

<b>Report of:</b>	<b>Head of Environmental Health</b>
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<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Council: 26/02/14</b>

**COUNCIL**  
**26 FEBRUARY, 2014**  
**REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY**

**1 Purpose of Report**

- 1.1 To seek approval and adoption of Cannock Chase District Council's revised Taxi and Private Hire Licensing Policy ('the Policy') following consultation.

**2 Recommendation**

- 2.1 That Council approves and adopts the Policy at Appendix 1 to this report.
- 2.2 That the Head of Environmental Health be authorised to determine appropriate timescales for policy implementation.
- 2.3 That the Head of Environmental Health be authorised to make any amendments to the Policy required due to changes in legislation or government guidance and minor variations to the Policy in the interests of operational efficiency.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Council's primary aim in carrying out its Taxi and Private Hire licensing function is the protection of the public. The Council must ensure that licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 In order to effectively discharge these legal obligations the Council requires a Policy framework. The Policy explains to the trade, the public and elected members and officers how the Council administers this important licensing function.

- 3.3 Following consultation a revised and updated Policy has been produced, and is attached at Appendix 1. The Policy brings together a number of older documents into a single document. The revised Policy provides clear guidance regarding the taxi and private hire licensing process and explains how the Council will make decisions in relation to the licensing of vehicles, drivers and operators. A list of consultees is given at Appendix 2.

Amendments Following Council on 15<sup>th</sup> January 2014

- 3.4 This report was presented to Council on the 15<sup>th</sup> January, but was withdrawn following a late amendment on drugs and alcohol testing. Further detail is set out below concerning the practicalities of drug and alcohol testing and the sanctions that may be applied where issues are found.
- 3.5 Hackney carriage and private hire drivers are assessed against the DVLA group 2 medical standard with respect to their fitness to drive. The group 2 standard includes guidance on individuals who test positive for a range of drugs. In such cases a medical examiner nominated by the Council will provide their opinion on the applicant's fitness to be granted a hackney carriage and private hire drivers licence assessed against the DVLA Group 2 medical standard. Further testing or examination may be required if recommended by the medical examiner.
- 3.6 The revised policy will introduce drug testing for all new applicants, and for existing drivers where there is intelligence indicating that they may have drug issues.
- 3.7 In the event of a positive test the application may be refused or may be referred to the Licensing and Public Protection Committee for determination. In the case of an existing driver, the hackney carriage & private hire drivers' licence may be revoked, or the case may be referred to the Licensing and Public Protection Committee for determination. Each case will be judged on its own merits. Accordingly, paragraph 1.4 of the policy has been amended and a new paragraph 3.4 added to reflect these changes.
- 3.8 Alcohol testing is more problematic to introduce and further research is being undertaken. Therefore the revised policy does not include any measures with regard to alcohol testing. However, if during the course of a routine medical examination the medical examiner became aware that an individual had alcohol issues this would be reported. Further testing or examination may be required if recommended by the medical examiner. Action would then be taken in accordance with the medical examiners recommendations. In any case where there are concerns around the sobriety of a driver these concerns may be referred to Staffordshire Police to pursue.
- 3.9 Paragraphs 10.4 and 21.4 of the policy have been deleted. They related to advisory items on vehicle test certificates and are not necessary due to the adoption of the Freight Transport Associations "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles."

**4 Relationship to Corporate Priorities**

- 4.1 The Policy contributes to both the People and Place Corporate Priorities in that it aims to promote the following objectives:
- Safety and health of drivers and the public;
  - High standards of vehicle safety, comfort and access;
  - Prevention of Crime and Disorder and the Protection of Consumers;
  - Environmental sustainability through improved air quality;
  - Equality and accessibility in service provision
- 4.2 The Council expects all applicants, drivers and operators to demonstrate commitment to promoting these objectives. This Policy will be implemented using an appropriate mix of education, promotion, compliance and enforcement activity.
- 4.3 In implementing this Policy, the overriding concern at all times will be public safety.

**5 Report Detail**

- 5.1 The hackney carriage (taxi) and private hire (minicab and chauffeur driven vehicle) trades provide a vital service to residents and visitors to Cannock Chase District within both the day and night time economy, in particular in the areas of the district with limited public transport.
- 5.2 Currently the Council, through the Environmental Health Licensing Unit, licenses approximately:
- 260 Hackney Carriages
  - 20 Private hire vehicles
  - 350 Hackney Carriage / Private Hire Drivers
  - 10 Private Hire Operators (providers of a base and radio network).
- 5.3 In order to effectively administer the licensing regime, the Council requires a policy framework. The purpose of the Policy is to:
- Ensure the safety of the public;
  - Ensure that drivers and vehicles are safe and comply with licence conditions.
  - Provide a robust, and legally compliant, decision making framework which protects the Council should decisions be challenged in the Courts;
  - Provide information to the trade, elected members, officers and the wider public on how the Council administers the taxi / private hire licensing function.

- 5.4 The policy covers several areas including:
- Assessment of driver fitness and propriety (driving and medical records, past criminal history (if any), knowledge test, personal conduct etc.);
  - How the Council will determine the relevance and significance of any previous criminal convictions;
  - Vehicle testing, safety and condition;
  - Duration of Licences;
  - The conditions applied to driver and vehicle licences (for example dress code);
  - The criteria the Council uses in deciding whether to grant, renew, suspend or revoke licences.
  - Enforcement of licence conditions.
- 5.5 The proposals were consulted on during a 12 week period between 11 June 2012 and 31 August 2012. This period coincided with a national consultation exercise undertaken by the Law Commission on 'Reforming the law on taxi and private hire services'.
- 5.6 The consultation exercise asked for views on a number of proposals, the most significant of these being:
- Offering drivers the choice of a one or three year driver licence;
  - Alternative medical assessment providers;
  - Drug and Alcohol testing for all new applicants;
  - Introduction of a spoken English element to the knowledge test;
  - Driver Standards Agency (DSA) assessment for all new applicants;
  - Independent checks on DVLA Licences;
  - Amendments to the dress code;
  - Introduction of an enforcement / penalty matrix;
  - Previous convictions policy;
  - Permitting only Wheelchair Accessible Vehicles (WAVs) to be licensed as hackney carriages;
  - Vehicle emissions;
  - Age restrictions on vehicles.
- 5.7 The main proposals consulted on, together with the responses received are summarised in the table at Appendix 3. The full consultation document, together with a complete set of consultation responses is available in the Licensing Unit should members wish to view these.
- 5.8 A meeting was held with the trade on 12 July 2012, at which the then Cabinet Member for Environment was present, together with Officers from the Licensing

Unit and the Head of Environmental Health. A detailed presentation was given and verbal feedback received.

- 5.9 As the Law Commission’s review was in progress it was decided to await the publication of their findings, together with a draft Bill, prior to completing the revisions to the Policy, as there may have been implications for the content. However, these findings are not now expected to be published until at least April 2014. A draft Bill would then need to be passed into legislation through Parliament. In order to ensure proposed revisions can be implemented within appropriate timescales, the Policy must be adopted now.
- 5.10 When the Law Commission’s findings and the draft Bill are published, these will be duly considered. Any amendments found to be necessary to the Policy as a result will be made by the Head of Environmental Health (see recommendation 2.3).

**6 Implications**

**6.1 Financial**

A review of taxi and private hire licensing fees is currently ongoing, and will consider the financial implications of three year licences. The outcome of this review will be reported to members in due course.

**6.2 Legal**

The revised policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurance that decisions in relation to the grant, renewal, suspension or revocation of licences are able to withstand challenge and scrutiny by outside bodies including the Courts.

**6.3 Human Resources**

None.

**6.4 Section 17 (Crime Prevention)**

The Policy ensures the Council exercises its taxi and private hire licensing functions responsibly and gives due consideration to crime prevention issues, with particular emphasis on protecting vulnerable members of society.

**6.5 Human Rights Act**

None.

**6.6 Data Protection**

None.

**6.7 Risk Management**

The Policy ensures the Council is able to effectively discharge its statutory licensing functions.

**6.8 Equality & Diversity**

The Policy Document will be made available in large print, Braille and as an audio version, on request.

Consideration of access issues for both wheelchair users and for non wheelchair users with disabilities will be the subject of further consultation. A report to members detailing the outcome of these consultations will follow.

An equality impact assessment has been completed for the Policy.

**6.9 Best Value**

None.

**7 Appendices to the Report**

Appendix 1	Taxi and Private Hire Licensing Policy
Appendix 2	Details of consultees
Appendix 3	Summary of consultation proposals and responses

**Previous Consideration**

None

**Background Papers**

Full consultation document and responses are available in the Licensing Unit.

**HACKNEY CARRIAGE/  
PRIVATE HIRE DRIVER,  
VEHICLES & OPERATORS  
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## **INTRODUCTION**

In carrying out its Taxi and Private Hire licensing function, Cannock Chase District Council (The Council) seeks to promote the following objectives:

- Safety and health of drivers and the public
- High standards of vehicle safety comfort and access
- Prevention of crime and disorder and the protection of consumers
- Environmental sustainability through improved air quality
- Equality and accessibility in service provision

The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

All drivers of Hackney Carriages and Private Hire Vehicles ('Drivers') must hold a Hackney Carriage/Private Hire Drivers' Licence (HCPHL) issued by Cannock Chase.

Private Hire Vehicles must be licensed by the Council as must the Driver and the Private Hire Operator who must have a Base within the district and must be responsible for taking the bookings. All three licences must be issued by the same Council.

Hackney Carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

Should you wish to contact the Council's Licensing Unit, the address for correspondence is:

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Licensing Unit,  
Cannock Chase District Council,  
PO Box 28,  
Beecroft Road,  
Cannock,  
Staffs,  
WS11 1BG

Phone: 01543 462621

Fax: 01543 464489

Email: [licensingunit@cannockchasedc.gov.uk](mailto:licensingunit@cannockchasedc.gov.uk)

## **HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

### **1 Prior to licensing for all new applicants:**

1.1 The council requires that all prospective Hackney Carriage/ Private Hire Drivers pass the Driving Standards Agency (DSA) Hackney Carriage/Private Hire Standard Test Assessment. They must then provide the original Pass Certificate to the Council's Licensing Unit for inspection prior to licensing. The test should be booked with the DSA as early as possible and must be paid for by the applicant themselves. An alternative Test Assessment such as that provided by the Institute of Advanced Motoring (IAM) will also be considered upon production of a valid Pass Test Certificate.

1.2 The applicant shall submit to a two-part medical examination upon making first application for a Hackney Carriage/Private Hire Drivers' Licence (HCPHDL). The initial medical assessment will be by the applicants own GP. The subsequent independent medical assessment will be with by the Council's Medical Advisor(s) who may thereafter determine the period for re-assessment. Applicants who wish to claim a medical dispensation to the Dress Code or exemption from carrying Assistance Dogs should make it known to the Medical Advisor and the Licensing Unit at this early stage.

1.3 Where an applicant already has a valid Group 2 medical certificate from another occupational health medical provider which has been obtained in the course of their work and not as part of the application process, the Council will consider accepting the said certificate as evidence of their physical fitness to drive if the certificate complies with the council's policy requirements on the age of the driver.

1.4 The Council requires that all new applicants for a Hackney Carriage/Private Hire Drivers Licence undertake a drug test through the Council's service provider. This testing will be booked through the Council's Licensing Unit. The cost of this is included in the licence fee. Where an applicant tests positive for drugs, the results will be considered by a qualified medical examiner nominated by the Council. The medical examiner will provide their opinion on the applicant's fitness to be granted a hackney carriage and private hire drivers licence assessed against the DVLA Group 2 medical standard. Further testing or examination may be required if recommended by the medical examiner. The application may be refused or may be referred to the Licensing and Public Protection Committee for determination. Each case will be judged on its own merits.

1.5 Newly licensed drivers are required to complete the Btec level 2 Award; "Transporting Passengers by Taxi and Private Hire" within 12 months of being licensed by the Council for the first time. The Council reserve the right to required licensed drivers to undertake a refresher course if appropriate.

1.6 Notwithstanding the level of general training necessary for licensed drivers, the Council requires that those drivers who own or drive a Wheelchair Accessible Vehicle (WAV) must be specifically trained before they drive a licensed WAV. Holders of the above Level 2 Btec Award will have received the appropriate training without the need to undertake any further training.

1.7 The Council's Knowledge Test will determine the applicant's ability to read, write and speak English. This will include applicants being required to read out loud a passage of the Council's Hackney Carriage/Private Hire Policy and subsequently be asked to answer questions upon it. Failure of this element of the test will result in an overall failure of the Knowledge Test. Where

an applicant fails 4 tests then a period of at least 1 month must elapse before another test is taken. Continued failure to pass the Knowledge Test may result in the applicant being referred to the Council's Licensing & Public Protection Committee (L&PPC).

1.8 Applicants are expected to complete the application process expediently and normally within 3 months. Any monies which are subsequently refunded will be paid into a nominated bank account where appropriate. It is important for applicants to be able to provide a receipt for the monies paid to the Council.

1.9 Photographs provided in respect of applications by potential drivers (and at each renewal) must meet the criteria required by the Passport Office in respect of the background, colour, quality and size. It is recommended that photographs should be obtained from photograph machines or photographic retailers.

1.10 Applicants will be required to provide their DVLA Driving Licence to the Licensing Unit in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. The cost associated with this process will be included in the application fees. This referral is a compulsory part of the application process and will be facilitated by the Council. Applicants will be required to sign an agreement mandate which will be valid for 3 years.

1.11 Where an applicant has previously been licensed with another authority, they will be asked to sign a form which will permit Cannock Chase Council's Licensing Unit access to their licence records. Where such agreement cannot be reached, then the application may not proceed.

## **2 Length of licence upon renewal (all applicants)**

2.1 The Council offers drivers the choice of either a one year or three year licence however no reimbursement will be offered for the surrender or revocation of a HCPHDL before the expiry date of the licence.

2.2 Whichever one or three year option is chosen, drivers will be required to provide their DVLA Driving Licence for scrutiny by both the Licensing Unit and by an outside agency employed for that purpose. The cost of this service will be included in the licence renewal fee. Drivers are required to sign an agreement mandate which will be valid for 3 years and to submit their DVLA licence for inspection on an annually basis (or whenever reasonably asked to do so by the Council's Licensing Unit).

## **3 Assessment of Fitness and Propriety**

The assessment of a driver's fitness and propriety will be determined having regard to:

### **3.1 Disclosure and Barring Service (DBS) Enhanced Disclosure**

3.2 DBS enhanced disclosures are required upon initial application and then at a frequency determined by the Council; generally every three years. The Council has a policy which provides guidance on the relevance of convictions which are not spent under the Rehabilitation of Offenders Act 1974. This information is reproduced as Annex 1 to this document.

3.3 Case law has determined that spent convictions can be considered as relevant to the determination of whether the applicant is “fit and proper”. In general, the Council will have regard to the type, age, frequency and/or seriousness of the offence and whether there is any pattern of behaviour shown. This information is also reproduced as Annex 1 to this document.

3.4 Where the Council has concerns regarding the use of drugs by a licensed hackney carriage and private hire driver, the driver may be required to undertake a drugs test. This will be arranged by and paid for by the Council. Where a driver tests positive for drugs the results will be considered by a qualified medical examiner, nominated by the Council. The medical examiner will provide their opinion on the driver’s fitness to hold a hackney carriage and private hire driver’s licence, assessed against the DVLA Group 2 medical standard. Further testing or examination may be required if recommended by the medical examiner. In cases where the medical examiner raises concerns regarding the fitness of licensed drivers, the licence may be suspended or revoked by officers, or the matter may be referred to the Licensing and Public Protection Committee to consider whether to suspend or revoke the licence. Each case is to be judged on its own individual merits.

#### **4 DVLA driving licences**

4.1 Drivers will be required to provide their DVLA Driving Licence to the Licensing Unit in order that details of it can be referred to an outside agency for further scrutiny and verification with the DVLA. This referral is a compulsory part of the licence renewal process and will be provided by the Council. The cost associated with this process will be included in the application fees. Drivers will be required to sign an agreement mandate which will be valid for 3 years.

4.2 Both the licensed driver’s Driver and Vehicle Licensing Agency (DVLA) Photocard and Counterpart Driving Licence must be valid and in good condition. It must be legible and in the driver’s current home address. The Council’s Licensing Unit will endeavour to remind drivers that their DVLA licence is about to expire.

4.3 Any driver who permits their licence to expire may have their HCPHDL suspended until the Council is satisfied that the driver is in possession of a valid DVLA driving licence.

4.4 Drivers must notify the Council of any change of address within 7 days and present their DVLA Driving Licence to the Council showing the new address details within 21 days of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.

4.5 Any driver who has 9 or more “live” points imposed upon their DVLA Driving licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention may be required to undertake a driving assessment with the Staffordshire County Council’s Safer Roads Partnership. This assessment must be undertaken at the driver’s own expense but the initial process and contact with service provider will be facilitated by the Council’s Licensing Unit. If concerns are raised by the Driving Assessor about the proficiency of the driver during the driving assessment, the Council may require additional training or further assessments to be carried out.

4.6 If a driver continues to have DVLA penalty points imposed upon their licence after their driving has been assessed by the County Council, that driver may be required to undertake a Driving Standards Agency Hackney Carriage/ Private Hire Test Assessment at their own expense and/or may be referred to the Council’s Licensing & Public Protection Committee.

Failure to pass this DSA test will result in the driver being referred to the Council's Licensing & Public Protection Committee.

4.7 A full European Community and European Economic Area Driving Licence will be accepted on the same basis as a UK DVLA Driving Licence and counted as evidence of the requirement for applicants to have held a driving licence for more than 12 months.

## **5 Assessment by the council's medical advisor**

5.1) Applicants and Licensed drivers shall submit to a medical examination upon making first application for a HCPHL and at such intervals thereafter as determined by any of the council's medical advisor(s).

5.2 Notwithstanding that determination, Council Policy requires that in no case shall the interval between medical assessments be longer than 5 years up to the age of 45, every 3 years between ages of 45 and 60 and then annually thereafter. The Council may require a medical assessment to be undertaken at their own expense where it has reasonable cause to do so. Drivers who are required to undergo further or interim medical assessment in order to meet the DVLA group 2 criteria will be required to do so at their own expense.

5.3 Drivers must notify the Council's Licensing Unit of any illness, injury, medication or physical deterioration which could affect their ability to drive a Hackney Carriage and/or Private Hire Vehicle or carry out their general driver duties. Drivers should make enquiries with their own General Practitioner to determine whether such notification is appropriate. Please note that failure to notify the Council as appropriate may result in the suspension or revocation of the HCPHDL.

5.4 The Council, at their own expense, may require existing licensed drivers to undertake a drug test where there is reasonable cause for them to do so. This may be as a result of intelligence held by the Council, the Police or other enforcement agencies.

5.5 Drivers who wish to claim a medical dispensation to the Dress Code or medical exemption from carrying Assistance Dogs will be required to claim such an exemption through the medical assessment procedure.

## **6 Disclosure of convictions, cautions or fixed penalties**

6.1 The Council requires all licensed drivers to notify the Licensing Unit in writing of:

- all convictions;
- the stated intention of the Police to issue a fixed penalty;
- all endorsements for any motoring offences;
- their acceptance of a speed awareness course; and,
- all cautions, including those commonly referred to as "simple" "formal" or "police" cautions issued by the police or any other prosecuting authority.

6.2 The driver shall send written notification to the Licensing Unit within 7 days of the driver accepting one of the above or receiving one of the above at court. It shall be the responsibility of the driver to ensure that the insurer(s) of their vehicle(s) are notified of any convictions or fixed penalty notices.

6.3 The requirement to notify the Council of the acceptance of a speed awareness course is necessary because the driver will already have notified the Council of the acceptance of the Notice of Intended Prosecution (NIP). Where the police offer a speed awareness course instead, it is important for the Licensing Unit to be aware that no points will in fact be imposed on the DVLA Driving Licence.

6.4 The driver shall specify the nature of the offence, the date of the offence, the date of conviction or caution and the penalty imposed. **For the avoidance of doubt the date of caution is the date on which the driver accepts and admits that the offence was committed. Please note that failure to notify the Council of any conviction, caution or fixed penalty may result in the suspension or revocation of the HCPHDL.**

6.5 A guidance matrix of suspension and other penalties for offences committed by drivers over a two year rolling period is attached as Annex 2 to this document.

6.6 The Council's Dress Code for drivers of both hackney carriages and private hire vehicles is attached as Annex 3 to this document.

## **HACKNEY CARRIAGE PROPRIETORS' LICENCES**

### **7 Hackney carriage vehicle licensing**

7.1 Proprietors should note that planning permission may be required in order to operate a business within the Cannock Chase district. Where the general public have access to any Taxi Base then the Council requires sight of adequate public liability insurance.

7.2 Vehicles (which includes trailers), must be licensed by the Council and must be mechanically fit and suitable for purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle test or re-test. The Council will use the national inspection standards contained within the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" published in August 2012.

7.3 Trailers inspected separately from a vehicle will be subject to a re-test fee.

7.4 The Council is obliged to have regard to where any vehicle licensed by them will primarily be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within the Cannock Chase administrative area or is used predominantly in another area.

7.5 The Council will not seek to restrict either the number or colour of vehicles it licences.

### **8 Fitness & propriety of hackney carriage proprietors'**

8.1 Where an existing or prospective Proprietor is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure through the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Scotland prior to

any licence being issued and then every three years thereafter. Online applications can be made at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or Phone 0870 609 6006

8.2 The Proprietor of a licensed vehicle must be the Registered Keeper of the vehicle with the DVLA.

8.3 Where the applicant for a Proprietors' Licence is not the Registered Keeper of the vehicle in question then the Council's Licensing Unit will, where appropriate, grant a Proprietors' Licence for vehicle with a condition placed upon it requiring the production of the V5 document to the Licensing Unit within 28 days of the issue of the licence.

8.4 Failure to provide the V5 within 28 days will result in a further reminder being sent to the Proprietor. Failure to provide the V5 within a reasonable period after that date may result in the Proprietors' Licence for the vehicle concerned being suspended until the updated V5 is provided to the Licensing Unit. The new V5 document must specify the new keeper's details.

8.5 Bankrupt persons are prohibited from becoming or remaining proprietors of licensed vehicles.

## **9 Period of licence**

9.1 Hackney Carriage Proprietors' licences will run for a twelve month period from date of issue.

## **10 Standard of vehicles**

10.1 All vehicles which are new to licensing with the Council will be no more than 3 years old.

10.2 The Council will use the national inspection standards contained within the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" published in August 2012.

10.3 Applicants who wish their vehicles to be licensed beyond their 6<sup>th</sup> birthday will be required to have their vehicle inspected twice yearly at the Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant.

## **11 Accessibility**

11.1 Applications for vehicles which are new to licensing with the Council will not normally be granted unless all passengers have clear access to and egress from the vehicle without having to fold, tilt, adjust or move seats. This may be achieved by the removal of a seat or seats. Once the seat is removed it cannot be replaced whilst the vehicle remains licensed.

11.2 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.

11.3 Large minibus type vehicles that are modified to carry 8 passengers or less shall be made incapable of having any seats reinstated. This is to ensure compliance with the licence condition regarding the number of passengers at all times. The Vehicle and Operator Services

Agency must also be notified of the change of use of such vehicles to a Hackney Carriage or Private Hire Vehicle.

## **12 Advertising, logos and livery on vehicles**

12.1 An advertising policy will be applied as follows:-

- (i) Both the promotion of the hackney carriage company and the sponsorship advertising of products and services will be allowed, provided that advertisements conform to current UK Code of Non broadcast Advertising, Sales Promotion and Direct Marketing.
- (ii) For the avoidance of doubt, advertisements shall not offend public decency or cause offence on the grounds of race, sex, sexual orientation or disability.
- (iii) There shall be no advertisement of tobacco and alcohol products.
- (iv) Advertisements shall not be permitted on any glass.
- (v) No advertising, logo emblem or similar shall be capable of illumination and holograms will not be permitted.
- (vi) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended where necessary to reflect any changes made.

## **13 Privacy Glass**

13.1 Licensing officers shall inspect the windows on all vehicles which are new to licensing with the Council. Where possible, officers will agree to license the vehicle where all parties agree that the darkened windows do not compromise public safety.

13.2 If the windows are considered to be too dark for officers to agree the grant, then the vehicle may be referred to the Council's Licensing & Public Protection Committee for their consideration.

## **14 Transfer of hackney carriage vehicle licences**

14.1 A licence can be transferred from one Hackney Carriage or Private Hire Vehicle only to a replacement vehicle that fulfils the Council's criteria for licensing.

14.2 The transfer process involves a pro rata reimbursement of the licence fee for the remaining period of the licence, less an administration fee.

## **15 CCTV in vehicles**

15.1 No installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Unit.

15.2 Notwithstanding the above, CCTV systems should only be installed with the agreement of the proprietor's insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted.

15.3 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998 and the Information Commissioner in respect of the capturing, storing, retaining and using any recorded images.

## **16 Wheelchair accessible and rear loading vehicles**

16.1 The Council will license wheelchair accessible vehicles as hackney carriages where they are capable of rear, as well as side loading. The safety and comfort of the passenger must be of paramount importance and therefore this type of vehicle must be agreed with the Licensing Unit prior to licensing. Vehicles of this type will not be considered for licensing unless purpose built and /or specifically and professionally modified to accommodate wheelchair passengers. All vehicles must be fit for their intended purpose.

## **17 Novelty vehicles**

17.1 Any type of vehicle may be considered for licensing by the Council however applicant must demonstrate to the Council that the overarching principle of public safety will not be compromised if the vehicle is licensed. Any additional testing and inspection costs must be funded by the applicant.

## **18 Safety issues**

18.1 Articles such as DVD players, laptops, clipboards and newspapers etc shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.

18.2 Children should not be transported in pushchairs and prams placed within Wheelchair Accessible Vehicles (WAV's). To do so may be considered negligent and a breach of the duty of care that drivers must afford passengers. Drivers must take all reasonable steps to ensure passenger safety at all times.

## **19 Use of licensed vehicles whilst not working**

19.1 Licensed hackney carriages shall not be driven, whether for hire or reward or social domestic reasons, without the Top Light being properly positioned on the roof of the vehicle. The Top Light shall be positioned so that it is clearly visible when the vehicle is approaching the rank or pick up point.

19.2 It is acceptable for the Top Light to be removed if the vehicle is parked up so as to prevent the Top Light being taken or stolen. If licensed vehicles are not to be used for some time because of repair or holidays for example, then the Proprietor should notify the Council's Licensing Unit accordingly.

## **PRIVATE HIRE VEHICLE LICENCES**

### **20 Period of licence**

20.1 Licences for private hire vehicles will normally run for a period of twelve months from date of issue unless otherwise stated.

20.2 Vehicles licensed by the Council must be mechanically fit and suited for their purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle licence.

## **21 Standard of vehicles**

21.1 Vehicles which are new to licensing with the Council will be no more than 3 years old.

21.2 The Council will use the national inspection standards contained within the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" published in August 2012.

21.3 Applicants who wish their vehicles to be licensed beyond their 6th birthday will be required to have their vehicle inspected twice yearly at the Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant.

## **22 Privacy glass**

22.1 Licensing officers shall inspect the windows on all vehicles which are new to licensing. Where possible, officers will agree to license the vehicle where all parties can agree that the darkened windows do not compromise public safety.

22.2 If the windows are considered to be too dark for officers to agree the grant, then the vehicle may be referred to the Council's Licensing & Public Protection Committee for their consideration.

22.3 Private hire vehicles are more likely than hackney carriages to be licensed where privacy glass is fitted

22.4 Stretched Limousines licensed as private hire vehicles shall be exempt from the privacy glass requirements.

## **23 Accessibility**

23.1 Applications for vehicles which are new to licensing with the Council will not normally be granted unless all passengers have clear access to and egress from the vehicle without having to fold, tilt, adjust or move seats. This may be achieved by the removal of a seat or seats. Once the seat is removed it cannot be replaced whilst the vehicle remains licensed.

23.2 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.

23.3 Large minibus type vehicles that are modified to carry 8 passengers or less shall be made incapable of having any seats reinstated. This is to ensure compliance with the licence condition regarding the number of passengers at all times. The Vehicle and Operator Services Agency must also be notified of the change of use of such vehicles to a Hackney Carriage or Private Hire Vehicle.

## **24 Transfer of private hire vehicle licences**

24.1 A licence can be transferred from one Hackney Carriage or Private Hire Vehicle only to a replacement vehicle that fulfils the Council's criteria for licensing.

24.2 The transfer process involves a pro rata reimbursement of the licence fee for the remaining period of the licence, less an administration fee.

## **25 CCTV in vehicles**

25.1 No installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Unit.

25.2 Notwithstanding the above, CCTV systems should only be installed with the agreement of the vehicles insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted.

25.3 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998 and the Information Commissioner in respect of the capturing, storing, retaining and using any recorded images.

## **26 Safety issues**

26.1 Articles such as DVD players, laptops, clipboards and newspapers etc shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.

## **PRIVATE HIRE OPERATORS' LICENCES**

### **27 Fitness & propriety of private hire operators'**

27.1 Where an existing or prospective Operator is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure with the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Scotland prior to any licence being issued and then every three years thereafter. Online applications can be made at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or Phone 0870 609 6006

### **28 Period of licence**

28.1 Private hire operators' licences will normally be valid for five years from the date of issue though the Council reserves the right to issue such licences for shorter periods if deemed appropriate.

28.2 Private Hire Operators will be issued with a Licence to operate vehicles within a banding of one to five vehicles, six to fifteen vehicles or over fifteen vehicles. This will allow for greater flexibility in adding vehicles to the Operators' Licence at any time.

### **Driver Conditions**

1. The driver shall at all times, when the vehicle is available or being driven for hire and reward, be clean and respectable in his/her appearance and dress in accordance with the Council's approved dress code. He/she shall behave in an orderly manner and conduct him/herself with civility and propriety towards every person seeking to hire or being conveyed in his/her vehicle. **Licensed drivers shall not conduct themselves in any way, or act in a manner, which might be perceived as racist or infringes equality legislation. For the avoidance of doubt, no driver shall discriminate against fellow drivers, passengers or members of the public on the grounds of race, colour, religious beliefs, disability, age or gender and sexual orientation.**
2. The Council expects the highest standards of conduct from all its HCPHDL holders. In particular drivers should be aware that their behaviour at any time may form part of a decision as to their fitness and propriety to be or remain a licensed driver.
3. The driver shall behave in a civil and orderly manner at all times and take all reasonable precautions to ensure the safety of passengers and other road users. For the avoidance of doubt this includes ensuring the proper restraint of wheelchair passengers; good standards of driving; being polite, courteous, as well as being helpful in assisting passengers to enter and alight from the vehicle and stowing/carrying luggage.
4. The driver shall not use or hold a hand held mobile phone, or eat or drink in the vehicle whilst it is moving.
5. The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
6. The driver shall not allow or permit his/her vehicle to carry a greater number of passengers than the number prescribed on the licence.
7. The driver shall not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.
8. The driver shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside of the vehicle.
9. The driver of the vehicle who has agreed or been hired to attend with a vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend with a vehicle at such appointed time and place.
10. The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid specifying the driver's name and driver's HCPHDL number.

11. The driver shall ensure that the vehicle used whilst on duty is kept clean and tidy at all times.
12. The driver shall ensure that the vehicle is roadworthy and that as far as reasonably practicable to ensure that all lights and indicators are working correctly before undertaking any journey.
13. The driver shall afford all reasonable assistance with passenger's luggage.
14. The driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
15. Drivers shall not smoke in any vehicle and shall not permit passengers to smoke within any vehicle under their control.
16. Drivers shall not at any time sound the vehicle's horn in order to attract the attention of customers. For example, where they are waiting for the hirer outside a public house etc.
17. Assistance Dogs (Guide Dogs and Hearing Dogs) must be carried free of charge.
18. The Council shall issue a badge to all drivers detailing their name and driver number. This badge shall remain the property of the Council and shall be immediately returned to the Council should the driver cease to hold a HCPHDL.
19. **The driver shall at all times when acting in accordance with his/her HCPHDL, wear the badge in such a position and manner so that it is plainly and distinctly visible.** If any driver contravenes this provision he/she shall be guilty of an offence.
20. The licence badge remains the property of the Council at all times and upon revocation, suspension, expiry or surrender of the licence, the driver shall forthwith return the badge to the Council.
21. The Driver shall deposit his/her HCPHDL with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicles is being used during the time it is being used for that person's business.
22. The driver shall not leave a vehicle under his/her control or responsibility unattended in any street or public place; this includes taxi ranks.
23. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter, search the vehicle for any property which may have been left therein.
24. The driver shall, if any property is accidentally left therein by any person who may have been conveyed in that vehicle and be found by or handed to him/her carry it as soon as possible and in any event within 24 hours if not sooner claimed by or on behalf of its owner, to a police station in the district in order to receive instructions from the Police regarding its custody.

**Whilst driving a private hire vehicle**

25. It is an offence to ply for hire with a private hire vehicle. To do so may negate insurance cover. Every passenger journey must be pre-booked through, and recorded by a person separately licensed by the District Council as a Private Hire Operator.
26. For the avoidance of doubt; if there is no prior booking, there can be no 'ride' for the passenger. **A booking cannot be taken by the driver at the point of hiring.**
27. Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:-
28. Permit the PHV to stand or park in a manner which might suggest that the driver is plying for hire;
29. Solicit on a road or other public place any person to hire or to be carried for hire and reward in his/her PHV (or any PHV under his/her control or responsibility); or
30. Cause or procure any other person to solicit or procure on a road or other public place any person to hire or to be carried for hire and reward in any PHV under his/her control or responsibility.

**Whilst driving a licensed hackney carriage vehicle**

31. Activate the taximeter the point of each hiring where the journey takes place wholly within the Cannock Chase district or where a journey starts or ends within the Cannock Chase district. The meter will not need to be activated where the journey is undertaken on a private hire basis wholly outside the district.
32. Ensure that the Table of Fares can be clearly seen by passengers.
33. Obey the Rules of the Rank given as Annex 4 of this document.
34. Fulfill bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
35. Only carry up to the maximum permitted number of passengers as specified by the Hackney Carriage Vehicle Licence and Plate.
36. DO NOT tout for business or use others to do so.
37. DO NOT tamper, or allow anyone else to tamper with the taximeter or its fittings or any seal and only demand the authorised fare, giving a receipt if requested.

NOTE: These conditions to be read in conjunction with the Local Government Miscellaneous Provisions) Act 1976, Part II.

Any person aggrieved by any conditions attached to the grant of a drivers licence may appeal to a Magistrates' Court.

## **Hackney Carriage Proprietors' Licence Conditions**

1. The Hackney Carriage shall be fitted with a custom lined roof sign bearing only the word 'Taxi'. A purpose built taxi with a built in illuminated taxi roof sign satisfies the Council's requirements so long as it is satisfactorily maintained.
2. During the hours of darkness the taxi sign shall be illuminated only when the carriage is standing or plying for hire within the District and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition 'the hours of darkness' shall be the hours of lighting up time.
3. Before the vehicle is used as a Hackney Carriage such insurance or securities as required by Part VI of the Road Traffic Act 1988 shall be obtained in respect of the vehicle and the Certificate in respect of the policy of insurance or security shall be produced to the Head of Environmental Health for inspection. A valid certificate of insurance, or a true copy of it, shall be kept in the vehicle at all times and once expired it must be held in the possession of the Proprietor for 12 months after its expiry date.

Although only the Certificate of Insurance will normally need to be provided prior to the licensing of vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.

4. Every Proprietor of a Hackney Carriage shall provide the carriage with a calendar controlled taxi meter so constructed, attached and maintained as to comply with the following requirements, that is to say:
  - (a) The taxi meter shall be of an approved calendar controlled type and design, capable of being operated so as to cause the word 'hired' to appear on the face of the taxi meter.
  - (b) Such taxi meter shall be capable of being rendered inoperable so that no fare is recorded on the face of the taxi meter.
  - (c) When the taxi meter is being operated, there shall be recorded on its face in clearly legible figures a fare not exceeding the rate or fare which the Proprietor or Driver is entitled to demand and take for hire of the carriage in pursuance of the Bye-Laws in that behalf.
  - (d) The word 'fare' shall be printed on the face of the taxi meter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) The taxi meter shall be positioned in such a manner that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.

- (f) The taxi meter and all fittings thereof should 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 and other appliances.
- 5. There shall be fixed externally to the rear of the Hackney Carriage, and any trailer, a plate issued by the Council, prominently displayed on the off-side or centre of the vehicle at bumper height. The licence plate(s) shall remain the property of the Council and shall be returned to the Council in the event of the revocation, expiry or suspension of the Licence.
- 6. Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
- 7. A copy of the current table of fares shall be exhibited inside the vehicle in clear distinguishable letters and figures in such a position that it can be conveniently seen by hirers.
- 8. The Proprietor shall present the vehicle(s), and any trailer(s) and taximeter affixed thereto for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require on up to three separate occasions during any period of twelve months, without prejudice to the Council's right to carry out spot checks from time to time.
- 9. Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the Proprietor shall report to the Head of Environmental Health as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the proprietor's hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Upon such notification to the Council, the Proprietor may be required to provide specific information about the incident and the circumstances surrounding it.
- 10. If the Proprietor transfers his interest in the licensed vehicle to a person other than the proprietor whose name is specified in the licence, then within fourteen days after such transfer notice in writing shall be given to the Head of Environmental Health specifying the name and address of the person to whom the vehicle has been transferred.
- 11. The Proprietor of a hackney carriage shall ensure that the vehicle meets the standard of fitness specified within the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles"
  - (a) provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher and suitable first aid kit 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 or egress for the driver;
  - (j) provide rear seat belts, for vehicles registered from April, 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
12. The licensee shall produce the licence upon request to any officer authorised by the Council or any police constable for inspection.
13. A spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same, shall be provided in or on the vehicle.
14. The Proprietor shall keep comprehensive written records of his day to day fares and bookings, e.g. time, day, date, etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer or police constable in any investigation they may need to undertake.
15. This licence may be revoked, suspended or not renewed in accordance with statutory provisions.

NOTE: These conditions are to be read in conjunction with the appropriate provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II and the Cannock Chase District Council Bye-Laws relating to Hackney Carriages.

Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.

### **Private Hire Vehicle Conditions.**

1. (a) All Private Hire Vehicles shall display a sign on each side of the vehicles, on the doors, giving the following information:-
- (i) The name of the firm.

- (ii) The words "PRIVATE HIRE"
- (iii) The telephone number of the firm.

These should be in plain block letters not exceeding 50mm in height and of proportionate width.

Where the words "PRIVATE HIRE" form part of the name of the firm, "PRIVATE HIRE" need not be repeated.

- (b) Private Hire Vehicles shall display at all times in the front windscreen a plate, where supplied by the Council, showing the licence number, vehicle registration and date of expiry of the licence.
- (c) Private Hire vehicles may also display a card of a maximum size of 6" x 4", giving the name and telephone number of the Operator and the Council's licence number in respect of the vehicle, in the rear window.
- (d) No other advertisement, notice or sign shall be displayed on any Private Hire vehicle, with the exception of the licence plate referred to in condition 2 below. All signs must be of a design approved by the Council. No signs, advertisements or distinguishing marks may appear on the vehicle without the written consent of the Council.

Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended to reflect any changes made.

2. When the Private Hire vehicle is used in the Cannock Chase District the plate issued by the Council bearing the licence number and identifying the vehicle as a private hire vehicle and showing the number of passengers which the vehicle is licensed to carry shall be affixed prominently on the rear bumper or rear boot panel of the vehicle except during such period that the vehicle is used for carrying passengers for hire or reward:-
  - (i) Whilst being used solely in connection with a wedding; or,
  - (ii) Whilst being used solely in connection with a funeral.

The licence plate shall remain the property of the Council and shall be returned to the Council on the sale or transfer of the licensed vehicle (or in the event of the revocation, expiry of suspension of the licence).

3. If the Operator transfers his interest in the licensed vehicle to a person other than the operator whose name is specified in the licence, then within 14 days after such transfer notice in writing shall be given to the Head of Environmental Health specifying the name and address of the person to whom the vehicle has been transferred.
4. Before using the vehicle for private hire such insurances or securities as are required under Part VI of the Road Traffic Act 1988, shall be obtained in respect of such vehicle

and the certificate in respect of the policy of insurance or security shall be produced to the Head of Environmental Health for inspection.

Although only the Certificate of Insurance will normally need to be provided prior to the licensing of vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.

5. The operator shall present the vehicle and any taxi meter affixed thereto for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require on up to 3 separate occasions during any period of 12 months, without prejudice to the Council's right to carry out spot checks from time to time.

Where a taxi meter is fitted to a Private Hire Vehicle, it shall be of an approved Calendar controlled type and design.

6. Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the operator shall report to the Head of Environmental Health as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the operator's private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Upon such notification to the Council, the Proprietor may be required to provide specific information about the incident and the circumstances surrounding it.
7. Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
8. The operator of a Private Hire vehicle shall ensure that the vehicle meets the Council's standard of fitness as specified in Annex 1 to these Conditions and in particular shall:-
  - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage.

- (h) Provide an efficient fire extinguisher and suitable first aid kit 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 or egress for the driver;
  - (j) Provide rear seat belts, for vehicles registered from April 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
9. The licensee shall produce this licence upon request to any officer authorised by the Council or any Police Constable for inspection.
10. A spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same, shall be provided in or on the vehicle.
11. This licence may be revoked, suspended or not renewed in accordance with statutory provisions.

NOTE: These conditions to be read in conjunction with the Local Government Miscellaneous Provisions) Act 1976, Part II.

Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.

**Private Hire Operators' Licence Conditions.**

1. The Operator shall keep a record book and shall enter therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and shall produce such record on request to any Officer authorised by the Council or to any Police Constable for inspection:-
- (a) date and time booking made;
  - (b) date and time booking made for;
  - (c) method by which booking communicated to driver;
  - (d) private hire car licence number;
  - (e) place passenger's journey commenced;
  - (f) place passenger's journey terminated;
  - (g) name and address of person hiring car.
2. The Licensee shall keep a record of any private hire vehicle operated by him showing the following details:-
- (a) owner of the vehicle;
  - (b) make of the vehicle;
  - (c) model of the vehicle;
  - (d) manufacturer of the vehicle;

- (e) registration number of the vehicle;
  - (f) private hire vehicle licence number;
  - (g) the issuing authority of the licence;
  - (h) the date of expiry of the private hire vehicle licence;
- and the Licensee shall produce this record of private hire vehicles operated upon request to any Officer authorised by the Council or to any police constable for inspection.
3. The operator shall record particulars of any property accidentally left in a vehicle and reported to him by the driver of such vehicle before the driver delivers the property to a police station in the District.
  4. The Licensee shall not assign or in any way part with the benefit of this licence.
  5. The Licensee shall notify the Council of any change of circumstances relating to the business including changes of vehicles and the engaging or discharge of drivers.
  6. The Licensee shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that:-
    - (a) every private hire vehicle, whether or not the Licensee provides the vehicle, is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976;
    - (b) every private hire driver is in possession of a current Licence granted under the provisions of the said Act of 1976.
  7. The Licensee shall produce this licence upon request to any Officer authorised by the Council or any police constable for inspection, and it is desirable that the licence be displayed in a prominent public position within the place of business.
  8. Records of bookings taken, and of vehicles and drivers carrying out the bookings are to be kept available for inspection for not less than a period of six months.
  9. This licence may be revoked, suspended or not renewed in accordance with the provisions of the said Act of 1976.

NOTE: These conditions to be read in conjunction with the Local Government Miscellaneous Provisions) Act 1976, Part II.

Any applicant who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

## **POLICY STATEMENT RELATING TO RELEVANCE OF CONVICTIONS FOR HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS'**

### **Applicants**

All applicants for hackney carriage or private hire driver licences ("Licences") are required to declare any convictions or cautions, warnings, fixed penalty notices and DVLA licence endorsements - including any pending convictions and investigations. All applicants must also submit to Disclosure and Barring Service checks. The Council will deal with all information provided in strict confidence. Any information will be retained for no longer than is necessary for the purposes of processing the application for the Licence.

### **Driver's Duty to Inform the Council**

Once a Licence has been granted Drivers are required to inform the Council in writing and within 7 days of any conviction, caution, warning or fixed penalty notice imposed on them since the grant of the Licence. In addition Drivers are required to inform the Council in writing and within 7 days of becoming aware of any pending criminal investigation that concerns them.

### **Consideration of Applications**

Each and every case will be decided on its own merits and in accordance with this policy.

### **Public Safety is the Primary Concern**

Public safety is the primary concern for the licensing of Hackney Carriage and Private Hire Drivers ("Drivers"). The Council has a duty to ensure, so far as possible, that Drivers are "fit and proper" persons to hold Licences. The Council has to consider whether Drivers are fit and proper when they apply for Licences, and it also has to consider whether they remain fit and proper throughout the time that the Licence remains in force.

If a Driver has convictions, cautions, warnings or Fixed Penalty Notices ("Convictions") for various offences this may mean that such a Driver is not a fit and proper person, and that the Driver should not be licensed. The Council can consider current Convictions and spent Convictions.

A person with a conviction for a serious crime need not be automatically barred from obtaining a Licence but would normally be expected to:-

- remain free from convictions for three to five years
- show sufficient evidence that they are a "fit and proper person" to hold a Licence.
- Simply remaining free from convictions will not generally be regarded as sufficient
- evidence that a person is a "fit and proper person" to hold a Licence.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

### **Offences of dishonesty**

Drivers are expected to be persons of trust. It is comparatively easy for a dishonest Driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of Drivers for their own safety and are expected to be dealt with fairly. The Council will take a serious view of any convictions involving dishonesty. In general a period of three to five years free of convictions should be required before considering an application. In particular an application will normally be refused where an applicant has a conviction for:-

- theft
- burglary
- fraud including benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- similar offences of dishonesty where the conviction is less than three years prior to the date of application

After three years have elapsed consideration can be given to the circumstances of the offence and any evidence that the applicant has mended his/her ways and can be considered a "fit and proper person".

### **Violence**

Drivers have close contact with the public - a firm line should be taken with applicants who have convictions for this type of offence. When the commission of an offence involves loss of life, a Licence will normally be refused. In other cases, a period of three to ten years free from offences involving violence (dependent on the seriousness of the offence) will be required before an application is likely to be considered.

An application will normally be refused where the applicant has a conviction for:-

- murder
- manslaughter
- manslaughter or culpable homicide whilst driving
- similar offences which may have replaced the ones listed.

An application will normally be refused for a period of five years from the date of conviction where the applicant has convictions for:-

- arson
- malicious wounding or grievous bodily harm
- any of the above which are racially aggravated
- grievous bodily harm (GBH) with intent

- wounding with intent
- robbery
- racially aggravated offences of criminal damage
- racially aggravated public order offences (e.g. aggravated fear or provocation of violence, aggravated intentional harassment alarm or distress, aggravated fear of violence)
- riot
- violent disorder
- assaulting a police officer in execution of duty
- possession of offensive weapon or firearm
- similar offences where the conviction is less than five years prior to date of application.

An application will normally be refused for a period of three years from the date of conviction where an applicant has convictions for:-

- common assault including racially aggravated assault
- assault occasioning actual bodily harm
- affray
- racially aggravated public order offence (harassment, alarm or distress)
- obstruction
- criminal damage
- resisting arrest
- similar offences when the conviction is less than three years prior to the date of application.

### **Supply of drugs**

An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than five to ten years prior to the date of application. After five years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a "fit and proper person".

### **Possession of drugs**

An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the conviction is less than five years prior to the date of application. An application from an applicant who has an isolated conviction for possession of drugs within the last three to five years will require serious consideration before a decision is made regarding their suitability.

### **Sexual and indecency offences**

As Drivers often carry unaccompanied passengers, applicants with convictions for rape, indecent assault or similar offences under the Sexual Offences Act will normally be refused a Licence. Applicants with convictions for soliciting or prostitution importuning indecent exposure or like offences under the Sexual Offences Act will normally be refused a Licence until they can show a period of five to ten years free from such a conviction. After five years have elapsed consideration will be given if an applicant can provide evidence that they can be considered a "fit and proper person".

**Minor traffic convictions - see Table 1**

Convictions for minor traffic offences will not prevent a person from being considered for a Licence. If an applicant has six live penalty points on their DVLA licence for such offences then the applications may be granted subject to a strong written warning. If an applicant has between six and nine penalty points on their DVLA licence then the applications will be referred to the Licensing and Public Protection Committee who may decide to refuse the application or at the very least issue a severe warning that further convictions could lead to revocation. Where an applicant has more than nine penalty points on their DVLA licence they must normally show a period of 12 months free from convictions before their application is considered. A Driver with 12 penalty points is likely to have their Licence revoked. An isolated conviction for, for example, driving without due care and attention should normally merit a warning as to future driving standards expected of Drivers. More than one conviction for this type of offence within the last two years is likely to merit refusal and the decision that no other application should be considered until a period of one to three years free from convictions have elapsed.

In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the council may still refuse on applications because different criteria apply.

**Major traffic offences - see Table 2**

If an applicant has live endorsements or has been disqualified from driving in respect of major traffic offences then the application will be referred to the Licensing and Public Protection Committee and will normally be refused until at least five years after the most recent such convictions. In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the council may still refuse on applications because different criteria apply.

**Drink Driving / Driving Under the Influence of Drugs**

A serious view should be taken of a person who has been convicted of driving or being in charge of a vehicle while under the influence of alcohol and / or drugs.

Applicants must show at least three years free from convictions after the restoration of their DVLA driving licence before their application will be considered. More than one "live" conviction for this type of offence would require a period of at least five years free from convictions before the application would be considered. Such an applicant would also be required to pass a further medical examination, and if found to be alcoholic or addicted to drugs a further period of five years should elapse after treatment is complete before an application is considered.

**Alcohol Related Offences Other Than Drink Driving**

An isolated conviction for drunkenness need not debar an applicant from gaining a Licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating medical examination.

**Offences by licensed Drivers**

Any conviction which results from an offence committed by any person whilst working as a Driver (especially the offence of illegally plying for hire) is regarded as extremely serious and may lead to a Licence being suspended or revoked or an application to renew the Licence being refused. More than one conviction for the above would certainly lead to the Licence being revoked. This includes any offences against the Town Police Clauses Act 1847, The Local

Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation.

Convictions of any description listed in table 1 committed by Drivers during the duration of their Licence must be declared to the licensing section in writing within seven days of the conviction date.

**Spent convictions**

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

Imprisonment of between six and 30 months	Ten years
Imprisonment of up to six months	Seven years
Borstal training	Seven years
Community service order	Five years
Absolute discharge	Six months
Probation order, conditional discharge or bind cover	One year (or until the order expires, whichever is the longer)
Detention centre order	Three years
Remand home, attendance centre or approved school order	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act	The period of the order and a further two years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the armed forces	Ten years
Dismissal from the armed forces	Seven years
Detention in HM service	Five years
A fine or other sentence not otherwise covered in this table	Five years

- (i) A sentence of more than 30 months imprisonment can never become spent
- (ii) A person under 17 years of age on the date of conviction should halve the period in the right column.

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1, Paragraph 12(e).

**Applicants must disclose all previous cautions and convictions whether they are spent or not.**

**Table 1: Minor traffic offences**

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence
MS10	Leaving a vehicle in a dangerous position
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver, etc
MW10	Contravention of special road regulations (excluding speed limit)
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a „stop“ sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

- Aiding, abetting, counselling or procuring- offences as coded above.
- Causing or permitting- offences as coded above.
- Inciting- offences as coded above.

**Table 2: Major traffic offences**

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
CD10	Driving without due care and attention

CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to supply drug specimen for analysis in circumstances driving or to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third-party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

- Aiding, abetting, counselling or procuring offences as coded above.
- Causing or permitting offences as coded above.
- Inciting offences as coded above.

ANNEX 2

**GUIDANCE MATRIX OF PENALTIES FOR OFFENCES COMMITTED WITHIN TWO ROLLING LICENCE YEARS**

	<u>1<sup>st</sup> Offence following warnings (where appropriate).</u>	<u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> &amp; Subsequent Offences</u>	<u>Comments</u>
1. Failure to wear badge clearly visible.	1-3 day suspension	7 day suspension	Referral to the L&PPC*	Additional days may be added if the badge is not in the vehicle and immediately available to be worn *Licensing & Public Protection Committee.
2. Breach of dress code	3 day suspension	7 day suspension	Referral to the L&PPC	The penalty may be increased if the breach of dress code compromises public safety. (e.g.) wearing unsuitable footwear.
3. Improper use of rank/ leaving vehicles unattended	3 day suspension	7 day suspension	Referral to the L&PPC	
4. Uncivil behaviour	3 day suspension	7 day suspension	Referral to the L&PPC	
5. Eating, drinking or using an electronic smoking device whilst driving a licensed vehicle	3 day suspension	7 day suspension	Referral to the L&PPC	This includes any devices which are similar to electronic smoking devices.
6. Breach of road safety legislation	3 day suspension	7 day suspension	Referral to the L&PPC	
7. Use of mobile phone whilst driving a licensed vehicle	7 day suspension	14 day suspension	Referral to the L&PPC	
8. Failure to notify change of address	4 day suspension	10 day suspension	Referral to the L&PPC	
9. Overcharging	7 day suspension	10 day suspension	Referral to the	

L&PPC

	<u>1st Offence following warnings (where appropriate).</u>	<u>2nd Offence</u>	<u>3rd &amp; Subsequent Offences</u>	<u>Comments</u>
10. Failure to notify of a Conviction, caution or fixed penalty notice	14 day suspension/ Referral to L&PPC	Referral to the L&PPC		<b>This includes all convictions, cautions and fixed penalty notices.</b>
11. Failure to pick up passengers	3-21 days suspension depending upon circumstances	3-21 days suspension depending upon circumstances or revocation	Referral to the L&PPC	<b>Each event will be considered on its own merit. A missed pick up which results in disruption, distress and/or financial loss will be dealt with more significantly.</b>

Notes:

- The Council's approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver and for some minor contraventions of conditions will initially be by way of a verbal warning and then written warning.
- This list of penalties is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Other offences will be dealt with in a manner which is commensurate with the above Penalty Matrix
- Referral to the Licensing and Public Protection Committee (L&PPC) remains an option at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the L&PPC upon conviction of that offence.
- Significant matters may result in revocation at any time.
- Legislation allows for prosecution of some offence as an option at any time.
- Officers have delegated powers to suspend or revoke licenses as well as to refer matters to the L&PPC or for prosecution where appropriate.

ANNEX 3DRESS CODE

- (i) Male drivers shall, as a minimum, wear a shirt or "T" shirt and tailored shorts, trousers or denim jeans. The shirt or "T" shirt shall cover the shoulders and be capable of being worn inside the shorts or trousers. Shirts worn as open neck shirts shall have no more buttons open than the collar button and the next button. "T" shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-
- a) Manufacturer and/or
  - b) Operator/Proprietor and/or
  - c) The name of the driver
- "Tailored" in respect of shorts and trousers shall be defined as having a fly fastening and capable of being worn with a belt on the waist. In addition, shorts and trousers shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt, tracksuits, denim shorts and denim jackets shall not be permitted.
- (ii) The dress code for female drivers shall be as for male drivers with a substitution of "blouse" for "shirt" and the addition of "skirt" to "tailored shorts or trousers".
- (iii) For safety reasons footwear for all drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt, mules or beach "flip flops" shall not be permitted.
- (iv) All clothing shall be free from holes, rips and snags and fastenings shall be in good order.
- (v) The person responsible for maintenance shall carry in the relevant vehicle an overall or similar item of protective clothing which shall be worn over clothing in the event of any vehicle maintenance being undertaken whilst away from the base.
- (vi) The wearing of all headgear (including caps and hats) is prohibited whilst driving a licensed vehicle except where worn for religious reasons
- (vii) Lanyards used to display driver's badges shall not be permitted carry any wording upon them.
- (viii) The use of electronic smoking devices or similar whilst driving a licensed vehicles is prohibited. Further, their use is discouraged within licensed vehicles and drivers should treat them in the same way as smoking tobacco.

Some examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

**RULES OF THE RANK**

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 byelaw in that behalf
- (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand;
- (c) On arrival at a stand not already occupied by the full number of carriages authorized 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 so as to fill the place previously occupied by the carriage driven off or moved forward.
- (e) For the avoidance of doubt, Private Hire Vehicles must not park on or near a taxi rank; it is an offence to ply for hire in a Private Hire vehicle.

**Hackney Carriage/Private Hire Policy Consultation****List of Consultees****Name**

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 Jason Salter Licensing Enforcement Officer - Cannock Chase District Council  
 Karen Sulway CCDC Environmental Health Manager  
 John Ness CCDC Environmental Health Officer  
 Ian Collingham CCDC Planning Officer  
 Gary Finn CCDC Legal  
 Steve Partridge CCDC Legal  
 Eddie Langley CCDC Housing  
 Geoff Winslow CCDC Estates  
 Joss Presland CCDC Depot  
 Karen Ward CCDC Tourism  
 Darren Edwards CCDC  
 Tom Walsh CCDC Parks & Open Spaces  
 Donna Meredith-Wood CCDC  
 John Hemingsley CCDC Planning  
 Kerry Wright CCDC Community Safety  
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 Cannock Citizens Advise Bureau  
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Cannock Pubwatch  
Rugeley Pubwatch  
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Rugeley Youth Centre  
Church Engagement Network  
Staffordshire Parent Action Network  
Consultation Panel Residents  
Community Transport  
Staffordshire Public Access Network  
Mencap Day Centre User  
Youth Action Kouncil  
Residential Care Home Manager

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