

### **Deposit of Driver and Vehicle Licences**

- (a) Any operator who employs or permits any person to drive any licensed vehicle owned by him or her, on his behalf, will ensure that a copy of the driver's licence is deposited with him during the period that the driver is employed to drive.
- (b) The licence must be returned to the driver at the end of that period.
- (c) Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit a copy of his vehicle licence with the operator during the period that the vehicle is so employed or used.
- (d) The operator must return the licence to the vehicle proprietor at the end of the period.
- (e) A licensed driver, driving a licensed vehicle, who is also a licensed operator, may retain his own licences whilst sub-contracting for another operator. It remains the responsibility of the operator holding the contract for a hiring to ensure that he utilises properly licensed drivers and vehicles, even when he subcontracts that hiring to another operator.
- (f) It is a criminal offence for an operator to knowingly employ or use an unlicensed driver or vehicle during the course of his business. Failure of an operator to hold the licences of drivers and vehicles that he uses will not be accepted as a valid reason for being unaware that a driver or vehicle is unlicensed.

## **CONDITIONS RELATING TO ALL PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES AND DRIVERS**

### **Accident/Damage to Vehicles**

When a licensed driver has an accident or damage to their vehicle, they will be required to report this to the licensing department within 72 hours as per the conditions of the 'Hackney Carriage & Private Hire Handbook'.

An accident/damage report form will then be sent out to the driver to complete and return to this department. All vehicles (that can be driven) must immediately be taken to the Council's Appointed testing station for examination. Only upon the Council's appointed testing station approval will a plate be removed.

The licensed driver will then be permitted to approach an accident management company for the purposes of supplying a licensed vehicle.

The accident management company will inform this department of who is utilising the vehicle (this can be in writing or email).

If it is not possible to drive a vehicle safely to our testing station then the plate must be returned to the Licensing Team.

When the licensed driver has his/her vehicle returned after accident repair, any works undertaken must be inspected and approved by our testing station.

Only when this has been completed will any licensed plate be returned.

Under no circumstances must the accident management company remove a licensed plate from a vehicle. This is the responsibility of either the testing station or the licensing department.

All information on any accident is kept for the purposes of insurance companies being able to verify any accident claim. All information may be passed to the Police or the Insurance Fraud Bureau on request.

## THE LAW

### The Law Relating to Hackney Carriage and Private Hire Vehicles

The licensing of hackney carriage and private hire vehicles, drivers and operators is mainly governed by Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. These pieces of legislation create a number of criminal offences which if committed, could lead to prosecution in the Magistrates Court.

There are also Byelaws adopted by the Council in respect of Hackney Carriages. Offenders against these Byelaws are liable on summary conviction to a maximum penalty of a Level 2 fine.

Persons convicted of offences under either Act may have their licences suspended, revoked or not renewed.

Additionally under Section 50 of the Town Police Clauses Act 1847, the Council can suspend or revoke a driver's or proprietor's licence upon the conviction of a second offence under this act.

Below is a table detailing some of the criminal offences created by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

In this table the following abbreviations are used:-

**TPCA** – Town Police Clauses Act 1847

**LGMPA** – Local Government (Miscellaneous Provisions) Act 1976

**HC** – Hackney Carriage

**PH** – Private Hire

#### Table of Offences

<b>HACKNEY CARRIAGE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.40 TPCA	Giving false information on an application for HC proprietors licence	Level 1
s. 44 TPCA	Failure to notify change of address of HC proprietor	Level 1
s. 45 TPCA	Plying for hire without HC proprietor's licence	Level 4
s.47 TPCA	Driving a HC without a HC driver's licence	Level 3
s.47 TPCA	Lending or parting with a HC driver's licence	Level 3
s.47 TPCA	HC proprietor employing an unlicensed driver	Level 3
s.48 TPCA	Failure by HC proprietor to hold a HC driver's licence	Level 1
s.48 TPCA	Failure by HC proprietor to produce HC driver's licence	Level 1
<b>HACKNEY CARRIAGE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.52 TPCA	Failure to display HC plate	Level 1
s.53 TPCA	Refusal to take a fare	Level 2

s.54 TPCA	Charging more than the agreed fare	Level 1
s.55 TPCA	Obtaining more than the legal fare	Level 3 and 1 months' imprisonment until the excess is refunded
s.56 TPCA	Travelling less than the lawful distance for an agreed fare	Level 1
s.57 TPCA	Failing to wait after a deposit to wait has been paid	Level 1
s.58 TPCA	Charging more than the legal fare	Level 3
s.59 TPCA	Carrying other person than the hirer without consent	Level 1
s.60 TPCA	Driving a HC without proprietors consent	Level 1
s.60 TPCA	Person allowing another to drive HC without proprietors consent	Level 1
s.61 TPCA	Drunken driving of a HC	Level 1
s.61 TPCA	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
s.62 TPCA	Driver leaving HC unattended	Level 1
s.64 TPCA	HC driver obstructing other HCs	Level 1
s.49 LGMPA	Failure to notify transfer of HC proprietor's licence	Level 3
s.50(1) LGMPA	Failure to present HC for inspection as required	Level 3
s.50(2) LGMPA	Failure to inform local authority where HC is stored if requested	Level 3
s.50(3) LGMPA	Failure to report an accident involving a HC to local authority within 72 hours	Level 3
s.50(4) LGMPA	Failure to produce HC proprietors licence and insurance certificate	Level 3
s.53(3) LGMPA	Failure to produce HC driver's licence	Level 3
s.57 LGMPA	Making false statement or withholding information to obtain HC driver's licence	Level 3
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	Level 3 plus daily fine of £10
<b>HACKNEY CARRIAGE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.61(2) LGMPA	Failure to surrender drivers licence after suspension, revocation or	Level 3

	refusal to renew	
s.64 LGMPA	Permitting any vehicle other than a HC to wait on a HC stand	Level 3
s.66 LGMPA	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3
s.67 LGMPA	Charging more than the meter fare when HC used as a private hire vehicle	Level 3
s.69 LGMPA	Unnecessarily prolonging a journey	Level 3
s.71 LGMPA	Interfering with a taximeter	Level 3
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	Level 3
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)(c) LGMPA	Failure to give information or assistance to authorised officer or constable	Level 3

<b>PRIVATE HIRE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.46(1)(a) LGMPA	Using an unlicensed PH vehicle	Level 3
s.46(1)(b) LGMPA	Driving a PH vehicle without a PH driver's licence	Level 3
s.46(1)(c) LGMPA	Proprietor of a PH vehicle using an unlicensed driver	Level 3
s.46(1)(d) LGMPA	Operating a PH vehicle without a PH operator's licence	Level 3
s.46(1)(e) LGMPA	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3
s.48(6) LGMPA	Failure to display PH vehicle plate in prescribed manner	Level 3
s.49 LGMPA	Failure to notify transfer of PH vehicle licence	Level 3
s.50(1) LGMPA	Failure to present PH vehicle for inspection as required	Level 3
s.50(2) LGMPA	Failure to inform local authority where PH vehicle is stored if requested	Level 3
s.50(3) LGMPA	Failure to report an accident involving a PH vehicle to local authority within 72 hours	Level 3
s.50(4) LGMPA	Failure to produce PH vehicle licence and insurance certificate	Level 3



<b>PRIVATE HIRE PROVISIONS</b>		
<b>Legislation</b>	<b>Offence</b>	<b>Max. Penalty</b>
s.53(3) LGMPA	Failure to produce PH driver's licence	Level 3
s.54(2) LGMPA	Failure to wear PH driver's badge	Level 3
s.56(2) LGMPA	Failure by PH operator to keep a record of bookings	Level 3
s.56(3) LGMPA	Failure by PH operator to keep records of PH vehicles operated by him	Level 3
s.56(4) LGMPA	Failure to produce PH operator's licence on request	Level 3
s.57 LGMPA	Making a false statement or withholding information to obtain a PH driver's or operator's licence	Level 3
s.58(2) LGMPA	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10 per day
s.61(2) LGMPA	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
s.67 LGMPA	Charging more than the meter fare when HC used as a PH vehicle	Level 3
s.69 LGMPA	Unnecessarily prolonging a journey	Level 3
s.71 LGMPA	Interfering with a taximeter	Level 3
s.73(1)(a) LGMPA	Obstruction of authorised officer or constable	Level 3
s.73(1)(b) LGMPA	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

**Levels of Fines**

Level 1	£250
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	£5,000

## **WORCESTER CITY – BYELAWS FOR HACKNEY CARRIAGES**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Worcester City Council with respect to hackney carriages in the City of Worcester.

Interpretation

Throughout these Byelaws “the Council” means the Worcester City Council and “the district” means the City of Worcester.

### **Provisions Regulating the Manner in which the Number of Each Hackney Carriage Corresponding with the Number of its Licence shall be Displayed**

- (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 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 or plying for hire;
  - (ii) Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### **Provisions Regulating How Hackney Carriages are to be Furnished or Provided**

The proprietor of a hackney carriage shall:

- (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) Cause the roof or covering to be kept water-tight;
- (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) Cause the seats to be properly cushioned or covered;
- (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) 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.

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

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- (b) Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter,
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures 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 tariff fixed by the Council on 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 figure shall be capable of being suitably illuminated during any period of hiring;
- (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**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**

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) ensure the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

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.

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 fixed by the Council in that behalf;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

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

The driver of a hackney carriage shall behave in a civil and orderly manner and be clean and respectable in his dress and person and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

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

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

If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, **when standing or plying for hire, and when hired**, wear that badge in such position and manner as to be plainly visible.

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 building, station, or place at which he may take up or set down such person.

**Provisions Fixing the Rates or Fares to be Paid for Hackney Carriages Within the District, and Securing the Due Publication of Such Fares**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions Securing the Safe Custody and Re-delivery of Any Property Accidentally Left in Hackney Carriages and Fixing the Charges to be Made in Respect Thereof**

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

**Penalties**

Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine. Maximum fine for a breach of the Byelaws is level 2 on the standard scale (currently £500) and in case of a continuing offence a further penalty not exceeding £2 for each day after written notice of the offence from the local authority (Public Health Act 1875, Section 183, as amended by the Criminal Law Act 1977, Section 31(2) and the Criminal Justice Act 1982, Section 46). (As at November 1998).

## PENALTY POINTS SCHEME

The Penalty Points Scheme operates as follows:-

1. Points will be issued by the Licensing Officers and Senior Practitioners for offences/breaches of conditions in respect of Hackney Carriage and Private Hire vehicles, drivers, or operators.
2. If a driver, proprietor or operator accumulates 15 points within a period of 24 months, he/she will be requested to attend a meeting of the Licensing Sub-Committee for consideration of his/her suitability to continue to hold a licence.
3. However, points will become 'spent' after 24 months, so that only points accumulated in a rolling 24 months period will be taken into account.
4. Any person aggrieved by the issue of Penalty Points may appeal to the Licensing Manager, in the first instance. For this purpose, notice of the appeal must be submitted in writing to the Licensing Manager, Worcester City Council, The Guildhall, High Street, Worcester, WR1 2EY, within 14 days of the issue of the Penalty Points Notice.
5. If you should have any queries concerning the operation of the Penalty Points Scheme, please contact the Licensing Office on 01905 822799.

### Offences

Tables of offences and corresponding penalty points issued are all included in this handbook.

The following abbreviations are used.

**TPCA** – Town Police Clauses Act 1847

**LGMPA** – Local Government (Miscellaneous Provisions) Act 1976

**EA** – Equality Act 2010

**TA** – Transport Act 1980

**HC** – Hackney Carriage

**PH** – Private Hire

### Levels of Fines

Level 1	£250
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	£5,000

## Tables of Offences

<b>HACKNEY CARRIAGE VEHICLE PROPRIETORS' PROVISIONS</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.40 TPCA	H01	Giving false information on an application for HC proprietors licence	Level 1	2
s. 44 TPCA	H02	Failure to notify change of address of HC proprietor	Level 1	2
s. 45 TPCA	H03	Plying for hire without a HC proprietor's licence	Level 4	8
s.47 TPCA	H04	Driving a HC without a HC driver's licence	Level 3	6
s.47 TPCA	H05	Lending or parting with a HC driver's licence	Level 3	6
s.47 TPCA	H06	HC proprietor employing an unlicensed driver	Level 3	6
s.48 TPCA	H07	Failure by HC proprietor to hold a HC driver's licence	Level 1	2
s.48 TPCA	H08	Failure by HC proprietor to produce HC driver's licence	Level 1	2
s.52 TPCA	H09	Failure to display HC plate	Level 1	2
s.54 TPCA	H10	Demanding more than the agreed fare	Level 1	2
s.49 LGMPA	H11	Failure to notify transfer of HC proprietor's licence	Level 3	6
s.50(1) LGMPA	H12	Failure to present HC for inspection as required	Level 3	6
s.50(2) LGMPA	H13	Failure to inform local authority where HC is stored if requested	Level 3	6
s.50(3) LGMPA	H14	Failure to report an accident involving a HC to local authority within 72 hours	Level 3	6
s.50(4) LGMPA	H15	Failure to produce HC proprietors licence or insurance certificate	Level 3	6
s.57 LGMPA	H16	Making false statement or withholding information to obtain HC vehicle's licence	Level 3	6
s.58(2) LGMPA	H17	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	Level 3 plus daily fine of £10	6
s.71 LGMPA	H18	Interfering with a taximeter or allowing a vehicle to be used without an approved and tested taximeter	Level 3	6
s.73(1)(a) LGMPA	H19	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	H20	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c) LGMPA	H21	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	H22	Making a false statement to authorised persons	Level 3	6

## HACKNEY CARRIAGE DRIVERS' PROVISIONS

Legislation	Code	Offence	Maximum Penalty	Penalty Points
s.47 TPCA	D01	Driving a HC without a HC driver's licence	Level 3	6
s.52 TPCA	D02	Driver refusing to carry the prescribed number	Level 1	2
s.53 TPCA	D03	Refusal (without reasonable excuse) to take a fare	Level 2	4
s.54 TPCA	D04	Charging more than the agreed fare	Level 1	2
s.55 TPCA	D05	Obtaining more than the legal fare	Level 3 and 1 months imprisonment until the excess is re-funded	6
s.56 TPCA	D06	Travelling less than the lawful distance for an agreed fare	Level 1	2
s.57 TPCA	D07	Failing to wait after a deposit to wait has been paid	Level 1	2
s.58 TPCA	D08	Charging more than the legal fare	Level 3	6
s.59 TPCA	D09	Carrying any other person than the hirer without consent	Level 1	2
s.60 TPCA	D10	Driving a HC without proprietors consent	Level 1	2
s.60 TPCA	D11	Person allowing another to drive HC without proprietors consent	Level 1	2
s.61 TPCA	D12	Drunken driving of a HC	Level 1	2
s.61 TPCA	D13	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1	2
s.62 TPCA	D14	Driver leaving HC unattended	Level 1	2
s.64 TPCA	D15	HC driver obstructing other HC drivers	Level 1	2
s.53(3) LGMPA	D16	Failure to produce HC driver's licence	Level 3	6
s.54 LGMPA	D17	Failing to wear driver's badge when acting in accordance with a hackney carriage driver's licence	Level 3	6
s.57 LGMPA	D18	Making false statement or withholding information to obtain HC driver's licence	Level 3	6
s.61(2) LGMPA	D19	Failure to surrender drivers licence after suspension, revocation or refusal to renew	Level 3	6
s.66 LGMPA	D20	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3	6
s.67 LGMPA	D21	Charging more than the meter fare when HC used as a private hire vehicle	Level 3	6
s.69 LGMPA	D22	Unnecessarily prolonging a journey	Level 3	6
s.71 LGMPA	D23	Interfering with a taximeter.	Level 3	6

## HACKNEY CARRIAGE DRIVERS' PROVISIONS

<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.73(1)(a) LGMPA	D24	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	D25	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c) LGMPA	D26	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	D27	Making a false statement to authorised persons	Level 3	6



<b>PRIVATE HIRE VEHICLE PROPRIETORS' PROVISIONS</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.46(1)(a) LGMPA	P01	Using an unlicensed PH vehicle	Level 3	6
s.46(1)(c) LGMPA	P02	Proprietor of a PH vehicle using an unlicensed driver	Level 3	6
s.48(6) LGMPA	P03	Failure to display PH vehicle plate in prescribed manner	Level 3	6
s.49 LGMPA	P04	Failure to notify transfer of PH vehicle licence within 14 days	Level 3	6
s.50(1) LGMPA	P05	Failure to present PH vehicle for inspection as required	Level 3	6
s.50(2) LGMPA	P06	Failure to inform local authority where PH vehicle is stored if requested	Level 3	6
s.50(3) LGMPA	P07	Failure to report an accident involving a PH vehicle to local authority within 72 hours	Level 3	6
s.50(4) LGMPA	P08	Failure to produce PH vehicle licence and insurance certificate	Level 3	6
s.57 LGMPA	P09	Making false statement or withholding information to obtain private hire vehicle's licence	Level 3	6
s.58(2) LGMPA	P10	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10 per day	6
s.71 LGMPA	P11	Interfering with a taximeter	Level 3	6
s.73(1)(a) LGMPA	P12	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	P13	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	P14	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	P15	Making a false statement to authorised persons	Level 3	6
s.46(1)(b) LGMPA	D28	Driving a PH vehicle without a PH driver's licence	Level 3	6
s.48(6) LGMPA	D29	Failure to display PH vehicle plate in prescribed manner	Level 3	6
s.53(3) LGMPA	D30	Failure to produce PH driver's licence	Level 3	6
s.54(2) LGMPA	D31	Failure to wear PH driver's badge	Level 3	6
s.57 LGMPA	D32	Making a false statement or withholding information to obtain a PH driver's licence	Level 3	6
s.61(2) LGMPA	D33	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3	6
s.64 LGMPA	D34	Permitting any vehicle other than a HC to wait on a HC stand	Level 3	6
s.69 LGMPA	D35	Unnecessarily prolonging a journey	Level 3	6

**PRIVATE HIRE VEHICLE PROPRIETORS' PROVISIONS**

<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.71 LGMPA	D36	Interfering with a taximeter	Level 3	6
s.73(1)(a) LGMPA	D37	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	D38	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	D39	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	D40	Making a false statement to authorised persons	Level 3	6

**PRIVATE HIRE OPERATORS' PROVISIONS**

<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.46(1)(d) LGMPA	O01	Operating a PH vehicle without a PH operator's licence	Level 3	6
s.46(1)(e) LGMPA	O02	Operating a vehicle as a PH vehicle when the vehicle or driver is not licensed as a PH vehicle or PH driver	Level 3	6
s.56(2) LGMPA	O03	Failure by PH operator to keep a record of bookings	Level 3	6
s.56(3) LGMPA	O04	Failure by PH operator to keep records of PH vehicles operated by him	Level 3	6
s.56(4) LGMPA	O05	Failure to produce PH operator's licence on request	Level 3	6
s.57 LGMPA	O06	Making a false statement or withholding information to obtain a PH operator's licence	Level 3	6
s.73(1)(a) LGMPA	O07	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	O08	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	O09	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	O10	Making a false statement to authorised persons	Level 3	6

<b>EQUALITY ACT 2010</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s. 168 (2)(a) EA 2010	EA1	Refusal by HC driver to carry an assistance dog unless in possession of an exemption certificate	Level 3	6
s. 168 (2)(b) EA 2010	EA2	HC driver making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3	6
s. 170 (1)(a) EA 2010	EA3	Refusal by PH operator to accept booking if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person	Level 3	6
s. 170 (2) EA 2010	EA4	PH operator making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3	6
s. 170 (3)(a) EA 2010	EA5	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person,	Level 3	6
s. 170 (3)(b) EA 2010	EA6	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is that the disabled person is accompanied by an assistance dog.	Level 3	6

<b>Transport Act 1980</b>				
<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>	<b>Penalty Points</b>
s.64(2)(a) TA 1980	TR1	Driving a Private Hire vehicle with a roof sign that contravenes section 64(1) of the Act	Level 3	6
s.64(2)(a)	TR2	Causing or permitting a Private Hire vehicle to be driven with a roof sign that contravenes section 64(2)(b)	Level 3	6

<b>Worcester City Council Hackney Carriage and Private Hire Driver Conditions</b>			
<b>Code</b>	<b>Offence</b>	<b>Max Penalty</b>	<b>Penalty Points</b>
<b>Worcester City Council Hackney Carriage and Private Hire Driver Conditions</b>			
W01	Failure to comply with Hackney Carriage/Private Hire Vehicle Drivers Conditions of Licence		4
<b>Worcester City Council Hackney Carriage and Private Hire Vehicle Licence Conditions</b>			
W02	Failure to comply with Hackney Carriage/Private Hire Vehicle Conditions of Licence		4
<b>Worcester City Council operator Licence Conditions</b>			
W03	Failure to comply with Private Hire Vehicle Operator Conditions of Licence		4
<b>Worcester City Council Byelaws for Hackney Carriages</b>			
<b>2. Provisions Regulating the Manner in which the Number of Each Hackney Carriage Corresponding with the Number of its Licence shall be Displayed</b>			
W04	(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 of the carriage, or on plates affixed thereto.	Level 2	4
W05	(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 or plying for hire; (ii) Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.	Level 2	4
<b>Provisions Regulating How Hackney Carriages are to be Furnished or Provided</b>			
<b>3. The proprietor of a hackney carriage shall:</b>			
W06	(a) Provide sufficient means by which any person in the carriage may communicate with the driver;	Level 2	4
W07	(b) Cause the roof or covering to be kept water-tight;	Level 2	4
W08	(c) Provide any necessary windows and a means of opening and closing not less than one window on each side;	Level 2	4
W09	(d) Cause the seats to be properly cushioned or covered;	Level 2	4
W10	(e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering;	Level 2	4
W11	(f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;	Level 2	4
W12	(g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;	Level 2	4
W13	(h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;	Level 2	4
W14	(i) Provide at least two doors for the use of persons	Level 2	4

	conveyed in such carriage and a separate means of ingress and egress for the driver.		
<b>4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,</b>			
W15	(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;	Level 2	4
W16	(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,	Level 2	4
W17	(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 tariff fixed by the Council in that behalf;	Level 2	4
W18	(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;	Level 2	4
W19	(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;	Level 2	4
W20	(f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.	Level 2	4
<b>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.</b>			
5. The driver of a hackney carriage provided with a taximeter shall:-			
W21	(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;	Level 2	4
W22	(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;	Level 2	4
W23	(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 purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.	Level 2	4
W24	6. 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.	Level 2	4

<b>7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,</b>			
W25	(a) Proceed with reasonable speed to one of the stands fixed by the Council in that behalf;	Level 2	4
W26	(b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;	Level 2	4
W27	(c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;	Level 2	4
W28	(d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.	Level 2	4
W29	8. 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 that purpose.	Level 2	4
W30	9. The driver of a hackney carriage shall behave in a civil and orderly manner and be clean and respectable in his dress and person and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.	Level 2	4
W31	10. 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.	Level 2	4
W32	11. 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.	Level 2	4
W33	12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.	Level 2	4
<b>13. 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,</b>			
W34	(a) Convey a reasonable quantity of luggage;	Level 2	4
W35	(b) Afford reasonable assistance in loading and unloading;	Level 2	4
W36	(c) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.	Level 2	4
<b>Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares</b>			
	14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.		



W37	Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.	Level 2	4
W38	15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.	Level 2	4
W39	(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.	Level 2	4
<b>Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof</b>			
W40	16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.	Level 2	4
<b>17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,</b>			
W41	(a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it,	Level 2	4
W42	(b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.	Level 2	4

## **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS WISHING TO OBTAIN A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

These guidelines have been produced to assist the Licensing and Appeals 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 the 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.

These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

Each case is to be decided on its own merits.

An applicant for a Hackney Carriage / Private Hire Drivers Licence must have a current DVLA Driving Licence for at least 12 months (or equivalent via EU regulations).

### **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 / she has since the grant of the licence.
  - i) Been convicted of an offence involving dishonesty and decency 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 Appeals 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.

In addition, applicants must disclose any recent simple cautions they have received or any pending matters.

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 assessed.

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

## **Cautions**

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, 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 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.

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 has 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 licensing authority**

The committee may take into account an applicant's history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public.

## **Traffic Offences**

This section refers to 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: minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.

For information on insurance guidelines, see **Insurance Offences**.

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections.

## **Driving Offences**

If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

## **Medical Offences**

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 until medical proof of current fitness can be provided.

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 has 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 the 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.

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.

For the information on insurance guidelines, see **Insurance Offences**.

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections.

## **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 and an appeal maybe made to the Licensing and Appeals 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 Appeals Committee.

## **Drunkenness**

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness 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 / her 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, however any new application or current licensee should expect to attend a hearing of the Licensing and Appeals Committee.

- One or 2 convictions for drunkenness not confined to one year should result in a warning as to future conduct.
- 2 convictions within a year a current licence should be suspended for a period of no more than 2 weeks and a new application may be refused, or granted, with a written warning.
- 3 or more convictions- any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free convictions.

## **In both cases**

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 though 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/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially motivated
- Actual bodily harm which is racially motivated



(c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is less than 8 years prior to the date of application:

- 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/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where a conviction is less than 5 years prior to the date of application:

- Common assault
- Common assault which is racially-motivated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of 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.

If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

If an applicant has a history of violence (more than two convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

### **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.

A man or woman 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.

## **ENFORCEMENT, COMPLAINTS AND APPEALS**

### **Objectives**

It is the Council's aim to ensure that premises, persons and activities licensed by the council operate in a manner which will comply with relevant legislation and for the protection of the general public.

### **The Purpose of Licensing and Inspections**

- To ensure that appropriate standards in premises and vehicles are maintained;
- To ensure that members of the public using licensed facilities are not exposed to unnecessary risks;
- To identify foreseeable safety issues and seek to have them corrected.

### **Enforcement Options**

The council will undertake its regulatory and enforcement role in a fair, open and consistent manner at all times.

Enforcement action will usually be considered as a result of either:-

- Programmed inspections being made by the councils Licensing Team; or
- Complaints being received from the general public; or
- Spot checks

There are a number of options that would be considered following the identification of an activity for which the necessary licence has not been applied for, or the Licensee has not complied with the conditions of a licence issued by the council or Byelaw made by the council which would/could constitute an offence. These are:

- Inspection
- Informal action
- Revocation/Refusal of future licence application or restriction of such licence by imposition of conditions or suspension of a licence
- Prosecution

However as a first step towards securing compliance, officers will usually adopt an educative approach and discuss the legal requirements with the licence holder/proprietor.

The council would like to point out that the Licensing Team can be a valuable resource for the taxi trade, being able to provide information and assistance on a whole range of taxi related matters. The Licensing Team can often be in a position to resolve disputes informally and therefore avoid them escalating into serious problems.

All policies approved by Worcester City Council and any enforcement action we take will comply with the Regulators Code and will have regard to the principles laid down in the Code for Crown Prosecutors, the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998

The regulators Code seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

## **Complaints**

The term “complaint” refers to any complaint about a taxi driver, operator, or vehicle from any source. This will include customers, other drivers or operators, the Police, Council officers, the Vehicle Operator Services Agency (VOSA), Worcestershire County Council and other Local Authorities.

Complaints can be a valuable source of information about what is going on within Worcester and as such we take all complaints seriously.

Wherever possible, complaints should be made in writing. To aid complainants we have downloadable complaint forms on the Council’s website which can be posted or handed in to us marked for the attention of the Licensing team.

We will investigate all complaints, unless it is apparent that the complaint is malicious and we will aim to provide an initial response within five working days. Once the investigation is complete we will advise the complainant of the outcome.

Where necessary to ensure the effective investigation of a complaint, we will involve other enforcement agencies.

## **Appeals**

### **Licensing Sub-Committee Hearings**

Any applicant whose application cannot be dealt with by Officers under delegated authority as they or their vehicle do not meet the required criteria for licensing, may request that their application be determined by the Licensing Sub-Committee.

The Licensing Sub-Committee will be made up of elected members of the Worcester City Council Licensing Committee. Any request to have an application determined by the Licensing Sub-Committee must be made in writing to the Licensing Team.

Where a licensed driver commits an offence during the period of his licence, or fails to comply with the Council's conditions, or for any other reasonable cause, the licence holder may be referred to the Licensing Sub-Committee for determination as to whether the licence should be suspended or revoked.

### **Magistrate's Court**

Applicants aggrieved by the refusal of an application by the Licensing Sub-Committee can appeal against such a decision by lodging an appeal at the Magistrate's Court within 21 days of being notified of the decision.

Additionally any person aggrieved by any condition attached to the grant of a licence may appeal to the Magistrates Court.

### **Crown Court**

An appeal against the Council's refusal to grant a hackney carriage proprietor's licence is made to the Crown Court.

## **CHILD SEXUAL EXPLOITATION GUIDANCE FOR LICENSED DRIVERS**

### **Child Sexual Exploitation involves;**

Young people under the age of 18 being encouraged or forced into situations or relationships of a sexual nature by an adult. Often this involves the young person being offered something such as food, accommodation, alcohol, drugs gifts or money in return for performing sexual acts, including posting images on social media. It is not unusual that the young person experiences violence, coercion or intimidation.

### **Where can it happen?**

Young people can be sexually exploited at any time in any location some examples of places are:

- Parks
- Shopping Centres
- Taxi Ranks
- Restaurants/Takeaways/Pubs/Clubs/Bars
- Gyms/Leisure Centres

### **How does this affect the Taxi Trade?**

Drivers can be the eyes and ears of the community as such they can play a crucial part in the fight against child sexual exploitation by reporting potentially important information to the local authority.

### **What are your responsibilities?**

You may be aware of or have suspicions about a child being at risk or about a premise that may be used to sexually exploit children if this is so it should be reported using the Police non-emergency number **101** or **Crimestoppers 0800 555 111**.

Operators may wish to consider conducting driver training to raise awareness of indicators of Child Sexual Exploitation and how this can be reported

### **What to Look for:**

- Taking/collecting young people (girls and boys) hotels/bed and breakfasts/house-parties/pubs
- Picking up young people from other cars
- Young people that look distressed, intimidated or frightened
- Young people under the influence of drugs or alcohol
- Suspicious activity in 'hot spot' areas, this may include a residential premises
- Attempts by young women to avoid paying fares in return for sexual favours
- Men requesting regular taxi rides to and from locations with young people
- Young people with injuries such as bruising or blood stains
- Taking young people to A&E who are not in the presence of parents
- Change in the personality, wellness or demeanor of a child you may transport regularly
- A young person displaying inappropriate sexualised behaviours

### **What you need to do;**

Make a note of the information you have such as

- Locations and/or addresses
- Descriptions of people
- Car registration numbers, make and models of vehicles
- Description of the activity that you are concerned about and the time it occurred

Call 101 or Crimestoppers 0800 555 111 to report any concerns about possible sexual exploitation.

## USEFUL CONTACTS

### Licensing

Worcestershire Regulatory Services

Guild Hall

High Street

Worcester

WR1 2EY.

Tel: 01905 822799

Email [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

Website [www.worcester.gov.uk](http://www.worcester.gov.uk)

Gemini Accident Repair Centre

Vehicle testing centre

Unit 96F

Blackpole Trading Estate West

Worcester WR3 8TJ

Tel: 01905 453311

Vehicle & Operator Services Agency (VOSA)

Kidderminster GVTS

Worcester Road

Kidderminster DY11 7RD

Tel: 01562 68173

Worcester Magistrates Court

Castle Street

Worcester WR1 3QZ

Tel: 01905 743200

West Mercia Police

Police Station

Castle Street

Worcester WR1 3AD

Tel: 0300 3333000 or 101

Worcestershire County Council

Driver Training

County Hall

Wildwood Way

Worcester WR5 2NP

Tel: 01905 766827/766825