

<b>Report of:</b>	<b>Head of Economic Prosperity</b>
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<b>Report Track:</b>	<b>Council: 21/04/21</b>

**Council**

**21 April 2021**

**Review of Hackney Carriage / Private Hire Driver, Vehicle & Operator  
Licensing Policy and  
National Register of Taxi Licence Revocations and Refusals (NR3)**

**1 Purpose of Report**

- 1.1 To seek approval and adoption of Cannock Chase District Council's revised Hackney Carriage and Private Hire Driver, Vehicles and Operators Licensing Policy ('the Policy').
- 1.2 To seek approval and adoption of Cannock Chase District Council's National Register of Taxi Licence Revocations and Refusals ('the NR3 Policy').

**2 Recommendation(s)**

- 2.1 That Council approves and adopts the Policy at Appendix 1 to this report.
- 2.2 That the Head of Economic Prosperity be authorised to determine the mechanism(s) for implementation of all driver training requirements within the Policy.
- 2.3 That the Head of Economic Prosperity 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 service improvement.
- 2.4 That Council approves and adopts the NR3 Policy at Appendix 7 to this report.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 The Council's primary aim in carrying out its Taxi and Private Hire licensing function is to protect and promote public safety. 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.

### **Reasons for Recommendations**

- 3.2 In order to effectively discharge these legal obligations the Council requires a Policy framework. Following consultation, a revised and updated 2021 Policy has been produced. A number of improvements and changes have been made which, together with recently published new National Standards; *Department for Transport, Statutory Taxi & Private Hire Vehicle Standards*, form the basis of this latest revision.
- 3.3 The Policy provides clear guidance on 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.
- 3.4 The Council has consulted widely on its draft revised policy and a list of consultees is available by contacting the Council's Licensing Unit. A summary of the main changes consulted on is given at Appendix 2. A summary of the consultation responses from a representative of the Trade, Staffordshire County Council, Cllr Bryan Jones and a member of the public who lives in the Cannock Chase area, together with officer appraisals and suggested Council response, are at Appendices 3, 4, 5 and 6 respectively. A complete set of consultation responses is available in the Environmental Health Licensing Unit should members wish to view these.
- 3.5 In order to further strengthen our robust procedures for the licensing of drivers, the Council will sign up to the National Register of Revocations and Refusals (NR3). This register is an agreed mechanism enabling all licensing authorities to share information concerning individuals who have had licences refused or revoked. The NR3 Policy is appendix 7 to this report.

## **4 Relationship to Corporate Priorities**

- 4.1 This report supports the Council's Corporate Priorities as follows:
  - (i) Supporting Economic Recovery – benefitting the local economy through provision of essential local transport within the District, supporting in particular the night time economy; implementing risk-based, proportionate controls; ensuring all licence holders are treated equitably; ensuring non-compliance does not lead to unfair competitive advantage;
  - (ii) Health and Wellbeing – Promoting equality of access to services and protecting public safety, particularly those who are, or could become, vulnerable; ensuring licensed drivers are fit and proper and licensed vehicles are safe and suitable through checks on driving, medical and criminal records; mechanical testing and ensuring licence holders receive awareness training covering their obligations and contributions towards reporting modern slavery and child sexual exploitation matters; promoting improved air quality through compliance with vehicle emission standards.

<b>5</b>	<b>Report Detail</b>
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5.1 The hackney carriage (“taxi”) and private hire vehicle (minicab and chauffeur driven vehicle) trades provide a vital service to residents and visitors to Cannock Chase District in 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:

- 281 Hackney Carriage / Private Hire Drivers (dual licences)
- 218 Hackney Carriages
- 20 Private Hire Vehicles
- 13 Private Hire Operators (providers of a base and radio network)

In agreement with the Council’s Licensing Unit, a number of hackney carriage proprietors are currently delaying the renewal of their vehicle licences due to the current Covid19 pandemic.

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 are fit and proper and vehicles are safe and suitable
- 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 taxi / private hire licensing

5.4 The policy covers several key areas including:

- New National Standards issued by the Department for Transport in July 2020
- Driver “fitness and propriety”, or “safety and suitability” (driving and medical records, criminal history, knowledge test, personal conduct and behaviour)
- The introduction of the National Register of Revocations and Refusals (NR3)
- The relevance and significance of any previous criminal convictions
- Driver testing and training requirements (both pre- and post- licence)
- Vehicle testing, safety, access and condition
- Duration of Licences
- Driver and vehicle licence conditions (for example: on-going training, notifying changes in circumstances, dress code etc.)

- Criteria for deciding whether to grant, renew, suspend or revoke licences
  - Enforcement of licence conditions.
- 5.5 Concern has been expressed in recent years over the role played by taxi and private hire drivers in large scale organised Child Sexual Exploitation (CSE). In response the Council now has robust procedures in place for both the licensing of drivers and the investigation of complaints. The Council continues to work with partners in order to strengthen licence conditions in relation to awareness and prevention of CSE.
- 5.6 The Hackney Carriage and Private Hire Liaison Group (HCPHLG), consisting of trade representatives, together with licensing officers and Cllr Carl Bennett, the Chair of the Group, has been made aware of the major changes proposed in this latest Policy revision.
- 5.7 The draft policy was consulted on during a 4-week period between 22 January 2021 and 21 February 2021. Interested groups were consulted and the draft policy was posted on the Council's website.
- 5.8 Details of the changes consulted on, together with the responses received, Officer appraisal, and the proposed response from the Council, are given at Appendices 3, 4, 5 and 6.
- 5.9 The National Register of Revocations and Refusals (NR3) is a nationally agreed mechanism enabling all licensing authorities to share information concerning individuals who have had licences refused or revoked. The objective is to ensure that this authority is able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. The Register also ensures that all other subscribed authorities are made aware of instances where Cannock Chase Council has refused or revoked a licence, so ultimately improving public safety nationally.

## **6 Implications**

### **6.1 Financial**

Taxi and private hire licensing fees are regularly reviewed. The outcomes of such reviews are reported to members in due course as part of the budget / fees and charges process.

### **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 Risk Management

Both the Policy and the NR3 Policy ensure the Council is able to effectively discharge its statutory licensing functions.

### 6.5 Equality & Diversity

The Policy and the NR3 Policy documents will be made available in large print, Braille and as an audio version, on request.

An Equality Impact Assessment has been carried out for the Policy.

### 6.6 Climate Change

In July 2019 the Council declared a Climate Emergency, which committed the Council to a vision of Carbon Neutrality by 2030. The Council is therefore keen to improve the licensed taxi and private hire fleet even further.

At this stage, the consultation process did not specifically seek views on the use of electric vehicles as this will be the subject of a further consultation later in the year. However, all licensed drivers and other interested parties with an early interest in such matters were asked to complete a survey on the use of electric vehicles. 51 responses were received from licensed drivers and the results of the survey will be used to inform a further policy consultation later in the year.

This further consultation is intended to seek comment upon whether there should be a future date, beyond which the Council will no longer license new vehicles fuelled only by petrol or diesel.

## 7 Appendices to the Report

Appendix 1: Taxi and Private Hire Licensing Policy 2021.

Appendix 2: Summary of changes to the Licensing Policy.

Appendix 3: Trade Response and Officer Appraisal.

Appendix 4: Staffordshire County Council Response and Officer Appraisal.

Appendix 5: Councillor Bryan Jones' Response and Officer Appraisal.

Appendix 6: Mr John Pollard Response and Officer Appraisal.

Appendix 7: National Register of Taxi Licensing Revocations and Refusals (NR3)

### Background Papers

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

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**HACKNEY CARRIAGE/  
PRIVATE HIRE DRIVER, VEHICLE  
& OPERATOR  
LICENSING POLICY**

**INCLUDING LICENCE CONDITIONS**

Effective 1 June 2021

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## AMENDMENT RECORD

Amendment No.	Date of Amendment	Revision
1	8 July 2014	Amendment to the wording in paragraph 1 on page 15 which relates to the Equality Act 2010.
2	7 July 2016	Revision of policy including the addition, amendment and removal of conditions.
3	April 2021	Revision and updating of the Policy to include the introduction of DfT National Standards, the Institute of Licensing Policy on the Suitability of Applicants and Licencees in the Hackney and Private Hire Trades and the National Register of Taxi Licence Revocations & Refusals (NR3). The revision also included the addition, amendment and removal of some conditions and policy requirements.

<b>1.</b>	<b>Introduction</b>
1.1	<p>In carrying out its taxi and private hire licensing function, Cannock Chase District Council (The Council) will have regard to the Statutory Taxi &amp; Private Hire Vehicle Standards as required by the Policing and Crime Act 2017 and in doing so it will seek to promote the following objectives:</p> <ul style="list-style-type: none"> <li>• Safety and health of drivers and the public</li> <li>• High standards of vehicle safety comfort and access</li> <li>• Prevention of crime and disorder and the protection of consumers</li> <li>• Environmental sustainability through improved air quality</li> <li>• Equality and accessibility in service provision</li> <li>• Promotion of good behaviour and professional conduct</li> </ul>
	<b>National Standards</b>
1.2	<p>The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places a duty on the Licensing Authority to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles.</p> <p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• Hackney Carriages; being public transport vehicles which are licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public within the Cannock Chase District.</li> <li>• Private Hire Vehicles: licensed as a vehicle to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street.</li> <li>• Private Hire Operators</li> <li>• Hackney Carriage &amp; Private Hire Drivers</li> </ul> <p>The Statutory Taxi &amp; Private Hire Vehicle Standards, issued by the Department for Transport (DfT) in July 2020, assert that taxis and private hire vehicles are a high risk environment and that minimum standards are required to regulate the taxi and private hire sector. Cannock Chase Council will have regard to these national Standards within its revised Hackney Carriage/Private Hire Driver, Vehicle &amp; Operator Licensing Policy.</p> <p>Although the said standards focus on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained within the DfT document and the DfT expects the recommendation contained within the Statutory Taxi &amp; private Hire Vehicle Standards document to be implemented unless there is a compelling local reason not to.</p> <p><b>A link to the</b> Statutory Taxi &amp; private Hire Vehicle Standards, can be found here:  <a href="https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards">https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</a></p> <p>The Council will also have regard to the Best Practice Guidance which is issued from time to time by the DfT:  <a href="https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance">https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance</a></p>
1.3	<p>As this document forms part of your licence conditions, the Council expects all new applicants and existing drivers, proprietors and operators to be aware of, and demonstrate commitment to, promoting these objectives and to recognise that the protection of the public is the paramount consideration of the Council in terms of taxi licensing.</p>

1.4	To this end, the Council expects those who control the use of licensed vehicles to keep comprehensive written records of day to day fares and bookings, e.g. date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake. Private hire operators have specific requirements in this regards.
1.5	The Council expects the highest standards of conduct from all its licensed Hackney Carriage/Private Hire Drivers. In particular, new applicants and existing drivers should be aware that their behaviour at any time may form part of a decision as to their fitness and propriety to become or remain a licensed driver.  Information on the fitness and propriety of licensed drivers can be found in the guidance for new applicants section of this document.
1.6	All drivers of Cannock Chase Council licensed hackney carriages and private hire vehicles ('Drivers') must hold a Hackney Carriage/Private Hire Drivers' Licence issued by Cannock Chase Council.
1.7	Private hire operators must be licensed by the Council as must the driver and the private hire vehicle. The Operator must have a Base within the Cannock Chase District and must be responsible for taking the bookings. All three licences must be issued by the same Council.
1.8	Hackney carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.
1.9	The Council has a duty to protect the public funds it administers and, to this end, may use information provided for the prevention and detection of crime and fraud. We may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.
1.10	Before sitting as a member of the Council's Licensing & Public Protection Committee (L&PPC), Council members will need to attend a training session with officers from Legal Services and the Licensing Unit. Members will need to attend refresher training every year that they remain a member of the L&PPC.
	The Policy Consultation Process
1.11	The Council consulted widely with a variety of partners and interested parties as well as the general public. This included consultation with representatives of the Cannock Chase Council's Hackney Carriage/Private Hire Liaison Group. The consultation took place between 22 January 2021 to 21 February 2021.  The Policy was adopted by full Council, on 21 April 2021 and is available on the Council's website at: <a href="http://www.cannockchasedc.gov.uk">www.cannockchasedc.gov.uk</a>  The contact details for the Council's Licensing Unit are: Licensing Unit, Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG Phone: 01543 462621 Fax: 01543 464489 Email: <a href="mailto:licensingunit@cannockchasedc.gov.uk">licensingunit@cannockchasedc.gov.uk</a>

	<b>Policy Objectives</b>
1.12	<p>The Council's Policy objectives are:-</p> <p><b>Public Protection –</b> ensuring that the public can travel safely and that licensed drivers, vehicle licence holders and operators are “fit and proper” persons, and that vehicles are safe.</p> <p><b>Improving Quality –</b> ensuring that drivers are good, reputable drivers with up to date knowledge and training in relation to licensing matters.</p> <p><b>Promoting High Vehicle Standards –</b> Ensuring that vehicles are clean and in good condition, comfortable and accessible for all passengers. Ensuring, that vehicles over six years old are subject to regular checks to ensure safety and compliance with emissions standards.</p> <p><b>Improving Access for All –</b> Encouraging a good level of service for the public and supporting vital transport links for the community, enabling visitors to move quickly and safely through the Cannock Chase District.</p> <p><b>Improving Public Confidence –</b> Ensuring that the travelling public feel safe through effective compliance and enforcement as well as regular test purchase exercises in respect of hackney carriage and private hire vehicles.</p> <p><b>Supporting the Safety and Success of the Night Time Economy –</b> ensuring the public can return home safely, helping crowds to disperse quickly and peacefully after events, or during busy times.</p> <p><b>Improving Air Quality-</b> Ensuring that vehicles which are new to licensing with the Council meet a minimum of Euro 6 Emission Standard.</p>
	<b>Relationship to the Council's Corporate Priorities</b>
1.13	<p>This Policy supports the Council's Corporate Priorities as follows:-</p> <p>(i) Promoting Prosperity – benefitting the local economy through provision of essential local transport within the District, supporting in particular the night time economy; implementing risk-based, proportionate controls; ensuring all licence holders are treated equitably; ensuring non-compliance does not lead to unfair competitive advantage;</p> <p>(ii) Community Wellbeing – Promoting equality of access to services and protecting public safety, particularly those who are, or could become, vulnerable; ensuring licensed drivers are fit and proper and licensed vehicles are safe and suitable through mechanical testing and checks on driving, medical and criminal records; ensuring licence holders receive awareness training covering their obligations and contributions towards reporting modern slavery and child sexual exploitation matters; promoting improved air quality through compliance with vehicle emission standards.</p>
	<b>Future Changes</b>
1.14	<p>The Council will monitor the effectiveness of the policy in terms of promoting public safety and public confidence. The Council will also have to consider the Policy in light of any further developments in the law and changes in government policy and guidance. The Council will review this Policy as appropriate.</p>

1.15	We will review this policy at least every 5 years and will consider an interim review should it be necessary to do so because of a change in legislation or guidance or as a result of other developments which affect the local area. The Council will consult with stakeholders at any time that it is considering substantial changes to this Policy.
	<b>Information Sharing</b>
1.16	<p>The Council shares information with partner organisations including Staffordshire Police, Environmental Health, Department of the Environment, Food &amp; Rural Affairs ( DEFRA), The National Anti-Fraud Network (NAFN) the County Council, DVSA and the National Fraud Initiative (NFI) in the interests of crime prevention and enforcement.</p> <p>Council officers may contact these organisations in order to ensure effective regulation of the hackney carriage and private hire licenced trade. The Police have powers to disclose information about relevant investigations even before an arrest or conviction is made.</p>
	<b>Data Protection</b>
1.17	<p>When an individual or an organisation provides information to the Council, this data is held in accordance with the General Data Protection Regulations 2018. Data that is provided to the Council is used for processing applications, recording details of successful applicants, and for enforcement and crime prevention purposes.</p> <p>The Council may share data with other services and with partners of the Council where required by licensing procedures and for enforcement and crime prevention purposes but data will not otherwise be passed on to any other party.</p> <p>While certain information may be disclosed under the Freedom of Information Act, personal data will be protected unless it is also official business data (e.g. a licensee whose registered business address is also his home).</p> <p>The Council's Fair Processing Notice is attached as an annex to this policy.</p>
	<b>Equality and Diversity</b>
1.18	<p>Through the Council's policies and service delivery the Council's main aims for equality and diversity are to:</p> <ul style="list-style-type: none"> <li>- Eliminate unlawful discrimination</li> <li>- Promote equality of opportunity</li> <li>- Promote good relations between diverse communities.</li> </ul> <p>A link to the Council's Equalities and Diversities Policy can be found here :  <a href="https://www.cannockchasedc.gov.uk/council/about-council/equality-and-diversity">https://www.cannockchasedc.gov.uk/council/about-council/equality-and-diversity</a></p> <p>The Council carried out an Impact Assessment of this Policy, which assessed how it affects people with protected characteristics and other equality groups.</p>
	<b>Crime and Disorder Act 1988</b>
1.19	<p>Under section 17 of the Crime and Disorder Act 1998 the Council is required to promote the prevention of crime and disorder within its area. This Policy will contribute to that objective.</p> <p>The Council will ensure that all licensed vehicles have the contact number of the Council's Licensing Unit clearly displayed on the rear of the front licence plate which is located at the bottom of the front nearside of the windscreen.</p> <p>The Council will also ensure that travelling passengers and the public in general have a clear mechanism for compliments, comments or complaints about drivers and vehicles to the Licensing Unit This can be done by contacting the Licensing Unit or by visiting the Council's website.</p>

<b>2.</b>	<b>General Driver Information, Expectations and Policy Requirements</b>
2.1	<p>The statutory and practical criteria and qualifications for a private hire driver are broadly similar to those for a hackney carriage driver. The policy requirements regarding driver's licences therefore apply equally to both groups.</p> <p>Cannock Chase District Council issues dual drivers' licences, permitting the driver to drive either a Hackney Carriage or a Private Hire Vehicle.</p> <p>In order to assess the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsafe or unsuitable people who are not fit and proper.</p> <p>Licence holders must ensure that they remain 'fit and proper' at all times to ensure that they retain their licence.</p>
2.2	In considering an individual's criminal record, the licensing authority will consider each case on its merits, but will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.
2.3	<p>The Council will normally provide drivers with three year dual hackney carriage/private hire drivers' licences. A licence may be issued for a shorter period upon driver request or at the discretion of the licensing authority dependent upon the circumstances of the case.</p> <p>Reimbursement may be offered following the surrender of a hackney carriage/private hire drivers' licence prior to the licence expiring but will not normally be offered where the said licence is revoked by the Council.</p>
2.4	Drivers are expected to renew their licences in good time and will be reminded to do so by the Licensing Unit. Failure to renew licences in good time without reasonable excuse will result in the expiry of the existing licence and will require a new application to be made. No application will be prioritised because it is late.
2.5	Licensed drivers must be contactable at all reasonable times and the Council expects that all contact details provided, such as telephone number, home addresses and email addresses are correct and up to date. Where drivers cannot be contacted after reasonable attempts have been made by the Licensing Unit, drivers may have formal action taken against them and their Hackney Carriage/Private Hire Drivers Licence may be suspended or revoked.
2.6	When submitting an application for a Hackney Carriage/Private Hire Drivers Licence, applicants may be required to provide a Statutory Declaration of their conviction and cautions. Simple and conditional cautions must be declared and shall be treated as convictions for the purposes of these applications.
2.7	The Council will not process a licence application unless it is satisfied that driver is a "fit and proper person". The Council will use the National Anti-Fraud Network (NAFN) register of drivers (NR3) who have been refused or had revoked a taxi or PHV driver licence. We will record any cases within the Cannock Chase District and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal, suspension or revocation and upon appropriate request, we will provide those details to other authorities on a confidential basis.
2.8	Where a driver has been living or working outside the UK for more than 3 months at a time that driver may be asked to provide the Licensing Unit with a Certificate of Good Conduct. Government guidance on obtaining a Certificate of Good Conduct from any overseas country can be found at: <a href="https://www.gov.uk/government/publications/criminal-records-">https://www.gov.uk/government/publications/criminal-records-</a>

	<a href="#">checks-for-overseas-applicants</a> A full written explanation must be provided to the Licensing Unit if no such certificate can be obtained.
2.9	Drivers are required to respond to and co-operate with all reasonable requests made by authorised officers from other areas. For avoidance of doubt, drivers should, to any licensing officer, make their badges plainly visible and provide information regarding their reason for being present upon request in order that the officer may, for example, rule out unlawful plying for hire.
2.10	Where appropriate, council licensing officers may act upon evidence which is provided to them by the police, Staffordshire County Council and other licensing authorities where reasonable expectations of drivers or vehicles have not been met or licence conditions have been compromised.
2.11	Hackney carriage/private hire drivers have a duty of care towards the passenger they convey within their licensed vehicles. The Licensing Authority considers that the number of hours worked by drivers can impact the public safety and as a result we seek to promote the Working Time Directive in respect of the reasonable hours in which drivers are expected to work. To that end, no hackney carriage/private hire driver should cause themselves to be unfit for work due to tiredness caused by working excessive hours.
2.12	Licensed drivers are expected to carry out their duties with propriety and not engage with passengers in an inappropriate manner which may give them due cause to feel ill at ease or even threatened. Drivers should act in a business-like manner and avoid asking intrusive questions. Personal contact details should not be exchanged without the express agreement of the passenger.
2.13	Drivers must turn off their engines whilst stationary. This is in order to reduce any potential pollution as well as saving money on fuel costs. Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
2.14	The Council will require all applicants and existing drivers to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be used will be provided by the Council's Licensing Unit on request.
2.15	The driver shall carry out a regular check of the vehicle before starting work. This will ensure the vehicle is roadworthy and that, as far as reasonably practicable, all lights and indicators are working correctly and tyres are in good order. Recommended oil and water levels must also be maintained and the licence plate must be properly positioned.
2.16	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 either due to the maintenance and safety of their vehicles or in the manner of their driving. As licence holders, the Council expects the highest standards and existing drivers can expect any misconduct to be fully investigated and appropriate action taken in line with this breach of trust.
	<b>Requirement for Drivers to Notify the Council's Licensing Unit</b>
2.17	<b>All licence holders must inform the Council as soon as possible and in any event within 48 hours, if they have been questioned, cautioned, interviewed, arrested or charged in connection with:</b> <ul style="list-style-type: none"> <li>• touching a child or young person unnecessarily or inappropriately</li> <li>• making offensive or inappropriate comments towards a child</li> <li>• misusing or attempting to misuse personal details obtained as part of a fare or booking;</li> <li>• sexual activity with a child or vulnerable person;</li> <li>• inappropriate relationship with a child or vulnerable person;</li> <li>• violence, coercion or intimidation of a child or vulnerable person;</li> <li>• human trafficking;</li> </ul>



	<b>The notification shall specify the nature of the incident, the date of the incident, the date of arrest and / or questioning etc.</b>
2.18	<p>The Licensing authority maintains close links with the police in order to ensure effective and efficient information sharing protocols and procedure however, all licence holders are required to notify the Licensing Unit within 48 hours of:</p> <ul style="list-style-type: none"> <li>• any arrest</li> <li>• any offence with which s/he is charged;</li> <li>• any pending court appearances;</li> <li>• all convictions;</li> <li>• the acceptance of a fixed penalty notice;</li> <li>• all endorsements for any motoring offences;</li> <li>• their acceptance of a speed or other awareness course; and,</li> <li>• all cautions, including those commonly referred to as “simple” “formal” or “police” cautions issued by the police or any other prosecuting authority.</li> <li>• Any Community Resolution Order imposed</li> </ul> <p><b>The notification shall specify the nature of the offence, the date of the offence, the date of conviction or caution and the penalty imposed.</b></p>
2.19	The driver shall provide the information in writing within 48 hours of accepting or receiving one of the above. For the avoidance of doubt, the date on which the offence becomes notifiable to the Council is the date on which the commission of the offence is accepted and admitted.
2.20	Drivers must notify the Council of any change of address within 7 days and then present their DVLA Driving Licence to the Council showing the new address details within 28 days of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.
2.21	Drivers must notify the Council’s Licensing Unit without delay and as soon as reasonably possible, if they are admitted to hospital or suffering from 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. If in doubt, drivers should make enquiries with their own General Practitioner to determine whether such notification is appropriate. Failure to notify the Council as appropriate may result in the suspension or revocation of the hackney carriage/private hire drivers’ licence.
2.22	It is the responsibility of the driver to ensure that the insurer(s) of their vehicle(s) are notified of any convictions or fixed penalty notices.
2.23	NOTE: Failure to notify the Council of any of the above matters in good time may question the honesty of the driver irrespective of the outcome of any investigation. As a result, failure to notify the Council may result in suspension or the revocation, refusal to renew an licence or referral to the Council’s Licensing & Public Protection Committee for a determination of the drivers fitness and propriety.
	<b>Driver Training</b>
2.24	The Council recognises that licensed drivers can be an asset in the detection and prevention of crime and the abuse or neglect of children or vulnerable adults. However we also recognise that in order to do so, they must be aware of and alert to the signs of potential abuse and know where to turn to if they suspect a child or vulnerable adult is at risk of harm or in immediate danger. To this end, all licensed driver are required to undertake an initial knowledge test prior to licensing and then appropriate training and refresher training when required.
2.25	Training will be that which the Council considers reasonably necessary to promote the objectives of the Policy and may include: Equality & Disability Awareness; Safeguarding;

	<p>Child Sexual Exploitation (CSE) County Lines and the prevention of terrorism as well as how to report any concerns.</p> <p>This training will help licensed drivers to:</p> <ul style="list-style-type: none"> <li>• provide a safe and suitable service to vulnerable passengers of all ages;</li> <li>• recognise what makes a person vulnerable; and</li> <li>• understand how to respond, including how to report safeguarding concerns and where to get advice.</li> </ul> <p>Drivers should also be aware of the following warning signs in respect of safeguarding and County Lines exploitation:</p> <ul style="list-style-type: none"> <li>• Children and young people travelling in taxis or private hire vehicles alone;</li> <li>• travelling at unusual hours (during school time, early in the morning or late at night);</li> <li>• travelling long distances;</li> <li>• unfamiliar with the local area or do not have a local accent;</li> <li>• paying for journeys in cash or prepaid.</li> </ul> <p>All drivers will be required to undertake this training in accordance with an implementation scheme to be determined. Failure to undertake the necessary training may lead to the suspension or revocation or refusal to renew the hackney carriage/private hire drivers' licence.</p>
2.26	In some circumstances, drivers may be required to undertake training on matters specific to their individual needs, for example: Safe driving; understanding the requirements of Council Policy; anger management; handling conflict & aggression; health & safety and customer service.
2.27	Drivers who fail to successfully complete any compulsory training may be required to undertake further training and/or have further action taken against them. These measures may include: having their hackney carriage/private hire drivers licence suspended, revoked or not renewed or be referred to the Council's Licensing & Public Protection Committee for a determination of the drivers fitness and propriety.
	<b>Disclosure and Barring Service (DBS) Enhanced Disclosure Update Service</b>
2.28	All applicants and licensed drivers are required to sign up to and maintain a subscription to the DBS Online Update Service. Drivers are encouraged to set up the DBS automatic renewal when first joining the update service and must remain subscribed for the duration of their licence. The Council will check the online DBS at 6 monthly intervals in order to ensure public safety. If the subscription is properly maintained and kept live with no status changes, no further action will be required by the driver.
2.29	Where the DBS Update Service subscription is not maintained, a new DBS will be required and the driver's licence may be suspended until the driver renews the subscription and a new DBS Disclosure is received by the Licensing Unit. Drivers are reminded of the need to promptly notify the Council of convictions, cautions etc. in accordance with Council Policy.
	<b>DVLA Driving Licences</b>
2.30	A Driver and Vehicle Licensing Agency (DVLA) Driving Licence must be valid and in good condition. It must be legible and bear the driver's current home address.
2.31	Drivers may be required to provide their DVLA Photocard Driving Licence for scrutiny by both the Licensing Unit and by any outside agency employed for that purpose.
	Drivers may also be required to sign an agreement mandate which will allow the Council

	<p>to check their DVLA Licence status. Drivers are responsible for making sure that their DVLA Driving Licence is valid and up to date.</p> <p>Drivers will also be required to show or share their DVLA Driving Licence information with the Council's Licensing Unit upon request. This can be done in person at the Civic Centre or by means of a DVLA share code provided to the Licensing Unit. Drivers who do not comply with this reasonable request may have formal action taken against them.</p>
2.32	<p>Any driver who permits their DVLA Photocard Driving Licence to expire may have their Hackney Carriage/Private Hire Drivers' Licence suspended if they have failed to comply with a licence condition requiring them to renew their DVLA Photocard.</p>
2.33	<p>Any driver who, at any time, has 9 or more "live" points 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.</p> <p>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.</p> <p>If concerns are raised by the driving assessor about the proficiency of the driver during the driving assessment, the Council may require additional driver training or further assessments to be carried out.</p> <p>The driver may have their Hackney Carriage/Private Hire Drivers' Licence suspended or revoked if their driving is deemed dangerous.</p>
2.34	<p>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 referred to the Council's Licensing &amp; Public Protection Committee so that their fitness and propriety can be assessed.</p> <p>The expectation will be that drivers who persistently have penalty points imposed upon their DVLA Driving Licence may have their Hackney Carriage/Private Hire Drivers' Licence revoked.</p>
2.35	<p>Any driver who has 12 penalty points or more upon their DVLA driving licence may be referred to the Council's Licensing &amp; Public Protection Committee. The Committee will then make a determination as to whether the driver remains a fit and proper person to hold a hackney carriage/private hire drivers' licence. This determination is separate from any determination of financial hardship which may be made by the courts.</p>
	<p><b>Assessment by the Council's Medical Advisor</b></p>
2.36	<p>Drivers shall submit to a medical examination upon making first application for a Hackney Carriage/Private Hire Drivers' Licence and at such intervals thereafter as determined by any of the Council's medical advisor(s).</p>
2.37	<p>Notwithstanding the determination of the Council's medical advisor, 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 also require a licensed driver to undertake a medical assessment at their expense where it has reasonable cause to do so.</p> <p>The age differentials outlined within council's medical assessment policy are based on risk and the need to ensure public safety.</p>
2.38	<p>Where the Council has concerns regarding the use of drugs by an existing hackney carriage/private hire driver, the driver may be required to undertake a drugs test. The test will be arranged and paid for by the Council. Where the 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 remain a hackney</p>

	carriage and private hire drivers licence assessed against the DVLA Group 2 medical standard.
2.39	Further testing or examination may be required if recommended by the medical examiner. The driver may then be referred to the Licensing and Public Protection Committee for determination. Each case will be judged on its own individual merits.
2.40	Drivers who wish to claim a medical dispensation to the Council's Dress Code or medical exemption from carrying Assistance Dogs are required to claim such an exemption through the Council's medical advisor during the specialist DVLA Group 2 medical assessment procedure.
<b>Whilst Driving a Licensed Private Hire Vehicle</b>	
2.41	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.
2.42	For the avoidance of doubt, if there is no prior booking, there can be no 'ride' for the passenger. <b>A booking cannot be taken by the driver at the point of hiring.</b>
2.43	Only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle Licence and Plate.
2.44	Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:- <ul style="list-style-type: none"> <li>• Permit the PHV to stand or park in a manner which might suggest that the driver is plying for hire;</li> <li>• 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</li> <li>• 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.</li> </ul>
<b>Whilst Driving a Licensed Hackney Carriage Vehicle</b>	
2.45	The taximeter shall be activated in accordance with current legal requirements.
2.46	Ensure that the Table of Fares can be clearly seen by passengers.
2.47	Obey the Rules of the Rank.
2.48	Fulfill bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
2.49	Only carry up to the maximum permitted number of passengers as specified by the Hackney Carriage Vehicle Licence and Plate.
2.50	Whilst driving or in charge of a Hackney carriage Vehicle, the driver shall not:- <ul style="list-style-type: none"> <li>• Tout for business or use others to do so.</li> <li>• 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.</li> </ul>

<b>3.</b>	<b>New Applicants For Hackney Carriage/Private Hire Drivers' Licences</b>
3.1	Requirements for all new applicants prior to first licensing on Initial application A valid application consists of the applicant meeting all of the following requirements: <ul style="list-style-type: none"> <li>• The submission of a completed application form (including all relevant declarations)</li> <li>• The provision of 2 recent colour passport standard photographs that are of a good likeness of the applicant</li> <li>• The submission of a valid DVLA driving photo-card and show or share their DVLA Driving Licence information. This can be done in person at the time of submission of the application or by means of a share code provided to the Licensing Unit.</li> <li>• A completed Enhanced DBS disclosure</li> <li>• A certificate of Good Conduct (if applicable)</li> </ul>

	<ul style="list-style-type: none"> <li>• Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work in the UK.</li> <li>• A DVLA Group 2 Medical Certificate</li> <li>• Completion &amp; passing the driving standards assessment</li> <li>• Payment of the application fee</li> <li>• The provision of any other documentation as required by the Licensing Authority to assist the processing of the application.</li> </ul>
3.2	Applicants are expected to complete the application process expediently and normally within 3 months of the initial application being submitted. Where applications are withdrawn and a refund is required, it is important that applicants are able to provide a receipt for the monies originally paid to the Council. Any monies which are subsequently refunded will normally be paid into a nominated bank account.
3.3	The Licensing Authority will in all cases verify an applicant's identity and require a criminal record check (DBS) to be undertaken. Where the check reveals that the applicant has a record of convictions, cautions and warnings the Licensing Authority will consider: <ul style="list-style-type: none"> <li>• The nature and seriousness of offence</li> <li>• When the offence was committed</li> <li>• The age of the applicant when the offence was committed</li> <li>• Any other factors which might be relevant</li> </ul>
3.4	Within this policy, a Caution will be regarded in exactly the same way as a conviction This is because a caution can only be imposed following an admission of guilt.
	In considering an individual's criminal record, the licensing authority will consider each case on its merits, but will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.
3.5	Where an applicant is or has previously been licensed with another authority, the Council's Licensing Unit will seek to access to those licence records. Where agreement to access the records cannot be reached, then the application may not be processed.
3.6	A licence to drive a hackney carriage or private hire vehicle cannot be granted to a person who is under 18 years of age. In addition, a licence cannot be granted to anyone over 18 who does not hold a full UK Driving Licence.
3.7	Those who hold an European Economic Area (EEA) member state driving licence should note that as a result of the UK leaving the EU, the driving licence requirement may now change. The Council will ensure that it complies with any requirement imposed upon us by UK Government.
	<b>Disclosure and Barring Service (DBS) Enhanced Disclosure</b>
3.8	An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application. This disclosure will include information relevant to applicants being barred from working with children or adults.
3.9	New applicants are required to subscribe to the DBS Online Update Service. Drivers are encouraged to set up the DBS automatic renewal when first joining the update service and must remain subscribed for the duration of their licence. The Council will check the online DBS at regular intervals (or at any time where deemed necessary in order to ensure public safety). If there are no changes recorded on the DBS Update Service then a full DBS check will not be required on renewal.
3.10	Photographs provided with new applications 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.
	<b>Assessment of Fitness and Propriety</b>

3.11	There is no legal definition of “fit and proper”. The central consideration for the fit and proper test is the protection of the public and it is a requirement that no licence should be granted or renewed unless the Council is satisfied that the applicant is a fit and proper person.
3.12	<p>In assessing the fitness and propriety of an applicant or licence holder, the Council will take into account several factors, including:</p> <ul style="list-style-type: none"> <li>• Right to work in the UK (for the full duration of the licence).</li> <li>• Criminal record (both current and spent convictions).</li> <li>• Mental and physical fitness.</li> <li>• Conduct, attitude and behaviour</li> <li>• Driving record and experience.</li> <li>• Sobriety.</li> <li>• Local knowledge test and ability to communicate in English.</li> </ul>
3.13	In order to assess the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by people who are not fit and proper.
3.14	<p>The onus is on an applicant to satisfy the Council that they are ‘fit and proper’ at the time of application. Simply being free from convictions is not enough. Licence holders must ensure that they remain ‘fit and proper’ at all times to ensure that they retain their licence. Failure to do so may result in sanctions and the likelihood that the licence will be reviewed and may be subsequently suspended or revoked.</p> <p>In making the assessment of a drivers fitness and propriety, the Council will pose the following question.</p> <p><i>“Without prejudice and based on the information available, would you allow a person for whom you care, regardless of their condition to travel alone in a vehicle driven by this person at any time of day or night?”</i></p> <p>If, on the balance of probabilities, the answer to the question is “no” the individual should not be given the benefit of the doubt and should not hold a licence.</p>
3.15	Where a new applicant has been living or working outside the UK and cannot provide evidence that they have lived in the UK for the previous 5 years they may be asked to provide a Certificate of Good Conduct. Government guidance on obtaining a Certificate of Good Conduct from any overseas country can be found at: <a href="https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants">https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants</a>
3.16	The determination of applications will be made by licensing officers unless they cannot be satisfied as to the applicant’s fitness and propriety. Where an applicant’s fitness and propriety is in question, the application will be referred to the Council’s Licensing & Public Protection Committee for their determination.
	<b>Knowledge Test</b>
3.17	The knowledge test consists of a series of multiple choice questions set out on a selection of test papers or a computer programme. The test will be undertaken at the Civic Centre in Cannock. Applicants will be required to attend a training session held immediately before the knowledge test takes place. During the training session, applicants will be prepared for the knowledge test by licensing officers. The training may include such matters as hackney and private hire legislation, the Council’s taxi licensing policy, topographical and geographical knowledge of the Cannock Chase District and the Highway Code.

	Wider matters of importance to the taxi trade such as equality & disability awareness, Safeguarding, Child Sexual Exploitation (CSE), County Lines exploitation and the prevention of terrorism will also be included along with health and safety, customer care and handling conflict and aggression.
3.18	Where an applicant fails 4 knowledge tests then the application will be rejected and a period of at least 12 months must elapse before another application can be made.
	<b>Assessment by the Council's Medical Advisor</b>
3.19	New applicants shall submit to a medical examination for a Hackney Carriage/Private Hire Drivers' Licence and at such intervals thereafter as determined by the Council's medical advisor(s).
3.20	Notwithstanding the determination of the Council's medical advisor, 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 also require a licensed driver to undertake a medical assessment at their expense where it has reasonable cause to do so.  The age differentials outlined within council's medical assessment policy are based on risk and the need to ensure public safety.
3.21	As part of the application process, new applicants are required to undertake a simple drug test. Where the applicant fails the drug test and or the Council has concerns regarding the use of drugs by an applicant, they may be required to undertake a further drugs test at their own expense. This will be arranged by the Council.  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 driver's fitness and propriety in respect of DVLA Group 2 medical standard.

<b>4.</b>	<b>General Vehicle Information, Expectations and Requirements</b>
4.1	All vehicles (other than purpose built wheelchair accessible vehicles (WAV's) which are new to licensing with the Council will be no more than 42 months old. Vintage, classic or novelty private hire vehicles will be considered on their own merit. Purpose built WAV's, which are new to licensing with the Council will be no more than 7 years old.
4.2	Vehicles (which includes trailers), must be licensed by the Council and must be mechanically fit and suitable for purpose. Prior to licensing, vehicles must pass a comprehensive inspection and supplementary test approved by the Council's Licensing Unit. A fee will be payable in relation to each vehicle test or re-test. Vehicle licences will normally run for a twelve month period from date of issue.  Trailers cannot be inspected separately from a vehicle. There is no additional charge for inspecting the trailer with the vehicle.
4.3	The Council will use the national inspection standards contained within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles."
4.4	Licence holders who wish to license their vehicles beyond its 6 <sup>th</sup> birthday will be required to have their vehicle inspected at least twice a year. These inspections will normally take place at 6 monthly intervals at Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant. Failure to comply with this requirements may lead to the suspension or revocation of the Proprietor's Hackney Carriage Vehicle Licence.
4.5	Date of first registration of the vehicle means the date of first registration in the UK, or the date of manufacture in the case of ex MOD vehicles etc. or vehicles first registered outside the UK. All vehicles must be right hand drive with the exception of novelty

	vehicles and Limousines.
4.6	Proprietors of hackney carriages and private hire operators must ensure that their vehicle are inspected on a regular basis for mechanical defects. This will help ensure that their vehicles are kept roadworthy. Proprietors and operators must also ensure that the drivers carry out a regular check to their vehicles before they start work.
4.7	No modifications which includes alterations, changes in specification, design, condition or appearance of the licensed vehicle will be permitted while a licence is in force.
4.8	No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle without prior permission of the Council.
4.9	No licensed vehicle shall use tyres (including on a spare wheel) which are more than 10 years older than the tyre's date of manufacture. Part worn tyres must be marked as "Part-Worn" as required by legislation.
4.10	<p>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 unless the proprietor can comply with the following:</p> <p><i>The proprietor or operator of the vehicle shall take all reasonable steps to ensure, in the event of vehicle breakdown, that appropriate contingency arrangements are in place to enable passengers to complete their journeys safely and in good time to anywhere in the UK. Such steps may include: carrying and use of a spare wheel and tools; if vehicle is not designed to carry a spare, fitting run flat tyres all round or carrying puncture repair / inflation kit; vehicle breakdown cover which includes taking the passengers and their luggage to their intended destination anywhere in the UK; agreements with other proprietors / operators to provide assistance in emergencies etc. In any event, responsibility for ensuring the safety and welfare of passengers in such circumstances rests with the said proprietor or operator.</i></p>
4.11	The licence holder should be the Registered Keeper of the licensed vehicle and the DVLA V5 registration document should reflect this. The whole V5 document, or Part 10 of it (which is to be kept by the new keeper upon purchase), must be provided to the Licensing Unit prior to the vehicle being first licensed.
4.12	Bankrupt persons are prohibited from becoming or remaining proprietors or operators of licensed vehicles for the duration of their Bankruptcy Order. Both must notify the Licensing Unit within 7 days of any Bankruptcy Order being made against them
4.13	For reasons of security, the printed licence plate issued by the Council must be placed within the backing plate provided by the Council and then shall, at all times be fixed securely to the rear of the vehicle on the off side or centre of the vehicle at bumper height. The licence plate must be horizontal. The use of magnets to fix the plate to the licensed vehicle is not acceptable.
4.14	The plates shall not be affixed to any vehicle other than the one identified on the vehicle licence application form.
4.15	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 may require sight of adequate public liability insurance.
4.16	Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.
4.17	Loose 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.



<b>Wheelchair Accessible Vehicles (WAV's) and Rear Loading Vehicles</b>	
4.18	<p>The Council will consider licensing wheelchair accessible vehicles 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 the purchase of this type of vehicle must be agreed with the Licensing Unit prior to licensing.</p> <p>Vehicles of this type should be purpose built and /or specifically and professionally modified to accommodate wheelchair passengers. All vehicles must be fit out for their intended purpose.</p>
4.19	Tail lifts fitted to wheelchair accessible vehicles are subject to maintenance and inspection under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Where appropriate, LOLER certificates must be produced at the time of the first vehicle licensing and any subsequent renewal.
4.20	Children should not be transported in pushchairs or 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 reasonable steps to ensure passenger safety at all times.
<b>CCTV in Licensed Vehicles</b>	
4.21	Cannock Chase District Council encourages the use of CCTV systems within licensed vehicles as the installation can help to deter and prevent crime and can provide evidence to support investigation and possible prosecution. This approach benefits both passengers and drivers, who can equally be the subjects of assaults, abuse or fraud.
4.22	Although the Council is supportive of the installation of CCTV, no vehicle should be fitted with a CCTV system without prior notification and agreement with the Council's Licensing Unit as well as the vehicles insurance company.
4.23	CCTV systems which are installed into licensed vehicles must be compliant with the General Data Protection Regulations 2018 (GDPR). The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using of recorded images.
4.24	Access to the camera(s) must be restricted and the information contained upon the data card must be secured by lock and key, password protected and encrypted.
4.25	Audio recording should only be activated when there is a specific threat, in the same way that a panic button could be used. The time period that audio recording is taking place should be as short as possible.
4.26	<b>Dashcams are not suitable for the purpose of capturing images from <u>within</u> a licensed vehicle and they are not be classed as a CCTV system.</b> Proprietors must ensure that the any dashcam fitted to the vehicle does not have a screen which shows moving pictures. Such equipment will need to be removed from the licensed vehicle.
<b>Transfer of Licensed Vehicles</b>	
4.27	<p>There are 2 types of transfer which might take place in accordance with Council policy.</p> <ul style="list-style-type: none"> <li>• Where a vehicle which is already licensed to one licence holder is sold and/or transferred to another licence holder in accordance with Section 49 of the Local Government (Misc. Provisions) Act 1976.</li> <li>• A vehicle licence can be transferred from an existing licensed vehicle where for instance, it has been sold, to a new licensed vehicle but only where the new vehicle fulfils the Council's criteria for licensing. This transfer process will involve a whole month pro rata reimbursement of the licence fee for the remaining period of the licence.</li> </ul> <p>No vehicle licence fees will be reimbursed for any other reason.</p>

<b>Requirement for Proprietors to Notify the Council's Licensing Unit</b>	
4.28	<p>Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the Licence Holder shall report to the Licensing Unit as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.</p> <p>Upon such notification to the Council, the licence holder may be required to provide specific information about the incident and the circumstances surrounding it.</p> <p>Proprietors or operators must ensure that drivers report any collision to them so that the Proprietor can act appropriately in reporting the incident to the Licensing Unit</p> <p>Failure to notify the Licensing Unit as required above may result in the suspension or revocation of the proprietor's vehicle's licence. Vehicles which have been in a collision may be required to undertake a safety inspection of the vehicle at the Council's Hawks Green Depot. The licence holder will be required to pay the necessary inspection fee.</p>
4.29	<p>Vehicle licences must be renewed in good time and must not be allowed to expire. Where they are allowed to expire, any subsequent application for licensing of the same vehicle may be rejected on the basis that the vehicle falls outside the Council's policy on the age of vehicles at first licensing.</p>

<b>5. Hackney Carriage Proprietor Vehicle Licences</b>	
5.1	<p>A completed renewal application form for a vehicle licence must be received by the Licensing Unit before the expiry of the current licence.</p> <p>Where the licence has expired the application will be treated as a new application and Council policy relating to the licensing of new vehicles may apply.</p>
5.2	<p>Applicants should submit the following when making an application:</p> <ul style="list-style-type: none"> <li>• The fee</li> <li>• Completed application form</li> <li>• Vehicle registration certificate</li> <li>• Insurance certificate – Insurance must cover use of the vehicle for hire and reward</li> <li>• An MOT certificate once the vehicle is 12 months old</li> <li>• Compliance test pass certificate from the Council's nominated testing station (such a Certificate should normally be dated no more than 28 days old at the time that the application is made to the Licensing Authority)</li> </ul> <p>Attention should be given to policy requirements on the vehicle specification, age restrictions and the supplementary testing manual before purchasing a vehicle.</p>
5.3	<p>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 or renew a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within the Cannock Chase area or is used predominantly in another area.</p>
<b>Fitness &amp; Propriety of Hackney Carriage Proprietors'</b>	
5.4	<p>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 Basic Disclosure must be obtained from the Disclosure &amp; Barring Service prior to any licence being issued and every year thereafter. Online applications can be made at: <a href="https://www.gov.uk/government/organisations/disclosure-and-barring-service">https://www.gov.uk/government/organisations/disclosure-and-barring-service</a></p>

5.5	The Proprietor shall keep comprehensive written records of day to day fares and bookings, e.g. date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake.
5.6	The proprietor shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is controlled by them. The complaints procedure must also record the outcome of any investigation. The said complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
<b>Advertising, Logos and Livery on Hackney Carriage Vehicles</b>	
5.7	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 gambling, fast food, tobacco or alcohol products or anything of a sexual nature. (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.
<b>Privacy Glass in Hackney Carriage Vehicles</b>	
5.8	Prior agreement should be sought from the Licensing Unit before any decision is made to buy a vehicle which has darkened rear passenger windows. All vehicles which are intended for licensing with this authority must comply with the vehicle requirements as detailed within this Licensing Policy. Vehicles which are intended to be licensed as hackney carriages should not be presented for inspection or test with darkened rear passenger windows.
5.9	Officers may agree to license the vehicle where all parties can agree that the darkened rear passenger windows do not compromise public safety. The fitting of CCTV to the vehicle might be a consideration in this matter.
5.10	If the rear passenger windows are considered to be too dark for officers to agree the grant, then the darkened windows will need to be replaced with standard tinted glass or, where no agreement to do so can be reached, the vehicle may be referred to the Council's Licensing & Public Protection Committee for their consideration. Vehicles may be licensed as private hire vehicles rather than hackney carriages where privacy glass or darkened rear passenger windows are fitted.
<b>Hackney Carriage Fares</b>	
5.11	An approved, sealed, calibrated, and illuminated taximeter must be used to calculate and display the maximum fare for all journeys inside the Cannock Chase District in all hackney carriages. It must not be operated until the passenger is seated in the vehicle and the driver is seated and ready to move the vehicle to commence the journey. Once the journey is concluded by reaching the destination requested by the customer or passenger the fare displayed on the taximeter should be stated to the passenger and they or the customer should be requested to pay no more than the fare displayed. The Council will

	support licensed drivers who have reasonable cause to request payment of the appropriate fare prior to the journey taking place.
5.12	The Council's is the only tariff permitted on the meter. It must state the maximum fare that can be charged by drivers for journeys within the District. Lesser fares can be negotiated. The hirer may also agree a fare for a journey which ends outside the district.
5.13	A table of fares will be provided to each Hackney Carriage Proprietor, which must then be clearly displayed in each vehicle so that it is visible to all hirers.
5.14	Drivers must, if requested by the passenger, provide written receipts for fares paid.

<b>6.</b>	<b>Private Hire Vehicle Licences</b>
6.1	A completed renewal application form for a vehicle licence must be received by the Licensing Unit before the expiry of the current licence. Where the licence has expired the application will be treated as a new application and Council policy relating to the licensing of new vehicles may apply.
6.2	<p>Applicants should submit the following when making an application:</p> <ul style="list-style-type: none"> <li>• The fee</li> <li>• Completed application form</li> <li>• Vehicle registration certificate</li> <li>• Insurance certificate – Insurance must cover use of the vehicle for private hire</li> <li>• An MOT certificate once the vehicle is 12 months old</li> <li>• Compliance test pass certificate from the Council's nominated testing station (such a Certificate should normally be dated no more than 28 days old at the time that the application is made to the Licensing Authority)</li> </ul> <p>Attention should be given to policy requirements on the vehicle specification, age restrictions and the supplementary testing manual before purchasing a vehicle.</p>
6.3	Some private hire vehicles which are exclusively to be employed for Executive use, may be exempt from the requirement to display licence plates under Section 75(3) of the LGMPA 1976. In consequence, the Licensing Authority will consider requests from certain operators for their businesses or part thereof to be exempted from specified conditions relating to signage and plating requirements.
6.4	In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate. The request must be accompanied by suitable and sufficient evidence to support the request.
6.5	<p>Generally, exemptions will only be granted to prestigious models of vehicle with above average appearance and levels of equipment. Each application will be considered on its merits but as a guide, such vehicles should meet the following criteria:</p> <ul style="list-style-type: none"> <li>• A vehicle which is above the standard model and towards the top of the range as offered by the vehicle manufacturer</li> <li>• Climate control, all electric windows, and central anti-intrusion locking</li> <li>• Front and rear headrests and above average legroom</li> <li>• Pristine interior and external condition</li> <li>• New and/or low mileage</li> </ul>
6.6	Where an exemption is granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the normal policy requirement, or a close alternative.
6.7	All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice where the Licensing Authority can no longer be satisfied that the exemption is appropriate or no longer suitable.

6.8	Licensed private hire vehicles which carry a Section 75(3) exemption must not be used for any home to school transport. It is important that parents, carers and schools are able to immediately ascertain that any vehicle carrying children or vulnerable passengers is a properly licensed vehicle.
6.9	Exemption from the requirement to display private hire licence plates and livery will not be granted to novelty vehicles such as old fire engines etc.
	<b>Novelty Vehicles</b>
6.10	Any type of vehicle may be considered for licensing by the Council however the 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.
	<b>Privacy Glass in Private Hire Vehicles</b>
6.11	Vehicles are more likely to be licensed as private hire vehicles than hackney carriages where privacy glass is fitted. Officers will generally agree to license a vehicle as a private hire vehicle where the vehicle complies with all other policy requirements but has darkened rear passenger windows. Stretched Limousines licensed as private hire vehicles shall be exempt from the privacy glass policy requirements.

<b>7.</b>	<b>Private Hire Operators' Licences</b>
7.1	As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately
7.2	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 Basic Disclosure must be obtained from the Disclosure & Barring Service prior to any licence being issued and annually thereafter.
7.3	A private hire vehicle operator licence may be applied for by a company or partnership; the licensing authority will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. In consequence, private hire vehicle operators must advise the licensing authority of any change in directors or partners.
7.4	Private hire operators licences cannot be transferred from one person to another person or from one premises to another premises.
7.5	The Operator must ensure that all staff, whether directly employed by the company or not, are properly trained and suitable persons to undertake work which requires an element of propriety and confidentiality and should consider obtaining or have sight of a Basic Disclosure for all of their staff.
7.6	Operators must ensure that they have a written policy on employing ex-offenders and that all staff are suitable persons to undertake work which requires dealing with sensitive personal information and the maintaining of customer confidentiality. Operators should consider obtaining a Basic Disclosure for all of their support staff.  Online applications can be made at: <a href="https://www.gov.uk/government/organisations/disclosure-and-barring-service">https://www.gov.uk/government/organisations/disclosure-and-barring-service</a>
7.7	Operators must keep a register of bookings and dispatch staff and are required to evidence that they have had sight of a Basic DBS check on all individuals listed on that register .

7.8	Operators must provide a policy on the employment of ex-offenders and ensure that Basic DBS checks are conducted on any individual added to the register and that the result of the Basic DBS check is compatible with their own policy on employing ex-offenders.
7.9	The Operator must ensure that sensitive personal information, such as the holiday plans or movements of customers, will not be used or passed on for criminal or unacceptable purposes. The Operator must comply with the data protection legislation and the General Data Protection Regulations 2018.
7.10	The Operator must ensure that vehicles that are booked for private hire work are safe, mechanically sound and maintained in a good and clean condition.
7.11	The Operator must ensure that vehicles are properly insured for private hire work. This includes ensuring so far as possible, that private hire vehicles do not ply for hire.
7.12	Operators must ensure that all staff, whether directly employed or not, are suitably trained in order to understand how best to assist passengers and to comply with the duties to assist wheelchair passengers as per the Equalities Act 2010.
7.13	Operators must ensure that all staff, themselves included, whether directly employed or not, are suitably trained regarding how to recognise and report child sexual exploitation.
7.14	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 where it is deemed appropriate to do so.
7.15	<p>Private hire operators will be issued with licences to operate vehicles within the following bandings:</p> <ul style="list-style-type: none"> <li>● one to five vehicles;</li> <li>● six to fifteen vehicles; or,</li> <li>● over fifteen vehicles.</li> <li>●</li> </ul> <p>This will allow for greater flexibility in adding vehicles to the Operators' Licence at any time.</p> <p>Whole year reimbursement of private hire operator fees may be considered where an operator stops trading or operating for business reasons. Fees will not be reimbursed where an operators licence is revoked.</p>
7.16	Operator licences may be suspended or revoked in cases where the operator's conduct falls short of the conduct expected of a fit and proper person. This would include cases where operators were convicted of offences relating to sexual exploitation, dishonesty and violence. It would also include breaches of licensing conditions and failure to keep accurate records.

## ANNEX 1

<b>Hackney Carriage / Private Hire Driver Licence Conditions</b>	
1	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.
2	The driver shall not use or hold a hand held mobile phone, or eat or drink in the vehicle whilst it is moving.
3	The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
4	The driver shall not allow or permit his/her vehicle to carry a greater number of passengers than the number prescribed on the licence.
5	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.
6	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.
7	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.
8	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 hackney carriage/private hire drivers' licence number.
9	The driver shall ensure that the vehicle used whilst on duty is kept clean and tidy at all times.
10	The driver shall afford all reasonable assistance with passenger's luggage.
11	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.
12	Drivers shall not smoke in any vehicle and shall not permit passengers to smoke within any vehicle under their control.
13	Drivers shall not sound the vehicle's horn simply in order to attract the attention of customers. E.g. where they are waiting for the hirer outside a public house etc.
14	Assistance Dogs (Guide Dogs and Hearing Dogs) must be carried free of charge.
15	The Council shall issue a badge to all drivers detailing their name and driver number. <b>The driver shall at all times when acting in accordance with their Hackney Carriage/Private Hire Drivers' Licence, wear the badge in such a position and manner so that it is plainly and distinctly visible.</b> If any driver contravenes this provision they shall be guilty of an offence.
16	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.
17	The Driver shall deposit his/her Hackney Carriage/Private Hire Drivers' Licence 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.
18	The driver shall not leave a vehicle under his/her control or responsibility unattended in any street or public place; this includes taxi ranks.

19	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.
20	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 48 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. <a href="https://www.staffordshire.police.uk/ro/report/lp/lost-or-found-property/?rid=558">https://www.staffordshire.police.uk/ro/report/lp/lost-or-found-property/?rid=558</a>
21	All Hackney Carriage/Private Hire Drivers' Licence holders must be subscribed to the Disclosure and Barring Service Online Update Service and must give consent for the Council to monitor their DBS status.
22	<b>NOTE:</b> 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. The Council reserves the right to vary these Conditions from time to time.



## ANNEX 2

<b>Hackney Carriage Proprietors' Licence Conditions</b>	
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	<p>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 Council. 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.</p> <p><b>NOTE:</b> Although only the Certificate of Insurance will normally need to be provided prior to the licensing of a 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.</p>
4	<p>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:</p> <p>(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.</p> <p>(b) Such taxi meter shall be capable of being rendered inoperable so that no fare is recorded on the face of the taxi meter.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

5	There shall be fixed externally to the rear of the Hackney Carriage, and any trailer, a plate issued by the Council, prominently displayed horizontally 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	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 Council's Licensing Unit specifying the name and address of the person to whom the vehicle has been transferred.
10	The Proprietor of a hackney carriages shall ensure that the vehicle meets the standard of fitness specified within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" and 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 1 Kg fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use. ( Note: there is a British Standard for both pieces of equipment.);
- (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.

11	The licensee shall produce the licence upon request to any officer authorised by the Council or any police constable for inspection.
12	The Proprietor shall keep comprehensive written records of day to day fares and bookings, e.g. date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake.
13	<p>Proprietors must ensure that nothing within the licensed vehicle exhibits any of the following:</p> <ul style="list-style-type: none"> <li>• Offensive language.</li> <li>• References to drunkenness or the use of recreational drugs.</li> <li>• Anything racist, sexist, discriminatory or otherwise offensive.</li> <li>• Any advertising that does not conform to the relevant codes of advertising practice.</li> </ul>
14	A licence may be revoked, suspended or not renewed in accordance with statutory provisions.
15	<p><b>NOTE:</b> 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.</p> <p>Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.</p> <p>The Council reserves the right to vary these conditions from time to time.</p>

## ANNEX 3

	<b>Private Hire Vehicle Conditions</b>
1	<p>(a) All Private Hire Vehicles shall display a sign on each side of the vehicles, on the doors, giving the following information:-</p> <ul style="list-style-type: none"> <li>(i) The name of the firm.</li> <li>(ii) The words "PRIVATE HIRE"</li> <li>(iii) The telephone number of the firm.</li> </ul> <p>These should be in plain block letters not exceeding 50mm in height and of proportionate width.</p> <p>Where the words "PRIVATE HIRE" form part of the name of the firm, "PRIVATE HIRE" need not be repeated.</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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.</li> <li>(e) 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.</li> </ul>
2	<p>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:-</p> <ul style="list-style-type: none"> <li>(i) Whilst being used solely in connection with a wedding; or,</li> <li>(ii) Whilst being used solely in connection with a funeral.</li> </ul>
3	<p>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).</p>
4	<p>If the licence holder transfers his interest in the licensed vehicle to a person other than the licence holder whose name is specified in the licence, then within 14 days after such transfer notice in writing shall be given to the Council's Licensing Unit specifying the name and address of the person to whom the vehicle has been transferred.</p>
5	<p>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 Council's Licensing Unit for inspection.</p>

6	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.
7	The licence holder 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.
8	Where a taxi meter is fitted to a Private Hire Vehicle, it shall be of an approved Calendar controlled type and design.
9	Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
10	<p>The Operator of a Private Hire Vehicle shall ensure that the vehicle meets the Council's standard of fitness as specified within this policy and in particular shall:-</p> <ol style="list-style-type: none"> <li>(a) Provide sufficient means by which any person in the vehicle may communicate with the driver;</li> <li>(b) Cause the roof or covering to be kept watertight;</li> <li>(c) Provide any necessary windows and a means of opening and closing not less than one window on each side;</li> <li>(d) Cause the seats to be properly cushioned or covered;</li> <li>(e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;</li> <li>(f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;</li> <li>(g) Provide means for securing luggage if the carriage is so constructed as to carry luggage.</li> <li>(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. ( Note: there is a British Standard for both pieces of equipment.);</li> <li>(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;</li> <li>(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.</li> </ol>
11	The licensee shall produce this licence upon request to any officer authorised by the Council or any Police Constable for inspection.
12	<p>Private hire vehicle licence holders must ensure that nothing within the licensed vehicle exhibits any of the following:</p> <ul style="list-style-type: none"> <li>• Offensive language.</li> <li>• References to drunkenness or the use of recreational drugs.</li> <li>• Anything racist, sexist, discriminatory or otherwise offensive.</li> <li>• Any advertising that does not conform to the relevant codes of</li> <li>• advertising practice.</li> </ul>
13	<b>NOTE:</b> 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. The Council reserves the right to vary these Conditions from time to time.

## ANNEX 4

<b>Private Hire Operators' Licence Conditions</b>	
1	All licensed private hire operators are required to keep a register of all staff that will take bookings or dispatch vehicles.
2	The Operator shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is operated by them. The complaints procedure must also record the outcome of any investigation. This complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
3	<p>The Operator shall keep a record book (which may be electronic) 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:-</p> <ul style="list-style-type: none"> <li>(a) the name of the driver who undertakes the booking;</li> <li>(b) the drivers licence number;</li> <li>(c) date and time booking made;</li> <li>(d) date and time booking made for;</li> <li>(e) method by which booking communicated to driver;</li> <li>(f) the vehicle registration number;</li> <li>(g) private hire vehicle licence number;</li> <li>(h) place passenger's journey commences;</li> <li>(i) place passenger's journey terminates;</li> <li>(j) name and address of the passenger/person hiring car;</li> <li>(k) the name of any individual that responded to the booking request;</li> <li>(l) the name of any individual that dispatched the vehicle.</li> </ul>
4	<p>The Licensee shall keep a record of any private hire vehicle operated by him showing the following details:-</p> <ul style="list-style-type: none"> <li>(a) owner of the vehicle;</li> <li>(b) make of the vehicle;</li> <li>(c) model of the vehicle;</li> <li>(d) manufacturer of the vehicle;</li> <li>(e) registration number of the vehicle;</li> <li>(f) private hire vehicle licence number;</li> <li>(g) the issuing authority of the licence;</li> <li>(h) the date of expiry of the private hire vehicle licence;</li> </ul> <p>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.</p>
5	The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking shall not be permitted without the informed consent of the booker.
6	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.
7	The Licensee shall not assign or in any way part with the benefit of this licence.
8	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.

9	<p>The Licensee shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that:-</p> <p>(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;</p> <p>(b) every private hire driver is in possession of a current Licence granted under the provisions of the said Act of 1976.</p>
10	<p>The Licensee shall produce the licence upon request to any Officer authorised by the Council or any police constable for inspection. It is desirable that the licence is displayed in a prominent public position within the place of business.</p>
11	<p>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.</p>
12	<p>Private hire vehicles may be sub contracted by the operator in accordance with the requirements of section 11 of the Deregulation Act 2015 which inserted section 55(A) &amp; (B) into The Local Government (Miscellaneous Provisions) Act 1976.</p>
13	<p>NOTE: These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.</p> <p>Any applicant who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.</p> <p>The Council reserves the right to vary these Conditions from time to time.</p>

## ANNEX A

**GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN  
HACKNEY CARRIAGE AND PRIVATE HIRE TRADES**

<b>Applicants</b>
All applicants for Hackney Carriage or Private Hire driver licences are required to declare any convictions or cautions, 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.
<b>Driver's Duty to Inform the Council</b>
Once a Licence has been granted, drivers are required to inform the Council in writing and within 48 hours of any offence with which s/he is charged; any pending court appearances; any convictions; the acceptance of a fixed penalty notice; any endorsements for motoring offences; the acceptance of a speed or other awareness course and all cautions imposed on them since the grant of the Licence. In addition, Drivers are required to inform the Council in writing and within 48 hours of becoming aware of any pending criminal investigation that concerns them.
<b>Consideration of Applications</b>
Each and every case will be decided on its own merits and accordance with this policy.
<b>Public Safety is the Primary Concern</b>
<p>Public safety is the primary concern for the licensing of Hackney Carriage and Private Hire 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.</p> <p>Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.</p>
<b>Drivers</b>
<p>As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.</p> <p>A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.</p> <p>As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed before a licence will be granted).</p>



<b>Crimes resulting in death</b>
Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
<b>Exploitation</b>
Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
<b>Offences involving violence</b>
Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
<b>Possession of a weapon</b>
Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
<b>Sex and indecency offences</b>
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.  In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.
<b>Dishonesty</b>
Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
<b>Drugs</b>
Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.  Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
<b>Discrimination</b>
Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
<b>Motoring convictions</b>
Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a fit and proper person to be granted or retain a licence.

<p>Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving</p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Where a new applicant has a single fixed penalty notice for using a hand-held mobile telephone or a hand held device whilst driving and has 7 penalty points or less imposed on their DVLA Driving Licence, a licence may be granted along with a written warning as to the drivers future behaviour.</p> <p>Where a new applicant has a court conviction for using a hand-held mobile telephone or a hand held device whilst driving, a licence will not be granted until at least 3 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>
<p><b>Other motoring offences</b></p>
<p>A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).</p> <p>Where a new applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>Existing driving who make application to renew their licence and have made the Council properly aware that they have 9 points or more on their driving licence, may be required to undertake driving assessment and may have their application referred to the Council's Licensing &amp; Public Protection Committee.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
<p><b>Hackney carriage and private hire offences</b></p>
<p>Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
<p><b>Vehicle use offences</b></p>
<p>Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
<p><b>Private Hire Operators</b></p>
<p>A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.</p>

<p>As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.</p> <p>Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.</p> <p>As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.</p>
<p><b>Vehicle proprietors</b></p>
<p>Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.</p> <p>Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.</p> <p>As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a vehicle licence.</p> <p>As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.</p>
<p><b>Totting Up Disqualifications</b></p>
<p>Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between 12 months and 2 years has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.</p> <p>Where an existing licence holder is disqualified from driving as a result of a totting up procedure, the licence will normally be revoked.</p>
<p><b>Enforcement</b></p>
<p>The Council's Constitution sets out who is responsible for making decisions on matters relating to Hackney Carriage and Private Hire licensing.</p> <p>The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing &amp; Public Protection Committee. A copy of the constitution which contains the scheme of delegation is available on the Council's website or upon request.</p> <ul style="list-style-type: none"> <li>• How relevant the offence(s) are to the licence being applied for</li> <li>• How serious the offence(s) were</li> <li>• When the offence(s) were committed</li> <li>• The date of conviction</li> <li>• Circumstances of the individual concerned</li> </ul>

<ul style="list-style-type: none"> <li>• Sentence imposed by the court</li> <li>• The applicant's age at the time of conviction.</li> <li>• Whether they form part of a pattern of offending</li> <li>• Any other character check considered reasonable (e.g. personal references)</li> <li>• Any other factors that might be relevant</li> </ul> <p>In order to ensure the protection of the public the Council carries out enforcement activity to ensure compliance with primary legislation and licensing conditions.</p>
<p>Enforcement activity is carried out in order to satisfy the policy objectives of:-</p> <ul style="list-style-type: none"> <li>• Public Protection</li> <li>• Improving quality</li> <li>• Promoting high vehicle standards</li> <li>• Improving access for all</li> <li>• Improving public confidence</li> <li>• Supporting the safety and success of the night time economy</li> </ul>
<p>Enforcement activity includes the bringing of prosecutions in respect of statutory offences such as illegally plying for hire and refusal to take a fare without good reason. Enforcement also includes taking action in respect of breaches of licensing conditions and taking action in cases of poor conduct or following complaints from the public. Enforcement action also includes lesser sanctions such as formal written warnings.</p>
<p>Enforcement in cases other than prosecutions, includes cases where the Council decides to suspend or revoke licences.</p> <p>Where such enforcement activity is proposed then the Council' Licensing Unit will, where required, carry out a relevant decision making process which employs three officers in order to make a determination. In practice, one officer will propose an appropriate penalty; a second officer will challenge or agree the decision as considered appropriate and a third officer in a higher management position will make the final determination. This will help ensure separation between the investigator and the decision maker.</p>
<p>The Council may suspend or revoke vehicle licences in cases relating to unsafe vehicles or breaches of licensing conditions.</p>
<p>Complaints, possible offences and contraventions of conditions/ policy may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.</p>

## ANNEX B

## SPENT CONVICTIONS

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

<b>Those 18 or over on the date of conviction</b>
---

<b>Sentence</b>	<b>Rehabilitation Period</b>
Prison sentence over 48 months	Never spent
Prison sentence between 30 and 48 months	7 years from the end of the sentence (inc. time on licence)
Prison sentence between 6 and 30 months	4 years from the end of the sentence (inc. time on licence)
Prison sentence less than 6 months	2 years from the end of the sentence (inc. time on licence)
Probation order	12 months from the end of the order
Community order	12 months from the end of the order, or where the last such day is not specified, 2 years from the date of conviction
Fine	1 year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

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).

**This means that:**

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

## SPENT CONVICTIONS

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

<b>Those 17 or under on the date of conviction</b>
--

Sentence	Rehabilitation Period
Custodial sentence: over 48 months	Never spent
Custodial sentence: more than 30 months up to and including 48 months	3 and a half years from the end of the complete sentence (inc. time spent on licence)
Custodial sentence: more than 6 months up to and including 30 months	2 years from the end of the complete sentence (inc. time spent on licence)
Custodial sentence: 6 months or less	1 and a half years from the end of the complete sentence (inc. time spent on licence)
Community order / Youth Rehabilitation Order	6 months from the end of the order, and where the order does not specify the last day, 2 years from the date of conviction
Referral order	The last day on which the order has effect
Fine	One year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

This table has been amended to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

**This means that:**

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

## ANNEX C

## 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
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.
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.

## ANNEX D

## 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	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
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 <ul style="list-style-type: none"> <li>• Aiding, abetting, counselling or procuring offences as coded above.</li> <li>• Causing or permitting offences as coded above.</li> <li>• Inciting offences as coded above.</li> </ul>



## ANNEX E

**MATRIX OF PENALTIES FOR OFFENCES COMMITTED WITHIN A PERIOD  
OF THREE ROLLING 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 so as to be plainly and distinctly visible	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	Additional days may be added if the badge is not being worn at night and/or is not in the vehicle and immediately available for wearing
2. Breach of dress code	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	The penalty may be increased if the breach of dress code compromises public safety. (e.g.) unsuitable footwear
3. Improper use of rank/ leaving vehicles unattended	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	
4. Uncivil behaviour	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	
5. Eating, drinking or using a vaping device whilst driving a licensed vehicle	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	This includes any devices which are similar to electronic smoking devices
6. Failure to notify of change of address	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	
7. Breach of road traffic legislation	1-7 day suspension	8-14 day suspension	Referral to the L&PPC*	
8. Overcharging	3-21 day suspension depending upon circumstances	3-21 day suspension depending upon circumstances	Referral to the L&PPC*	
9. Use of mobile phone whilst driving a licensed vehicle	3-21 day suspension depending upon circumstances	3-21 day suspension depending upon circumstances	Referral to the L&PPC*	
10. Failure to notify a Conviction, Caution or Fixed Penalty Notice or other policy notification requirements.	3-21 day suspension depending upon circumstances	3-21 day suspension depending upon circumstances	Referral to the L&PPC*	This includes all convictions, cautions and fixed penalty notices etc. and other policy notification requirements with the exception of the requirement in 6 above.
11. Failure to pick up passengers on time	3 - 21 days suspension depending upon circumstances	3-21 days suspension depending upon circumstances	Referral to the L&PPC*	Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable.

12 Refusal to take a fare without reasonable cause	3 - 21 days suspension depending upon circumstances	3 - 21 days suspension depending upon circumstances	Referral to the L&PPC*	Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature
13 Failure to maintain subscription to DBS Online Update Service	3 - 21 days suspension depending upon circumstances	3 - 21 days suspension depending upon circumstances	Referral to the L&PPC*	It is essential that the Licensing Authority is kept fully informed and updated of all licence holders' DBS status to ensure public safety.

\*Licensing & Public Protection Committee.

Notes:

- The Council's general 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 where it is appropriate to do so.
- The penalties shown are generally meant to be the maximum penalty for a particular offence. The penalty may be reduced where for example, a full and frank admission is made at the earliest opportunity. The penalty may be increased where there are aggravating factors.
- 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 licences as well as to refer matters to the L&PPC or for prosecution where appropriate.

## ANNEX F

## DRESS CODE

**Licensed drivers are required to maintain a high standard of personal hygiene & cleanliness**

- (i) Drivers shall, as a minimum, wear a shirt or blouse or "T" shirt and tailored shorts, trousers, skirt or denim jeans. The shirt or blouse or "T" shirt shall cover the shoulders and be capable of being worn inside the shorts, skirt or trousers. Shirts or blouses worn as open neck shirts or blouses 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 and denim shorts shall not be permitted.
- (ii) 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.
- (iii) All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.
- (iv) Drivers shall not wear any item of clothing or apparel which exhibits any of the following:
- Offensive language
  - References to drunkenness or the use of recreational drugs
  - Anything racist, sexist, discriminatory or otherwise offensive
  - Any advertising that does not conform to the relevant codes of advertising practice.
- (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 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.

**ANNEX G**

**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.

**GUIDANCE FOR DRIVERS ON THE USE OF TAXI RANKS**

Standing or plying for hire from the taxi ranks helps maintain order and public safety. Proper ranking of vehicles allows for both customers and taxis to queue up in an orderly fashion so that public hiring's can take place safely.

Standing and plying for hire on public highway near to taxi ranks is not encouraged and may be construed as queue jumping and gaining an unfair advantage over other hackney carriages. Furthermore, it confuses members of the public as to where the official taxi ranks are and this may encourage unlicensed taxis to operate in those areas.

There is nothing to stop a member of the public flagging down a passing hackney carriage where the roof sign is illuminated.

Engines on licensed vehicles must be stopped whilst standing still on the taxi ranks. Failure to do so may result in action being taken in accordance with sections 3 and/or 7 of the Matrix of Penalties for Offences given as Annex E to this policy.

ANNEX H

**FARES FOR HACKNEY CARRIAGE JOURNEYS**

For hackney carriage vehicles (taxis) the law requires that:

- 1) For all journeys which start and finish within the Cannock Chase District, the fare charged must be no more than the fee displayed on the meter. In consequence, the meter must be used for all journeys which start and finish within the Cannock Chase District. This is the case even if they are pre-booked journeys. To charge a passenger more than is displayed on the meter is an offence.
- 2) For journeys ending outside the Cannock Chase District, the law does not permit a taxi driver to charge more than the fare shown on the meter (which is calculated on the Fare Scale Card provided in each Taxi) unless the journey ends outside the District boundary and the passenger and the driver have agreed a different fare BEFORE the journey commences. It remains good practice to turn the meter on, even for this type of journey.
- 3) Where hackney carriage vehicles act as private hire vehicles because the journey starts and finishes outside the Cannock Chase District, the fare for that Journey can be agreed in advance. Under these circumstances, it is not necessary for a hackney carriage vehicle acting as a private hire vehicles to use the meter. A receipt for any of the above journeys must always be provided if it is asked for by the passenger.

## ANNEX I

**IDLING VEHICLES CONTRIBUTE TO AIR POLLUTION****Put a stop to idling engines**

Running your engine unnecessarily while your vehicle is stationary pollutes the environment. And it's against the law on a public highway.

**What are the problems?**

An idling engine can produce up to twice as many exhaust emissions as an engine in motion. Exhaust emissions contain a range of air pollutants such as carbon monoxide, nitrogen dioxide, and particulate matter. These can affect the air quality of the surrounding environment and the air we breathe.

**Why is idling illegal?**

Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The law states that it is an offence to idle your engine unnecessarily when stationary. If you fail to turn your engine off after being spoken to you may be issued with a fixed penalty notice.

**Who does the legislation affect?**

The legislation covers all vehicles on public roads including buses, taxis and private cars. It does NOT apply to vehicles moving slowly due to road works or congestion; vehicles stopped at traffic lights; vehicles under test or repair; or defrosting a windscreen.

**What can you do?**

- You can do your bit by switching off the engine if it looks like you could be waiting for more than a minute or two. Modern cars use virtually no extra fuel when they're re-started without pressing the accelerator so you won't waste lots of fuel switching the engine back on.
- Turn off your engine when stationary, for example - on a road at a shop, school, taxi rank and stands, whilst unloading / loading or when parked.
- Avoid idling whilst waiting in car parks, petrol stations, lay-bys, "set down" and "pick up points".

**What are the benefits?**

- By turning off your engine you improve air quality, reduce fuel costs and comply with the law.
- Reducing air pollutants can help cut heart disease, reduce lung cancer and prevent asthma attacks.

**Does starting an engine cause more pollution than idling?**

No. Turning off an engine and restarting it after a minute or two (or longer) causes less pollution than keeping the engine idling and uses less fuel.

**Does the engine need to stay on to keep the battery fully charged?**

No. Modern batteries need less engine running time.

**When it's cold I need to keep my vehicle warm or warm up my engine?**

It can take up to an hour for an engine to cool down. Turning off your engine, but keeping the ignition and the fan blowing will provide warm air for some time. If you are concerned about passenger comfort, keep the engine idling to an absolute minimum in warm and cold weather.

**Don't catalytic converters need to be hot to work properly?**

Yes, but an idling engine does not keep a catalytic converter warm. They retain their heat for about 25 minutes after an engine is switched off anyway. Some useful Eco Driving Tips can be found at: <http://www.energysavingtrust.org.uk/Travel/Driving>

## ANNEX J

**GUIDANCE ON PASSENGER SAFETY IN LICENSED VEHICLES**

Cannock Chase Council is committed to ensuring that residents remain safe when using licensed vehicles. The following advice is offered to for anyone planning to use taxis or a pre booked private hire vehicles.

**Do I use a Taxi or Private Hire Vehicle?****Hackney carriage vehicles or “Taxis”**

You will find a taxi standing on one of the local taxi ranks and the driver can be approached at any time as they do not need to be pre-booked. Taxis carry a roof sign which lights up at night which says TAXI. The price you pay is shown on the taxi meter which is usually on the front dashboard of the vehicle.

If you take a taxi during the early hours of the morning (after you have been to a late-night venue or nightclub) then you may be asked for some payment upfront. This is acceptable practice by the driver.

If you are travelling wholly within the Cannock Chase Council area, the cost of journey will be displayed on the taxi meter which shows the running total of your journey. You should not be charged any more than is shown on the meter. If you are travelling outside the area then you can agree the fare with the driver and the meter does not have to be used. However, it is still good practice for the driver to do so.

Taxis which display the **TAXI** roof light can also be hailed or approached in the street, but it is safest to go to a taxi rank.

Taxis can also be pre booked if you prefer to do so. Many of the larger companies will now text you to say that your taxi is waiting outside. The text includes details of your taxi such as the make model and colour of the vehicle as well as its registration number.

**Private Hire Vehicles or “Minicabs”**

Private hire vehicles **MUST** be booked in advance and as long as your journey is pre booked, you can arrange for your local operator to drop you off or pick you up anywhere.

In the Cannock Chase area, private hire vehicles do not carry a roof sign, but some neighbouring authorities do require their private hire vehicles to carry a roof sign.

**You should only approach an un-booked vehicle if the roof sign bears the words “TAXI”**

**If the roof sign has other wording or a telephone number on it then you should not approach the driver unless you have pre-booked the vehicle.** If you get into a PHV which is not pre-booked, neither you nor the driver will be insured, and the driver is committing an offence.

Many of the larger companies will now text you to say that your private hire vehicle is waiting outside. The text includes details of your vehicle including the make and colour and the vehicle registration number.

Passengers are encouraged to pre book vehicles wherever possible and arrange to be picked up and dropped off in a safe place. This will help keep you safe in the hands of properly licensed drivers and vehicles and reduce the possibility of you being picked up by unlicensed and/or uninsured drivers and vehicles.

### What else should I do or look out for?

1. **Ensure that the driver is wearing a badge.** S/he should be wearing it so as to be clearly visible. It should not be hidden under clothing such as a jacket, body warmer or jumper. Where possible vehicles should be approached from the front so that the face of the driver and the fact that he s/he is wearing a badge can be clearly seen.
2. **Note the number of the vehicle you are entering.** The licence number is displayed on a licence plate at the rear of the vehicle and on the square card style licence plate in the front windscreen of the vehicle. This interior plate displaying the licence number can generally be found in the bottom left hand corner of the windscreen
3. **Sit in the rear of the vehicle behind the driver.**
4. **Never accept a lift from a stranger in a car.**
5. **Inform somebody else of the journey you are taking.**
6. **Arrange to be picked up and dropped off in a safe place.**
7. **Wear your seatbelt.** It is your responsibility to ensure you are safely strapped into the seatbelt. The driver does not always need to wear his seatbelt so do not follow his lead.
8. **Only hire taxis from a taxi rank.** There are 3 within the Cannock Chase area. Stafford Road, Cannock (Outside the College/Innovation Centre) , Anglesey Street, Hednesford (outside Weatherspoon) Bees Lane, Elmore Lane, Rugeley, (near the Bus Station)
9. **Ask for a receipt from the driver.** The driver has a duty to provide you with a receipt if asked. If there is a dispute over a fare or the price you are asked to pay then obtain a receipt and contact the Council's Licensing Unit
10. **Do not engage in conversations about your home life or private life.** Drivers are advised not to do this and you will be helping them if you refrain.
11. **Check that you have left nothing in the vehicle when you get out.**
12. **Ask the driver to comply with your reasonable requests.** You may ask the driver to slow down or stop drinking /smoking/ using a mobile phone whilst you a passenger in the vehicle. If you remain unhappy then report the driver to the Council.
13. **Compliment the driver on his actions if it is appropriate to do so.**

Cannock Chase Council's licensing officers help make sure that licensed drivers and vehicles comply with safety requirements. If you have cause to complain about a taxi, private hire vehicle or its driver then information on how to feedback compliments, comments or complaints about a taxi, private hire vehicle or its driver in Cannock Chase is given in Annex K to this policy.



ANNEX K

**HOW TO COMPLIMENT, COMMENT OR COMPLAIN ABOUT A LICENSED DRIVER OR VEHICLE**

Information on how to feedback compliments, comments or complaints about a taxi, private hire vehicle or its driver in Cannock Chase.

**How to compliment, comment or complaint**

All complaints must be sent in writing to:

Licensing Unit,  
Cannock Chase District Council,  
PO Box 28,  
Beecroft Road,  
Cannock,  
Staffordshire,  
WS11 1 BG.  
Phone 01543 462621  
Email: [licensingunit@cannockchasedc.gov.uk](mailto:licensingunit@cannockchasedc.gov.uk)

A "report it" facility is available on the Council's website at [www.cannockchasedc.gov.uk](http://www.cannockchasedc.gov.uk)

The Licensing Unit can investigate complaints such as:

- Overcharging
- Refusal to hire
- Rudeness/verbal abuse
- Journey routes
- Physical makeup of vehicle (e.g. cleanliness)
- Safety of vehicle (e.g. seat belts in working order.)

Complaints about matters such as dangerous driving, assault or theft should be reported to the Police as well as the Council's Licensing Unit.

**Information you will need to supply:**

Where possible you should include:

- A description of the incident
- The driver's badge number (if possible)
- The plate number and/or registration number of the vehicle
- The date and time of the incident and journey details (to and from)
- Other passengers present
- The name of the taxi company concerned
- Your contact details

Generally, complaints are dealt with by the licensing officers who will take appropriate action once the investigation is complete.

Serious complaints which may result in action being taken through the courts will require witness statements from all those present during the incident.

If you do not wish to make a witness statement, the complaint is unlikely to go to court and may be dealt with in a less formal manner.

## FAIR PROCESSING NOTICE

### HOW WE USE YOUR PERSONAL INFORMATION:

At Cannock Chase District Council we take your privacy seriously and will only keep and use your personal information for reasons that the law requires or allows. We are a data controller for the personal information we hold about you in relation to the processing and renewals of your Licences. In order to comply with data protection legislation we want to be sure you understand how we use this information.

The purpose for which your data will be used is to establish your identity and other necessary information about you which will help us determine your fitness, propriety and suitability to hold a licence or other authorisation with this authority.

If you are a hackney carriage/private hire driver, we may also use your data to enable the maintenance of a national revocations and refusals register (NR3) to strengthen hackney carriage / private hire vehicle licensing for the benefit and safety of passengers and drivers.

The introduction of this NR3 register will help other licensing authorities to make decisions on whether or not you are a fit and proper person to hold a licence with that authority. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority.

The recipients or categories of recipients of the personal data in the case of the NR3 National Register of Refusals or Revocations will be the National Anti Fraud Network and Licensing Authorities

The following is a generic, non-exhaustive list of relevant legislation which may apply to your particular licensing application or renewal. The information we collect about you will permit us to process your application in compliance with the legislation.

- Licensing Act 2003
- Gambling Act 2005
- The Local Government (Miscellaneous Provisions) Act 1976 & 1982
- The Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Scrap Metal Dealers Act 2013

Cannock Chase District Council is required by law to protect the public funds it administers. We may share information provided to us with other agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so.

We may share information about you for the purposes of auditing and administering public funds, preventing and detecting fraud and the prevention and detection of crime. Otherwise, we will only share your data if you ask us to. We only keep this data for the time specified in our retention schedule or as required by law. In the case of your personal data which is held on the NR3 data base the retention period will be 25 years

Data protection law provides you with certain rights, however not all of these rights will be available to you in all situations, particularly where we process your information as part of one of our statutory duties. Where we are under a legal duty to use data for a particular purpose you will not have the right to prevent it being used in that way.

A full list of the rights you may have, under data protection law, is given in the 'Your Rights' section of this webpage. For specific enquiries regarding personal data which we process you can contact the Data Protection Officer on email: [infomanager@cannockchasedc.gov.uk](mailto:infomanager@cannockchasedc.gov.uk) or at Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG.

If you wish to complain about how your personal information has been handled by Cannock Chase District Council then please contact the Data Protection Officer in the first instance using the details above. If you are not satisfied you can submit a formal complaint to the Council via our website <http://www.cannockchasedc.gov.uk/council/about-council/customer-feedback-help-us-get-it-right>

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at [www.ico.org.uk](http://www.ico.org.uk) You can also find details of how we handle your personal information by visiting [www.cannockchasedc.gov.uk/DataProtection](http://www.cannockchasedc.gov.uk/DataProtection)

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**Changes to the Cannock Chase District Council Hackney Carriage / Private Hire  
Driver, Vehicle & Operator Licensing Policy 2021**

<b>Amendments to Existing Policy</b>	<b>Reason</b>
<b>Corporate Matters and Policy Layout</b>	
The addition of several Corporate sections within the policy introduction.	For information in respect of the Council's statutory and policy responsibilities and ensure standardisation of the all the Council's licensing policies.
Introduction and implementations of new Government Department for Transport (Daft) National Standards.	Required by Government and welcomed by the Council in order to standardise UK taxi safety requirements and improve standards.
Addition (below) and amendment to annexes including <ul style="list-style-type: none"> <li>• Idling of vehicles whilst stationary</li> <li>• Fair Processing Notice</li> <li>• Guidance for passenger on safe use of taxis</li> <li>• How to report a licensed driver for vehicle</li> </ul>	For information and guidance to the trade, the public and other interested parties.
Introduction of a formalised compliments, comments, and complaints procedure for the reporting of licensed drivers and vehicles.	To comply with National Standards and help ensure public safety and increased confidence in the licensed trade.
<b>Licensed Drivers</b>	
The Council will sign up to the NAFN NR3 register of hackney carriage/private hire driver revocations and refusals.	This is to help to ensure that drivers who have been refused a licence or had their licence revoked, can be identified and any relevant information about them can be provided to other licensing authorities in confidence.
Removal of existing relevance of convictions policy and replacement with the new Institute of Licensing (IoL) Policy on suitability of applicants and licensees.	The new IoL policy has been introduced en-bloc except for two minor changes to the way in which the Council will deal with number of penalty points imposed on the drivers DVLA Driving Licence with respect to mobile phone use and minor traffic offences. The new convictions policy also reflects the requirements contained within the new National Standards.

Amendments to Existing Policy	Reason
The matrix of penalties for offences committed by drivers has been changed from 2 rolling years to 3 rolling years.	To reflect the fact that many drivers have a 3-year licence and may commit offence within that time which they do not notify to the Council's Licensing Unit. These issues can now be dealt with effectively upon renewal of the licence.
Changes to some of the penalty timescales listed within the penalty matrix of offences.	The range of penalties for some offences have been amended to permit a wider range of penalties in order to reflect the wide range of both mitigating and aggravating factors.
Drivers who have penalty points persistently imposed on their DVLA Driving Licence are likely to be referred to L&PPC and may expect their licence to be revoked.	Driver who persistently have penalty points imposed on their licence and reach 12 points or more cannot expect to be considered fit and persons to hold a licence.
Clarification to the new driver application process	For the avoidance of doubt
Clarification to DBS process where officers consider offences disclosed.	For the avoidance of doubt
Need for a Certificate of Good Conduct on application if required and if drivers are out of UK for 3 months or more.	For clarification and to reflect National Standards. This will help ensure the fitness and propriety of drivers even when they are living or working outside the UK.
Need for drivers to make a Statutory Declaration if required.	For the avoidance of doubt and to assist the licensing authority in ensuring that information provided by the driver is correct at any given time.
The Knowledge Test has been substantially upgraded and will now be online rather than on paper.	For the convenience of all and increased objectivity. It will also encourage applicants wider understanding of the law, Council policy, local knowledge, and the Highway Code.
The failure of 4 knowledge tests will mean that a new application will not being entertained for at least 1 year.	To ensure the applicants are prepared and committed to the application process as well as helping prevent the unnecessary waste of time and money.
Requirement for drivers to carry out regular checks of their vehicles.	Public safety is the priority of all those involved in the taxi trade. A regular check of the vehicle is considered to be a simple but important safety measure.

<b>Amendments to Existing Policy</b>	<b>Reason</b>
Drivers are expected to sit lone passengers in the rear of the vehicle unless otherwise agreed.	This will help safeguard passengers and protect drivers from allegations of inappropriate behaviour.
Drivers must act in a business-like manner and not over engage with passengers or swap personal information such as mobile phone numbers etc. unless this for business use purposes.	The safeguarding of passengers and protection of the driver from allegations of inappropriate comments and behaviour.
Drivers are expected to turn their engines off when their vehicle is stationary.	To help improve air quality in the District and reduce the carbon emissions from taxis. It will also save fuel and money.
Drivers are required to provide a DVLA share code to the Licensing Unit when requested.	The Council is trialling the use of the DVLA licence check system.
Clear expectation that drivers renew their licences in good time and that licences will expire if they do not.	For the avoidance of doubt and ensure that drivers understand it is their responsibility to renew their licence in good time.
Clear expectation that drivers are contactable at all reasonable times and the possibility of suspension or revocation of their licence if they are not.	For the avoidance of doubt and encourage greater compliance. At times some drivers are difficult to contact as they do not notify the Council of the change of their home address, email address or mobile phone number.
Clear expectation that drivers will co-operate with enforcement officers from other authorities when they are outside the CCDC area.	To comply with National Standards and following the change in cross boarder activities in 2015, drivers are more likely to find themselves in other areas.
Clear expectation that drivers do not drive when they are tired.	The Working Time Directive does not generally apply to taxi drivers however the Council is aware that drivers do work long hours and we expect drivers not to drive when they are tired.
Review of drivers DBS status to be carried out regularly and at least every 6 months by means of the DBS Update Service.	To ensure public safety and compliance with National Standards.
Dress Code has been updated to remove male/female differential in the policy requirements.	Rationalisation of policy requirement.
<b>New Requirements to Notify the Council's Licensing Unit</b>	
Drivers must now notify the Council if they are admitted to hospital for any reason and for any	To assist the Council in ensuring that drivers remain fit to work.

<b>Amendments to Existing Policy</b>	<b>Reason</b>
period of time.	
Drivers must now notify the Council within 48 hours of all offences committed including arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	To comply with National Standards and help ensure public safety by permitting the licensing authority to make an early assessment of the drivers' fitness and propriety.
PHO's and HCV proprietors must now notify the Licensing Unit if they are declared bankrupt	To maintain the integrity of those who control licensed vehicles and help protect the public from the potential for fraudulent activity and overcharging. Bankrupt persons are not permitted to hold a HCV or PHO licence.
<b>Licensed Vehicles</b>	
Proprietors are required to have a written complaints procedure where complaints are made about drivers.	To comply with National Standards, help ensure public safety and increased confidence in the licensed trade.
Requirement on proprietors and private hire operators to ensure they carry out regular checks on their licensed vehicles.	Public safety is the priority of all those involved in the taxi trade. A simple daily check of the vehicle and the making of a note to confirm that this has been done is considered to be a simple but important safety measure.
Relaxation of policy on the date of first licensing of Wheelchair Accessible Vehicles (WAV's). Move from 5 old years at first licensing to 7 years old.	This will hopefully help to increase the numbers of WAV's within the fleet by reducing purchase costs without any relaxation of standards.
WAV's capable of rear loading by means of a lifting mechanism must obtain a Lifting Operations and Lifang Equipment Regulations (LOLER) Certificate upon 1st licensing and any subsequent renewal of the vehicle.	For reasons of public safety.
No modification to HCV's without prior approval	For the maintenance of high vehicle standards.
Clarification on date of first registration	For the avoidance of doubt
Requirement that tyres which are fitted to licensed vehicles are no more than 10 years old.	To help ensure public safety.



Amendments to Existing Policy	Reason
The licence plate is to be placed inside a backing plate provided which must then be firmly affixed to the vehicle using security tabs. No magnets to be used.	For the security and integrity of the licence plate in accordance with manufacturers specifications/ recommendations. This will, also help prevent loss and theft of unsecured licence plates and reduce complaints about vehicles standing or plying for hire unlawfully without a licence plate.
Formalisation and clarification on Council policy for insurance write offs.	For the avoidance of doubt.
Clarification on use of CCTV in licensed vehicles and commitment to a further consultation in the Summer of 2021.	For the avoidance of doubt.
Confirmation that Dashcams cannot be used to record interior images within licensed vehicles and that dashcams cannot display recorded images on a screen which can be seen from inside the vehicle.	To help prevent unauthorised recording and publication of potentially sensitive images of passengers and to ensure compliance with data protection and road safety legislation.
Clarification of existing privacy glass darkened windows in licensed vehicles.	For the avoidance of doubt.
Clarification on taxi fares and the use of the taxi meter.	For the avoidance of doubt.
Clarification of Council policy on the s75 LGMPA exemption permits PHV's not to display a licence plate. Vehicles used with such an exemption must not be used for home to school transport of children	For clarification, the avoidance of doubt and reasons of public safety.
Change to policy on the requirement for licensed vehicles to carry a spare wheel.	To reflect changes in the manufacturing specification of vehicles. This change will continue to permit a wide choice of vehicles which may be licensed by the Council without inconveniencing the travelling public.
Change of advertisement policy for HCV's. Gambling and fast food are now included in the products which shall not be advertised.	To reflect the Council's social responsibility obligations and to help protect the vulnerable, as well as under 18s.
Upon the replacement of an old fire extinguishers, it must now be replaced with a 1kg unit.	To help ensure public safety and introduce consistency in the policy requirement.
<b>Private Hire Operators</b>	
Operators must keep a register of bookings and dispatch staff and are required to evidence that	To reflect the requirements of the new National Standards.

<b>Amendments to Existing Policy</b>	<b>Reason</b>
they have had sight of a Basic DBS check on all individuals listed on that register.	
Requirement for PHO's to have a policy on employing ex-offenders and consider obtaining a DBS Disclosure for all support staff.	To reflect the requirements of the new National Standards.

**CANNOCK CHASE COUNCIL  
CONSULTATION RESPONSE  
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER,  
VEHICLE AND OPERATOR LICENSING POLICY  
REVISED POLICY 2021-2025**

**Reference number:**

Taxi Policy 2021/01

**Date received:**

19 February 2021

**Name and address of respondent**

Mr Steven Toy  
Trade leader of the CCDC Hackney Carriage and Private Hire Liaison Group

**Comments/observations made by respondent:**

Mr Toy comments that this is, for the most part, a well-prepared document and there is little which raises significant concerns for the trade. Therefore, he only address points which give cause for comment.

**Paragraph 2.3:**

Mr Toy considers that reimbursement on a pro-rata basis should be considered in respect of 3-year drivers' licences if the driver is caused to surrender or his/her licence is revoked through no fault of their own; an example being for reasons of poor health. This is to avoid dis-incentivising the uptake of 3- year licences.

**Paragraph 2.5:**

With respect to licensed drivers being readily contactable at all times, Mr Toy questions what if the driver is on holiday or out of the country for whatever reason?

**Paragraph 2.9:**

Mr Toy agrees that CCDC licensed drivers must co-operate with enforcement officer from other areas except in the following circumstances:-

- In the event of a licensing enforcement officer from another licensing authority undertaking a vehicle inspection on the basis of passing observation and without engaging with the driver for this purpose,
- Asking a driver to make their badge plainly visible by moving it closer,
- Enquiring as to the reason for the driver being parked at that given location in order to ascertain that they are not unlawfully plying for hire (for example, asking for evidence of a booking on a data head), this requirement, in respect of vehicle inspections would have no legal basis as it would be contrary to Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

As a result the Mr Toy asks that paragraph 2.9 be reworded as follows:

*“Drivers are required to respond to all reasonable requests made by authorised officers from other areas. For avoidance of doubt, drivers should, to any licensing officer, make their badges plainly visible and provide information regarding their reason for being present upon request in order that the officer may, for example, rule out unlawful plying for hire”.*

**Paragraph 2.11:**

Mr Toy suggests this needs rewording as follows:

*“Licensed drivers are expected to carry out their duties with propriety and not engage with passengers in an inappropriate manner which may give them due cause to feel ill at ease or even threatened. Drivers should avoid asking intrusive questions and should not exchange personal contact details without the express agreement of the Passenger”.*

**Paragraph 2.14:**

Mr Toy asks that the word ‘daily’ vehicle checks should be substituted for ‘regular’ and reference to start of shift should be removed given that drivers don’t always work shifts.

He says proportionality is the key here. More structured vehicle checks and written records may be required of proprietors of a fleet of vehicles but not necessarily of an owner-driver with just one vehicle who is more likely to keep an eye on it as a matter of course. Written records of maintenance come in the form of receipts. For example, a new tyre.

**Paragraph 2.23:**

Mr Toy suggests that all required driver training should be arranged by the Council and not place an onerous financial burden on licensed drivers.

**Paragraph 4.4:**

Mr Toy asks what if a proprietor were to acquire a trailer after his or her vehicle had been licensed and plated and the renewal of the licence was not due for some time? He asks, in accordance with the spirit of the Regulators' Code 2014, how could this be accommodated?

He says that as far as he is aware, no other licensing authority, to my knowledge licenses trailers; they simply require them to be roadworthy in accordance with Construction and Use legislation.

**Paragraph 5.10:**

Mr Toy wishes to substitute the words ‘clear glass’ for ‘standard tinted glass.’ All windows in modern vehicles are tinted to some degree (to allow at least 70% light transmission). Any requirement for clear glass would place an onerous burden on proprietors and there are safety implications too regarding UVB radiation through completely clear glass.

#### **ANNEX 4**

With respect to Private Hire Operators' Licence Conditions, Mr Toy suggests:

3 (i) The place where a passenger's journey terminates should only be required to be recorded on completion of the journey as the destination may not always be reasonably be known at the time of acceptance.

He gives examples: bookings accepted from a hotel receptionist on behalf of a guest or by Interactive Voice Recognition. Such bookings would be stated 'as directed.'

He submits that there are also safety implications for this requirement too. What if a vulnerable person was fleeing from a potential abuser or assailant and did not know the exact location of their destination at the time of booking? Naturally, all other particulars should be recorded before the journey commences.

Mr Toy makes a couple of final points:

- 1) Where the council outlines its complaints procedure and how to make a complaint to the licensing unit regarding a licensed vehicle, driver or operator, please invite 'comments' rather than 'complaints' in order to foster a positive image of our trade and raise public confidence in the service we provide.
- 2) Covid-19 notwithstanding, passengers should be allowed, at the discretion of the driver, to sit in the front even when travelling alone if they so choose. Directing a passenger to sit in the rear when they may otherwise choose to sit in the front risks inviting unnecessary confrontation or ill feeling which may make a complaint against the driver or an incident more likely not less.

#### **Appraisal of comments by the Authority:**

The Council is grateful for Mr Toy's response and our appraisal of the consultation response is as follows:

#### **Paragraph 2.3:**

Mr Toy's comments are noted and seem reasonable. Part refunds of 3 year licences will be made available in circumstances of surrender due to ill health or similar.

#### **Paragraph 2.5:**

The period of time in which the Licensing Unit would expect a driver to respond to a reasonable request already takes account of Mr Toy's comments. A driver would reasonably be expected to respond to the Licensing Unit within 2-5 days. Where the licensing authority becomes aware that a licensed driver is on holiday or out of the Country, the Licensing Unit will act appropriately and proportionally. Any suspension or revocation of a hackney carriage /private hire drivers licence would be properly considered with regard to any public safety implications.

#### **Paragraph 2.9:**

Mr Toy's proposed wording is generally acceptable but would be slightly amended:

This requirement will not become a specific licence condition but will remain a policy requirement. Any driver who fails to meet the reasonable expectations of Council Policy might expect formal action to be taken against their hackney carriage/private hire drivers licence.

**Paragraph 2.11:**

Mr Toy's proposed wording is generally acceptable but would be slightly amended:

**Paragraph 2.14:**

It is considered appropriate to place the driver of a licensed vehicle under a duty to inspect their vehicle regularly in order to ensure that it is roadworthy. It is also reasonable to expect proprietors and operators of licensed vehicles to do the same. The County Council makes comment on the same issue in their consultation response.

**Paragraph 2.23:**

The Council accepts that all required training for licensed drivers should be arranged by us and not place an onerous financial burden on licensed drivers.

**Paragraph 4.4:**

Our records indicate that no trailer has been tested and licensed by this authority for many years. However, at this time, we neither wish to prohibit the use of trailers nor wish to permit their use without the appropriate safeguards.

**Paragraph 5.10:**

It is agreed that we will substitute the words 'clear glass' for 'standard tinted glass.'

**ANNEX 4**

Mr Toy's comments are noted however these will probably relate to just a small number of bookings. The place where a passenger's journey terminates will continue to be required at the time that the booking is taken, however, the initial entry onto the booking register may be amended or revised upon completion of the journey.

**ANNEX K**

The Council already invites "comments" rather than 'complaints' on the internal licence plate which is visible to passengers sitting inside the vehicle.

**ANNEX J**

Mr Toys' comments are noted and nothing in the policy is intended to interfere with common sense. Notwithstanding Mr Toy's comments, the Council believes that passengers should still be encouraged to sit in the rear of the vehicle; preferably, directly behind the driver. This is all the more important during the global pandemic.

**Proposed response by the Authority:**

The local authority has carefully considered the consultation response from Mr Toy and proposes to response as follows:

**Paragraph 2.3:** The Policy will be amended to reflect the changes required.

**Paragraph 2.5:** No changes are considered necessary to the finalised policy

**Paragraph 2.9:** Mr Toys wording has been slightly amended and will be included in the finalised policy document as follows:

*"Drivers are required to respond to and co-operate with all reasonable requests made by authorised officers from other areas. For avoidance of doubt, drivers should, to any licensing officer, make their badges plainly visible and provide information regarding*

*their reason for being present upon request in order that the officer may, for example, rule out unlawful plying for hire”.*

**Paragraph 2.11:** Mr Toy’s wording has been slightly amended and will be included in the finalised policy document as follows:

*Licensed drivers are expected to carry out their duties with propriety and not engage with passengers in an inappropriate manner which may give them due cause to feel ill at ease or even threatened. Drivers should act in a business-like manner and avoid asking intrusive questions. Personal contact details should not be exchanged without the express agreement of the passenger.*

**Paragraph 2.14:** The finalised policy will place a duty on the driver of a licensed vehicle to inspect their vehicle regularly in order to ensure that it is roadworthy. It will be amended to ensure that proprietors and operators of licensed vehicles do the same. The word ‘daily’ will be however be substituted for ‘regular’ but it will remain clear that the vehicle should be checked and roadworthy before it is first driven for work purposes. The reference to start of shift will be removed. Please see the consultation response from Staffordshire County Council.

**Paragraph 2.23:** The Council accepts that all required training should be arranged by us and we should not place an onerous financial burden on licensed drivers. No changes are considered necessary to the finalised policy

**Paragraph 4.4:** No changes are considered necessary to the finalised policy and we will continue to accommodate requests to license trailers in line with; an appropriate inspection; the payment of a fee; vehicle insurance; DVLA Driver entitlements and the Construction and Use Regulations.

**Paragraph 5.10:** The Policy will be amended to reflect the changes required.

**ANNEX 4:** No changes are considered necessary to the finalised policy

**ANNEX K:** The Policy will be amended to reflect any changes required. In the spirit of the new National Standards requirements, we will now make specific provision for compliments, comments or complaints.

**ANNEX J:** No changes are considered necessary to the finalised policy.

Signed:

Agreed:

Date:

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**CANNOCK CHASE COUNCIL  
CONSULTATION RESPONSE  
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER,  
VEHICLE AND OPERATOR LICENSING POLICY  
REVISED POLICY 2021-2025**

**Reference number:**

Taxi Policy 2021/02

**Date received:**

19 February 2021

**Name and address of respondent**

Mr Dominic Davidson  
Senior Transport Co-ordinator  
Staffordshire County Council

**Comments/observations made by respondent:**

The County Council provides the majority of the Special Educational Needs home to school transport and like Cannock Chase Council, the County Council's expects high standards from its drivers and vehicle licence holders. The County Council are keen to continue to work in partnership with our licensing officers in order to help maintain and improve standards of service delivery, develop common standards and reduce duplication and costs where possible.

Staffordshire County Council makes a number of comments and observations which are detailed below.

**1) Enhanced DBS and Update Service**

The County Council welcomes the requirement for drivers to subscribe to the DBS update service. It would assist in avoiding duplication between authorities if CCDC could consider accepting Enhanced DBS Children & Adult Workforce certificates obtained by drivers through the County Council subject to a valid subscription to the Update Service being in place. Similarly the County Council will look to accept Enhanced DBS checks issued by licensing authorities where valid update service is in place and the suitability criteria is met.

**2) Vehicles**

The County Council notes that the revised Policy does not appear to place an explicit duty upon drivers to ensure that their vehicles have undergone a basic visual safety check each working day. It is requested that:

- Drivers are required to perform a daily walk around check before the first use of their vehicle each working day. It is suggested that the walk around check example for a PSV given in the DVSA's Guide to Maintaining Roadworthiness is used as the basis for this.

- Drivers are required to keep a written record of checks, preferably in a pre-printed carbon book or on a suitable mobile phone app designed for the purpose.
- The driver is obligated to ensure that a vehicle is not allowed to enter service if a defect is discovered that renders the vehicle not road legal, until such time as the defect is repaired. The action taken to rectify any defect should be recorded.
- Drivers working for a private hire operator licence holder must make available on demand, copies of daily walk around checks and hand in carbon copies (or electronic equivalent) if so requested by the operator licence holder.
- Drivers are required to carry the daily walk around check for (at least) that day on the vehicle for inspection by a licensing officer in the event of a check.

We would support Cannock Chase Councils addition of the requirement for drivers to carry out a daily check of their vehicles and keep a written note of that inspection. We would urge CCDC to strengthen the requirements surrounding this matter to include an obligation for Private Hire Operators to monitor the maintenance of vehicles that are linked to their licence. Including requiring the submission of daily walk around checks, evidence of defect rectification and evidence of servicing in accordance with the vehicle manufacturer's recommended maintenance schedule. We would recommend that the daily walk around checks are audited by the operators on a regular basis and stored for a period of at least 6 months. Also including any records of defect rectifications.

### 3) Part Worn Tyres

The County Council's experience is that the most common area of serious non-compliance in terms of defects on taxi and private hire vehicles is tyres worn below the legal limit. They **strongly** oppose the use of part worn tyres, due to the high risks associated with them and the effect of tyre age on safety. Given the safety implications of part-worn tyres it is requested that only new tyres should be deployed on licenced vehicles.

### 4) Wheelchair accessible vehicles

The County Council notes that wheelchair accessible vehicles licenced as private hire or hackney carriage vehicles are often fitted with tail lifts. The maintenance and inspection of tail lifts are subject to LOLER (Lifting Operations and Lifting Equipment Regulations) 1998. They suggest that a licensing condition that LOLER certificates are produced with MOTs at 6 monthly intervals may also be appropriate.

### 5) Compliance Checks

The County Council undertakes a regular programme of compliance checks at schools around the County in relation to contracted transport. Many of these are undertaken in partnership with the licensing authority and/or the DVSA. It is suggested that the licensing authority may wish to consider including mention of County Council compliance checks within the policy document. It may also be appropriate to mention that the licensing authority can act upon evidence passed over from a County Council compliance check where licensing terms have been breached.

### 6) Complaints Procedure

The County Council welcomes the introduction of a formalised complaints procedure for the reporting of licensed drivers and vehicles.

**7) Licensed Drivers**

The County Council supports CCDC signing up to the NAFN NR3 register of revocations and refusals in order to provide additional protection. Information can then be shared in confidence between Licensing Authorities.

**8) Executive Hire**

The County Council requests that consideration is given to explicitly stating that vehicles licensed for Executive Hire must not be used for any home to school transport. It is important that parents, carers and schools are able to immediately ascertain that any vehicle carrying children or vulnerable passengers is a properly licensed vehicle.

**Appraisal of comments by the Authority:**

**1) Enhanced DBS and Update Service**

Cannock Chase Council will already accept an Enhanced DBS Disclosures obtained through the County Council. These DBS disclosures are valid and can be used in respect of this Council's requirement for licensed drivers to subscribe to the DBS Update Service.

**2) Vehicles**

The Council's finalised Policy must be reasonable and proportionate. As such, it is considered appropriate to place the driver of a licensed vehicle under a duty to inspect their vehicle regularly in order to ensure that its lights, oil, water and tyres etc. are in good order. The driver should also make sure that any defects are remedied before the vehicle is used.

However, not all drivers own their own vehicles or are responsible for financing their maintenance. As a result, there is a limit to what might be expected from drivers with respect to the regular inspection of the vehicle they drive.

More than a general check on lights, oil, water and tyres etc. is the responsibility of the vehicle licence holder and as such, it is considered reasonable to expect that both proprietors and operators of licensed vehicles also have a duty to inspect their vehicles on a regular basis in order to ensure their vehicle remains roadworthy.

**3) Part Worn Tyres**

The County Council's comments are noted. The use of part worn tyres on licensed vehicles is cause for concern and their use is regularly brought to the attention of the Council's Licensing Unit when vehicles are being tested. Currently, however, it is not unlawful to use part worn tyres or tyres which are over 10 years old.

**4) Wheelchair accessible vehicles**

The County Council's comments are noted and accepted however this authority does not currently licence any wheelchair accessible vehicles (WAV) which requires LOLER certification. We will however, amend the finalised policy in preparation for that possibility.

**5) Compliance Checks**

The licensing authority does regularly carry out joint compliance checks with the County Council and agree that it is appropriate to mention that the licensing officers can act upon evidence passed from a County Council where licensing breaches arise.

**6) Complaints Procedure**

The County Council's views on a formalised compliments, comments or complaints procedure is welcomed.

**7) Licensed Drivers**

The County Council's support for the NAFN NR3 register of revocations and refusals is welcomed.

**8) Executive Hire**

In accordance with the finalised policy document, a small number of private hire vehicles used for Executive Hire may be granted an exemption from displaying licence plates. Where such an exemption is granted, the Licensing Unit will make it clear that such vehicles must not be used for home to school transport.

**Proposed response by the Authority:**

The local authority has carefully considered the consultation response from Staffordshire County Council and proposes to response as follows:

**1) Enhanced DBS and Update Service**

No changes are considered necessary to the finalised policy.

**2) Vehicles** The finalised Policy will require the driver of a licensed vehicle to inspect their vehicle regularly in order to ensure that it is roadworthy and remedy any problems before they start work. The policy will also be amended to ensure that proprietors and operators have a duty to do the same.

**3) Part Worn Tyres**

The County Council's comments are noted and this Council proposes a stepped response to this issue. At this time, we will prohibit licensed vehicles from using tyres which are over 10 years old (including part worn tyres) and we intend to consult again later in the year on the complete prohibition of part worn tyres.

**4) Wheelchair accessible vehicles**

The Policy will be amended to reflect the possibility that a vehicle requiring LOLER certification may, at some point, be licensed by this authority.

**5) Compliance Checks**

The Policy will be amended to reflect the changes required.

**6) Complaints Procedure**

The Policy will be amended to reflect general changes to the compliments, comments and complaints area of the document.

**7) Licensed Drivers**

No changes are considered necessary to the finalised policy.

**8) Executive Hire**

The Policy will be amended to reflect the changes required.

Signed:

Agreed:

Date:

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**CANNOCK CHASE COUNCIL  
CONSULTATION RESPONSE  
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER,  
VEHICLE AND OPERATOR LICENSING POLICY  
REVISED POLICY 2021-2025**

**Reference number:**

Taxi Policy 2021/03

**Date received:**

20 February 2021

**Name and address of respondent**

Cllr Bryan Jones  
CCDC Councillor for the Hednesford Green Heath Ward

**Comments/observations made by respondent:**

Cllr Jones comments that the consultation document is a very good document and he offers his general observations:

**Paragraph 1.19:**

Cllr Jones comments; Crime and Disorder Act - Second Paragraph refers to where the Council's Licensing Unit contact details should be. Would it make sense to also have these details in the rear of the cab for passengers to have this info readily available, and to also act as a deterrent for drivers to misbehave ?

**Paragraph 2.1:**

Cllr Jones notes; General Driver Info etc. - Paragraph 3 refers to unsafe or unsuitable people and Paragraph 4 refers to 'fit and proper' the document explains later on there is no exact definition of 'fit and proper' but gives pointers as to what should be considered in making the judgement. Is there also a need to identify examples of what might constitute an 'unsafe or unsuitable' person? I appreciate it will relate to exactly the same considerations but perhaps it should be referenced in the same way ?

**Paragraph 2.10:**

Cllr Jones states; General Driver info etc. - Paragraph 1, Compliance with Working Time Directive (WTD) is very difficult to inspect. He asks, Is there or could we consider a requirement for Private Hire Operators and/or drivers to keep exact hours that are worked?

**Paragraph 2.37:**

Cllr Jones suggests; General Driver info etc. - Paragraph 1, Where a driver is required to submit to a drugs test at the cost of the Council, if this proves positive should the Council not require the driver to cover the cost ?

**Paragraphs 2.41 and 2.42:**

Cllr Jones points out; Whilst Driving a Licensed PHV - Paragraph 1, They say exactly the same thing, one needs removing.

**Paragraph 3.6:**

Cllr Jones suggests; New Applicants etc. - Paragraph 1, It says a licence cannot be granted to anyone over 18 who has not held a full UK. Apart from it should say licence after UK, should it also say WHO HOLDS and not held ?

Further; as part of his consultation response, Cllr Jones has helpfully pointed out a number of typographical errors in the consultation document.

**Appraisal of comments by the Authority:**

The Licensing Authority is grateful for Cllr Jones' helpful observations and comments. Our appraisal of the consultation response is as follows:

**Paragraph 1.19:**

This matter has previously been considered by the Council's Licensing Unit and there are a number of difficulties with requiring such a notice to be displayed inside licensed vehicles. Currently, all licensed vehicles carry the contact details of the Council's Licensing Unit on the internal licence plate which is located in the front windscreen of every licensed vehicle.

The wording on the said internal licence plate invites comments about the vehicle or driver and quotes the vehicle licence plate number. Unfortunately, as most of the vehicles licensed by the Council are saloon type vehicles, space to place larger notices in a safe and secure manner is at a premium. As a result, placing a large additional notice is challenging. The National Standards now require greater ease and prominence for the public to make comment and as a result, we intend to heavily publicise the availability of a new web based compliments, comments and complaints area of the Council's website.

**Paragraph 2.1:**

Cllr Jones is correct, the relevant legislation refers to the "Fit and Proper" persons however, the Institute of Licensing recently used the term "Safe and Suitable" to mean something very similar. Our preferred terminology is "fit and proper" but we decided to make non legal reference to "safe and suitable" in an attempt to introduce readers to the alternative wording.

**Paragraph 2.10:**

The WTD does not apply to taxi drivers and as a result, there is no legal basis for any specific requirements to be included in our policy document. As an alternative, we decided to place a clear policy expectation upon licensed drivers. Any driver who falls below this expected standard will be dealt with appropriately.

**Paragraph 2.37:**

The continued inclusion of this paragraph in the policy dates back to the introduction of drug testing in 2014. At that time agreement was reached that the Council would pay for a further test if a new applicant tested positive for drugs. There have been no positive test results over the last 7 years.



**Paragraphs 2.41 and 2.42:**

This comment is noted with thanks

**Paragraph 3.6:**

This comment is noted with thanks.

The typographical errors mentioned by Cllr Jones are noted and will be amended.

**Proposed response by the Authority:**

The local authority has carefully considered the consultation response from Cllr Jones and proposes to response as follows:

**Paragraph 1.19:** The Council will ensure that its new compliments, comments and complaints procedure is widely publicised in a variety of ways and that public access to the said procedure is readily available to all.

**Paragraph 2.1:** The finalised document will be amended to change the complexion of each terminology.

**Paragraph 2.10:** The comments are noted, however no change is considered necessary to the finalised licensing policy

**Paragraph 2.37:** The finalised policy will be amended so that where a new applicant fails a drug test, the cost of any additional testing will be their responsibility.

**Paragraph 2.41 and 4.42:** The finalised policy will be amended to reflect the changes required.

**Paragraph 3.6:** The finalised policy will be amended to reflect the changes required.

With respect to the typographical errors, the finalised policy will be amended to reflect the changes required.

Signed:

Agreed:

Date:

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**CANNOCK CHASE COUNCIL  
CONSULTATION RESPONSE  
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER,  
VEHICLE AND OPERATOR LICENSING POLICY  
REVISED POLICY 2021-2025**

**Reference number:**

Taxi Policy 2021/04

**Date received:**

21 February 2021

**Name and address of respondent**

Mr John Pollard  
Resident of Cannock Chase District Council.

**Comments/observations made by respondent:**

Mr Pollard makes comment on two areas of the policy consultation document. These are outlined below:

**1) Part Worn Tyres**

Mr Pollard presumes that the intent of this wording is to ensure that the age of tyres being used on a licensed vehicle shall be 10 years or less. The wording proposed forbids the fitting of aged tyres to a vehicle rather than using aged tyres on a vehicle. The age limit is intended to apply to all tyres whether 'new' or 'part worn'. Thus the use of 'or part worn' is not needed in the first sentence.

Mr Pollard suggests that his amended wording below may be suitable:

*"No licensed vehicle shall use tyres (including on a 'spare' wheel) beyond 10 years from the tyre's date of manufacture. Part worn tyres must be marked as "Part-Worn" as required by legislation."*

**2) Darkened windows**

Mr Pollard points out that there are laws concerning the tinting of vehicle front windscreens and front side windows which apply to all vehicles. It should be made clear that the paragraphs relating to darkened windows will only apply to rear passenger windows.

**Appraisal of comments by the Authority:**

The licensing authority is grateful for Mr Pollard's helpful response. The appraisal of the consultation response is as follows:

**1) Part worn tyres**

Mr Pollard's comments are noted and we agree that the wording in the consultation document should be amended. Mr Pollard's proposed wording will be used as the basis for this change.

**2) Darkened windows**

Mr Pollard's comments are noted and the wording in the finalised policy will be clarified.

**Proposed response by the Authority:**

The local authority has carefully considered Mr Pollard's consultation response and proposes to respond as follows:

**1) Part worn tyres**

The finalised policy document will be amended to reflect Mr Pollard's comments. Mr Pollard's proposed wording will be used as the basis for this change which will read:

*"No licensed vehicle shall use tyres (including on a 'spare' wheel) which are more than 10 years older than the tyre's date of manufacture. Part worn tyres must be marked as "Part-Worn" as required by legislation."*

**2) Darkened windows**

The policy will be amended to make it clear that reference to darkened glass will relate to the rear passenger windows only.

Signed:

Agreed:

Date:



**POLICY ON THE NATIONAL  
REGISTER OF TAXI LICENCE  
REVOCATIONS & REFUSALS (NR3)**

## 1. Introduction

In carrying out its taxi and private hire licensing function, Cannock Chase District Council's Hackney Carriage/ Private Hire Driver, Vehicle & Operator Licensing Policy, will, as required by the Policing and Crime Act 2017, have regard to the *Department for Transport, Statutory Taxi & Private Hire Vehicle Standards 2020*.

In particular, the Council has signed up to the National Register of Taxi Licence Revocations and Refusals (NR3) In accordance with Paragraph 4.21 of the National Standards.

### National Standards

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") places a duty on the Licensing Authority to carry out its licensing functions in respect of licensed hackney carriage and private hire drivers as well as the licensed vehicles they drive.

The Statutory Taxi & Private Hire Vehicle Standards, issued by the Department for Transport (DfT) in July 2020, assert that taxis and private hire vehicles are a high risk environment and that minimum standards are required to regulate the taxi and private hire sector.

Although the National Standards focus on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained within the new standards and the DfT expects the recommendations contained within the document to be implemented unless there is a compelling local reason not to do so.

A link to the Statutory Taxi & Private Hire Vehicle Standards, can be found here: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

### Data Protection

When an individual or an organisation provides information to the Council, this data is held in accordance with Data Protection legislation. Data provided to the Council is used for processing applications, recording details of successful applicants, and for enforcement and crime prevention purposes.

The Council may share data with other services and with partners of the Council where required by licensing procedures and for enforcement and crime prevention purposes but data will not otherwise be passed on to any other party.

While certain information may be disclosed under the Freedom of Information Act, personal data will be protected unless it is also official business data (e.g. a licensee whose registered business address is also his home).

The Council's Fair Processing Notice is attached as an Annex 1 to this policy.

## 2. Background

Cannock Chase Council is required to satisfy itself that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper' to do so.

This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

The process of assessing whether an applicant or licence holder is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by the first authority from simply going to another area and securing a licence - assuming the second authority was aware of the earlier revocation.

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

At the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

In response to this issue, the Local Government Association has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure. For the avoidance of doubt, NR3 does not extend to vehicle or operator licensing decisions.

Licensing authorities will be data controllers in relation to their processing of personal data in connection with NR3, including in relation to uploading information to NR3, consulting NR3, and disclosing or receiving information about individuals who appear on NR3. We have therefore worked closely with our information governance and legal teams to assure ourselves that we are taking the necessary steps to comply with data protection and other laws in regard to NR3.

### 3. Objective of NR3

The objective of the national register is to ensure that this authority is able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked.

Every application will be considered on its own merits. This licensing authority will not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused.

The register will not record suspensions of drivers' licences for the following reasons:

- i. any suspension that was later lifted because the original information was false or unsubstantiated would have to be removed from the register, but any search during the period that the information remained in the register might prejudice a subsequent application
- ii. suspension should not be used as an interim step pending revocation. If the matter is serious enough to warrant a driver being prevented from driving, revocation should be the action taken; and
- iii. where a suspension period is imposed as a short-term punishment for minor transgression, this should not influence a subsequent decision, as further serious non-compliance should lead to revocation. Accordingly, any pattern of unacceptable behaviour should be identified by revocations or refusals to renew, rather than by a recurring pattern of suspensions.

For these reasons, no records of suspension should be included, including migration of historic records relating to suspension.

### 4. Overarching principles

This policy covers the use that Cannock Chase District Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a hackney carriage/private hire drivers' licence.

This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Cannock Chase District Council has signed up to the NR3. This means that when an application for a hackney carriage/private hire drivers licence is refused, or when an existing drivers licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Cannock Chase District Council, will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the



applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court.

The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible

If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated.

Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with this authority's general policy on the secure retention of personal data which is available at <https://www.cannockchasedc.gov.uk/council/about-council/data-protection/data-protection-privacy-notice>

At the end of the retention period, the data will be erased and/or destroyed in accordance with our general policy on the erasure and destruction of personal data which is available on request.

## **5. Making a request for further information regarding an entry on NR3**

When an application is made to Cannock Chase District Council for the grant of a new, or renewal of, a hackney carriage/private hire drivers licence, we will check the NR3 register.

we will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 2 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **6. Responding to a request made for further information on a NR3 entry.**

When Cannock Chase District Council, receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority has conducted a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period.

It is expected that if the second authority has adopted a policy similar to this, that this should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure will be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a hackney carriage/private hire driver. Data is held on the NR3 register for a period of 25 years, but Cannock Chase District Council, (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Cannock Chase District Council, will generally disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades".

Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IOL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on this authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

## **7. Using any information obtained as a result of a request to another authority**

When Cannock Chase District Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This process for determining applications will be in accordance with the Council's Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy which is available at: <https://www.cannockchasedc.gov.uk/business/licensing-permits/application-forms-licensing>

This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

## FAIR PROCESSING NOTICE

### HOW WE USE YOUR PERSONAL INFORMATION:

At Cannock Chase District Council we take your privacy seriously and will only keep and use your personal information for reasons that the law requires or allows. We are a data controller for the personal information we hold about you in relation to the processing and renewals of your Licences. In order to comply with data protection legislation we want to be sure you understand how we use this information.

The purpose for which your data will be used is to establish your identity and other necessary information about you which will help us determine your fitness, propriety and suitability to hold an licence or other authorisation with this authority.

If you are a hackney carriage/private hire driver, we may also use your data to enable the maintenance of a national revocations and refusals register (NR3) to strengthen hackney carriage / private hire vehicle licensing for the benefit and safety of passengers and drivers.

The introduction of this NR3 register will help other licensing authorities to make decisions on whether or not you are a fit and proper person to hold a licence with that authority. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority.

The recipients or categories of recipients of the personal data in the case of the NR3 national register of refusals or revocations will be the National Anti Fraud Network and Licensing Authorities

The following is a generic, non-exhaustive list of relevant legislation which may apply to your particular licensing application or renewal. The information we collect about you will permit us to process your application in compliance with the legislation.

- Licensing Act 2003
- Gambling Act 2005
- The Local Government (Miscellaneous Provisions) Act 1976 & 1982
- The Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Scrap Metal Dealers Act 2013

Cannock Chase District Council is required by law to protect the public funds it administers. We may share information provided to us with other agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so.

We may share information about you for the purposes of auditing and administering public funds, preventing and detecting fraud and the prevention and detection of crime. Otherwise, we will only share your data if you ask us to. We only keep this data for the time specified in our retention schedule or as required by law. In the case of your personal data which is held on the NR3 data base the retention period will be 25 years

Data protection law provides you with certain rights, however not all of these rights will be available to you in all situations, particularly where we process your information as part of one of our statutory duties. Where we are under a legal duty to use data for a particular purpose you will not have the right to prevent it being used in that way.

A full list of the rights you may have, under data protection law, is given in the 'Your Rights' section of this webpage. For specific enquiries regarding personal data which we process you can contact the Data Protection Officer on email: [infomanager@cannockchasedc.gov.uk](mailto:infomanager@cannockchasedc.gov.uk) or at Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG.

If you wish to complain about how your personal information has been handled by Cannock Chase District Council then please contact the Data Protection Officer in the first instance using the details above. If you are not satisfied you can submit a formal complaint to the Council via our website

<http://www.cannockchasedc.gov.uk/council/about-council/customer-feedback-help-us-get-it-right>

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at [www.ico.org.uk](http://www.ico.org.uk) You can also find details of how we handle your personal information by visiting [www.cannockchasedc.gov.uk/DataProtection](http://www.cannockchasedc.gov.uk/DataProtection)

**Information disclosure form**

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

**(For completion by requestor authority)**

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made:      Refusal / revocation

Other details for this record:

Address:

Driving licence No

NINO:

Reference number:

**Declaration by requesting authority:**

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at ??.

Signed:

Name:

Position:

Date

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

**Declaration by providing authority**

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date: