

# Public Document Pack

## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 20 September 2017

Present: Councillor WJ Davies (Chair)

Councillors RL Abbey A Hodson  
C Meaden L Rowlands  
P Stuart D Mitchell

Deputies: Councillors M Sullivan (In place of J McManus)  
G Watt (In place of T Anderson)

### 5 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

### 6 MINUTES

**Resolved – That the minutes of the meeting held on 24 May 2017 be approved.**

### 7 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY FOR CURRENT LICENCE HOLDERS

The Managing Director for Delivery sought Members' approval of a policy in relation to the criteria applicable when considering whether a licensed driver remains a fit and proper person when the licence holder has failed to maintain the standards expected of a licence holder or committed offences.

The Licensing Manager reported that there was currently no policy in force in respect of the above and in the absence of a policy relating to this, the revised Statement of Policy and Guidelines relating to the Relevance of Convictions for new applicants was currently referred to by officers and Members of the Licensing Panel.

A consultation exercise with other authorities across Merseyside had taken place with a view to developing a more consistent approach in relation to how local authorities dealt with licence holders who had committed an offence or acted in such a manner that gives a cause for concern in respect of their fitness and propriety to hold a licence.

It was reported that the policy had been developed to provide guidance to licence holders in respect of the standards of conduct that would be expected of them as licence holders and to set out the action that may be taken should a licence holder commit an offence whilst holding a licence, fail to maintain the standards expected of a licence holder, or undertake any actions that may raise doubt regarding the fitness and propriety of a current licence holder.

The draft policy relating to the conduct of Private Hire and Hackney Carriage licence holders had been provided to Members prior to the meeting.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey, it was -

**Resolved – That the policy be adopted with immediate effect as the policy to be used when determining the fitness and propriety of a licence holder as to whether they remained a fit and proper person when the licence holder has failed to maintain the standards expected of a licence holder or committed offences.**

## 8 PRIVATE HIRE DRIVER LICENCE CONDITIONS

The Managing Director for Delivery sought Members' approval in respect of Private Hire Driver Licence Conditions.

The Licensing Manager reported that the current Private Hire Driver Licence conditions were limited and did not wholly set out the standard of conduct to be maintained by Private Hire Drivers. She advised that the conditions had been reviewed by officers and subsequently clear conditions had been set out that were considered necessary and appropriate for Private Hire Drivers to maintain.

The draft Private Hire Driver Licence Conditions had been provided to Members prior to the meeting.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey, it was –

**Resolved – That the Private Hire Driver Licence Conditions be approved.**

## 9 PRIVATE HIRE VEHICLE CRITERIA AND LICENCE CONDITIONS

The Managing Director for Delivery sought Members' approval in respect of revised Private Hire Vehicle Criteria and Licence Conditions.

The Licensing Manager reported that the criteria and conditions had been reviewed in consultation with other authorities across Merseyside with a view to developing a more consistent approach. Consultation had also taken place at meetings of the Hackney Carriage and Private Hire Joint Consultative Committee as well as at meetings of Representatives of Private Hire Operators.

Members had been provided with the draft Private Hire Vehicle Licence Criteria and draft Private Hire Vehicle Licence Conditions prior to the meeting. The Licensing Manager advised that should these be approved it would be necessary to update the

Private Hire Vehicle Compliance Testing Document to reflect these changes and Members were asked that this be delegated to officers.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey, it was –

**Resolved –**

- (1) That the revised Criteria and Licence Conditions for Private Hire Vehicles be approved.**
- (2) That delegated authority be given to officers to amend the Hackney Carriage and Private Hire Vehicle Compliance Testing Document to reflect the changes in the Criteria and Licence Conditions for Private Hire Vehicles.**

**10 MINOR REVISIONS TO PRIVATE HIRE AND HACKNEY CARRIAGE CRITERIA, CONDITIONS AND POLICIES**

The Managing Director for Delivery sought Members' approval in respect of minor revisions to the following documents: Hackney Carriage Vehicle Criteria; Hackney Carriage Vehicle Licence Conditions; Hackney Carriage and Private Hire Vehicle Inspection Policy and the Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Driver licences.

The Licensing Manager reported that further to the development of a policy to apply to the conduct of current drivers and following reviews of other documents, this had identified that minor amendments were required.

The Licensing Manager outlined the proposed minor amendments and advised that following amendments to the Hackney Carriage and Private Hire Vehicle Conditions it had been necessary to update the Vehicle Inspection Policy. Members were advised that this policy was used by officers to undertake appropriate action should it be identified that there was a breach of the conditions. The implementation of this policy was also to achieve consistency in the action taken by officers.

The revised documents had been provided to Members prior to the meeting.

The Licensing Manager referred to the condition in respect of tinted windows and advised Members that although new licences must comply with this condition, this would not apply to vehicles that were currently licensed.

On a motion by Councillor R Abbey and seconded by Councillor P Stuart it was –

**Resolved – That the proposed revisions submitted in respect of the following documents be approved:**

**Hackney Carriage Vehicle Criteria;  
Hackney Carriage Vehicle Licence Conditions;  
Hackney Carriage and Private Hire Vehicle Inspection Policy; and**

**Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Driver licences**

**11 REGULATION OF STREET TRADING**

The Managing Director for Delivery requested that Members consider the regulation of street trading in New Brighton and the adjoining coastal thoroughfares.

The Licensing Manager advised Members that the designation of streets as Licence Streets would provide the Council with a more effective control of street trading within the area of New Brighton.

The Licensing Manager provided background information in respect of the regulation of street trading and advised that should Members resolve to propose such a resolution, this intention would be published in a local newspaper and notice would be given to the Chief Officer of Police and following a 28 day period of consultation and comments received would be reported back to this Committee.

On a motion by Councillor R Abbey and seconded by Councillor A Hodson it was –

**Resolved –**

- (1) That it be proposed that the identified streets in New Brighton and the adjoining coastal thoroughfares be re-designated, in accordance with the details set out on the map attached as Appendix 2 of the report.**
- (2) That this intention be published in a local newspaper, that notice be given to the Chief Officer of Police and following a 28 day period of consultation that any comments received be reported back to this Committee.**



**Policy relating to the conduct of Private Hire  
And  
Hackney Carriage Licence Holders**

**September 2017**

# 1 INTRODUCTION

- 1.1 This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.2 This policy relates to the general conduct of licence holders.
- 1.3 It also relates to circumstances where a licence holder may have received penalty points for a driving offence, is under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or circumstances that have led to criminal proceedings in the Magistrate's or Crown Court or the conviction of an offence.
- 1.4 For the purpose of clarity any reference to licence holder in this document includes Hackney Carriage Drivers, Private Hire Drivers, Hackney Carriage Vehicle Proprietors, Private Hire Vehicle Proprietors and Private Hire Operators.
- 1.5 This Policy will be used for the determination of whether a current licence holder remains fit and proper to hold a licence.
- 1.6 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
- Private Hire and Hackney Carriage Drivers and Private Hire Operators
  - Licensing Officers
  - Members of the Licensing Panel
  - Magistrates hearing appeals against local authority decisions
- 1.7 Where Licensing Officers have delegated powers to consider the fitness and propriety of a current licence holder they will utilise this Policy when making a decision. Cases may also be referred to the Licensing Panel. Whilst Officers and the Licensing Panel will have regard to the Policy, each case will be considered on its individual merits and, where the circumstances demand, the Licensing Panel may depart from the Policy. Offences and circumstances not specifically identified in this Policy may also be considered depending on the circumstances.
- 1.8 In exercising its powers the Council will expect licence holders to conduct themselves in a manner which demonstrates that:
- they remain fit and proper to hold a licence
  - they do not pose a threat to the public
  - the public are safeguarded from dishonest persons
  - the safeguarding of children, young and vulnerable persons is not put at risk
  - they do not cause any person to take offence at their actions or words
  - they do not cause any person to believe their actions or language are inappropriate
  - they do not cause any person to fear for their physical safety
  - they do not cause any person to doubt their integrity

- they do not cause any person to take offence due to their lack of respectability, cleanliness and hygiene in their dress or person
- they comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
- they ensure that the private hire vehicle complies with the fitness standard set out by the Council
- they do not bring in to disrepute the integrity of the Council for having granted such a person a licence
- they adhere to the conditions and regulations pertaining to the licence

1.9 Should a licence holder conduct themselves in such a way that is in conflict with any of the above this may lead the Council to consider they are no longer a fit and proper person to hold a licence.

## **2 DECISION MAKING**

2.1 The powers of the Council will be exercised in accordance with the Council's Constitution. This means that where an officer has the delegated authority to act they will do so. In circumstances where an officer does not have such delegation the matter will be referred to the Licensing Panel. This does not preclude an officer referring a matter to the Licensing Panel when it is considered appropriate to do so. Each case will be considered on its own merits, and the Council will provide reasons for all decisions made when a licence is suspended or revoked.

2.2 Decisions will be made in accordance with the Council's Enforcement Policy where appropriate. The priority of the Council when determining the most appropriate action will be the protection of the Public.

## **3 DISCLOSURE AND BARRING SERVICE**

3.1 Hackney Carriage and Private Hire Driver licences are normally issued for a period of three years. Disclosure and Barring Service (DBS) checks are undertaken before the grant of a licence and every three years before a licence can be renewed.

3.2 Private Hire Operator licences are normally issued for a period of five years. A Basic Disclosure is required before the grant of a licence and every five years before the licence can be renewed.

3.3 Licence holders can subscribe to the DBS update service which enables them to reuse a DBS certificate by allowing the Council to go online and carry out a status check to find out if the information on the certificate is current and up to date.

3.4 Licence holders may be required to have further checks through the Disclosure and Barring Service at the discretion of the Council.

## **4 MEDICAL REQUIREMENTS**

4.1 Hackney Carriage and Private Hire Drivers are required to undertake a medical examination on initial application for a licence and thereafter every three years, with checks being undertaken annually from age 65.

- 4.2 The medical examination must be undertaken by a General Practitioner in the medical practice to which the driver is registered.
- 4.3 The standards applied to the medical examination are the Group 2 medical standards applied by the DVLA.

## **5 FAILURE TO REPORT MATTERS**

- 5.1 Licence holders must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrate's or Crown Court have started against them.
- 5.2 In accordance with licence conditions licence holders must notify the Council within 72 hours, details of any:
- motoring offences or penalty points received
  - fixed penalty notices
  - cautions, warning or reprimands received
  - anti-social behaviour order (or other order) issued by a court
  - criminal convictions received
  - change in medical condition or long term prescribed medication which may affect ability to drive
- 5.3 Licence conditions also require that a licence holder must notify the Council within 7 days details of any:
- change of address
  - change of contact telephone number
- 5.4 Licence holders must also report to the Council any incidents which may lead to a complaint against them.
- 5.5 If a licence holder is found to have failed to disclose any of the above or other matters which may affect their fitness and propriety to hold a licence it will be regarded very seriously by the Council as the Council will have been denied the opportunity to promptly consider whether the licence holder remains fit and proper to hold a licence. Failure to properly disclose any of these matters may lead to a licence being suspended or revoked and may also lead to prosecution.
- 5.6 An existing licence holder who is subject to an ongoing police investigation or criminal proceedings may, subject to the circumstances, have their licence suspended or revoked if it is in the interest of the public and the Council is no longer satisfied that they are a 'fit and proper' person. If it is in the interest of public safety such suspension or revocation will have immediate effect.
- 5.7 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations



## **6 EXPECTED STANDARDS OF BEHAVIOUR**

- 6.1 Wirral Council expect licence holders to behave in a fit and proper manner at all times commensurate with their position as licence holders.
- 6.2 Licence holders are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- 6.3 Licensed drivers and operators are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an indication of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. Operators are aware of properties being empty when taking bookings for example when the householder is going on holiday. Licence holders must not abuse their position of trust.
- 6.4 Passengers paying for a transport service rely on their driver to get them to their destination safely. Hackney Carriage and Private Hire Drivers are considered to be professional drivers and must be fully aware of all Road Traffic legislation and conditions attached to the licence and must always have the appropriate insurance in place. Licensed drivers are expected to drive at all times in accordance with all relevant traffic regulations and the Highway Code, and should never drive in an aggressive or dangerous manner. This is the case whether passengers are being conveyed in the licensed vehicle or not.
- 6.5 Licensing Enforcement Officers carry out the day to day compliance and enforcement functions of Wirral Council's Licensing Section. This is done through compliance checks for adherence to the regulations and conditions pertaining to the driver, vehicle, and operator licences.
- 6.6 Licensing Enforcement Officers investigate complaints received from members of the public and partner agencies such as Merseyside Police. Complaints received by the Licensing Section regarding the conduct of licence holders will be investigated and appropriate action will be taken in accordance with this Policy and Wirral Council's Enforcement Policy.
- 6.7 Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulations pertaining to their licence may be dealt with under delegated authority in accordance with Wirral Council's Constitution and the Council's Enforcement Policy.
- 6.8 Matters which may be investigated include, but are not limited to, the following:
- conduct of a licence holder
  - poor driving standards
  - breach of conditions of licence
  - poor condition of a licensed vehicle
  - failing to present a licensed vehicle for inspection
  - change in a licence holder's medical condition
  - failure to convey passengers in wheelchairs

- failure to convey passengers with assistance dogs
  - inappropriate use of social media
  - providing false information to the Licensing Section
  - failure to report matters to the Licensing Section as required by regulations or conditions of licence
  - abusive manner towards Licensing Officers
  - any behaviour of a licence holder that is in conflict with those listed in paragraph 1.8 of this Policy
- 6.9 Licence holders must advise the Licensing Section of any incident which they believe may lead to a complaint against them. Failure to do so could lead to action being taken which may include a licence being suspended or revoked. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect.
- 6.10 It is Wirral Council's policy to provide advice and guidance to the licensed trade in order to promote the highest level of protection to the public. Licence holders should therefore seek advice if they have any doubt as to how they should comply with the conditions of their licence, or find themselves in a situation where their conduct may be brought into disrepute.
- 6.11 Misconduct will generally involve behaviour which falls below the standard expected of a licensed driver. This may relate to the conduct of the driver or their standard of driving. Misconduct of a licensed driver may involve the use of rude, inappropriate or unreasonable language, inappropriate behaviour, or dishonest practices. It may also include circumstances where a driver may have been arrested or cautioned for an offence but where no further action was taken or criminal conviction imposed. In these circumstances the licence holder may be referred to the Licensing Panel who will consider whether the licence holder remains a fit and proper person to hold a licence.
- 6.12 Wirral Council is particularly concerned about conversations of a sexual nature between licensed drivers and passengers.
- 6.13 Whilst it should be obvious that it is completely unacceptable for a licensed driver to engage in sexual activity of any kind with a passenger, Wirral Council is of the firm view that there is also no excuse, justification, or reason, for a licensed taxi or private hire driver to engage in any form of conversation with passengers of a sexual nature even if the conversation is instigated by the passenger, or that the driver just thought the conversation to be 'banter'.
- 6.14 It is completely inappropriate in the context of an individual being licensed to convey members of the public, and even though it may appear that the passenger is not objecting to such conversation, in reality this may well be because they feel uncomfortable and uncertain how to react, or afraid as to their personal well-being if they were to object or refuse to engage with the conversation. Such conversations are particularly inappropriate where the passenger is a young person or is vulnerable through intoxication, disability, or any other reason.
- 6.15 Wirral Council will be firm in dealing with any licensed driver who takes advantage of his position to indulge in such conversations, and will take robust action where necessary.

## **7 COURSE OF ACTION TAKEN BY THE LICENSING SECTION**

- 7.1 Licensed drivers and operators have close regular contact with the public and a firm line will be taken with those who commit an act of violence, are found to operate without the appropriate insurance being in place, demonstrate dishonest behaviour or cause a passenger to feel unsafe whilst in a licensed vehicle.
- 7.2 The course of action taken by Wirral Council will be proportionate to the incidents or allegations being investigated. Action taken by the Licensing Section may include the issuing of a written warning, or the suspension or revocation of a licence under delegated powers. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect. In certain circumstances the matter may be referred to the Licensing Panel.
- 7.3 The Licensing Section's overriding concern is to protect the public from unscrupulous and dishonest practices and ensure public confidence is maintained in the honesty and integrity of licence holders.
- 7.4 A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to their licence should expect to have action escalated to the highest level to protect the public.
- 7.5 In all cases the history of the licence holder, including the existence of previous complaints, any advice and warnings previously issued, and the circumstances surrounding any alleged incident, will be taken into account. These matters will be used to determine the most appropriate course of action deemed necessary and proportionate in the circumstances.
- 7.6 Even if a complaint appears to be isolated or is the first recorded against a licence holder, having taken all matters into consideration, Wirral Council may deem it appropriate and proportionate to revoke or suspend the driver's licence and may decide that, in the interests of public safety, such decision should have immediate effect
- 7.7 The Council may not be satisfied that a licence holder remains a fit and proper person to hold a licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse to renew a licence or to revoke the licence.
- 7.8 In considering evidence of a licence holder's good character and fitness to hold a licence the Council will consider the nature of the conduct as well as the impact of this conduct on the public, the nature of the offence and the penalty imposed, and any other factors which might be relevant.

## **8 LICENSING PANEL**

- 8.1 In circumstances where a licence holder has committed an offence whilst holding a licence and is seeking to have their licence renewed they will be referred to the Licensing Panel for their application to be considered. There may also be other circumstances where there are concerns about a licence holder being 'fit and proper'

to continue to hold a licence when they will be referred to the Licensing Panel who will consider the matter. These circumstances may arise following complaints about the licence holder or conduct is such that the officer considers it appropriate to refer the matter to the Licensing Panel. Licence holders will be advised of the procedure that will be applied at the Licensing Panel where they will have the opportunity to attend and put their case forward.

- 8.2 Each licence holder referred to the Licensing Panel will be considered on their individual merits. In those circumstances the Licensing Panel will decide whether the licence holder remains a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to allow a licence holder to continue to hold a licence, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the licence holder's suitability as a Private Hire or Hackney Carriage Driver or Private Hire Operator.
- 8.3 In some circumstances the Licensing Panel may consider the licence holder remains a fit and proper person to continue to hold a licence however the Panel may impose a sanction on the licence holder, for example issue the licence holder with a warning or referral to a driver awareness course.
- 8.4 The overriding consideration of the Licensing Panel will always be to protect the public. Licence holders should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles
- 8.5 Being a licensed Hackney Carriage or Private Hire Driver or Private Hire Operator is a responsible position and the Council takes its public protection role very seriously. The Council will only allow a licence holder to continue to hold a licence if they are satisfied that they are 'fit and proper'.

## **9 CRIMINAL RECORD CHECK**

- 9.1 In determining whether to grant a Private Hire or Hackney Carriage Driver Licence or Private Hire Operator Licence the Council will have considered any convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 9.2 Information from the Disclosure and Barring Service (DBS) or Disclosure Scotland will again be required before the renewal of a licence and will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 9.3 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar a licence holder from continuing to hold a licence. The Council will however consider all information on an enhanced DBS and Disclosure Scotland and will take a serious view of any special Police warnings contained therein. Whether or not a licence holder will be allowed to continue to hold a licence will depend upon whether or not they can satisfy the Council that they remain a fit and proper to hold such a licence.

## **10 RELEVANCE OF CONVICTIONS**

- 10.1 The Council has adopted the following Policy relating to the relevance of convictions for current licence holders.
- 10.2 The policy does not deal with every type of offence, and does not prevent the Council from taking into account offences not specifically addressed in the policy, or other conduct, which may be relevant.
- 10.3 If a licence holder has a conviction for an offence not covered by the policy regard will be had to the nature of the offence, the penalty imposed and any other factors which might be relevant. Offences described in the policy and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the policy.

## **11 RENEWAL APPLICATIONS**

- 11.1 It is the responsibility of the licence holder to ensure that a licence is renewed before it expires. If an individual continues to work as a hackney carriage or private hire driver, or continues to operate private hire vehicles after a licence has expired, an offence is committed which could lead to **prosecution and may** affect the consideration of any further application for a licence.

## **12 NO RIGHT TO WORK**

- 12.1 A Private Hire or Hackney Carriage Driver Licence or Private Hire Operator Licence is only granted if an applicant has the right to work in the UK. If a licence holder's right to work has been revoked or has expired their licence will lapse.

## **13 LICENSING OFFENCES**

- 13.1 A serious view will be taken of any licensing offences committed by a licence holder whilst being the holder of a Hackney Carriage or Private Hire Driver, Proprietor or Operator licence. The following are examples of licensing offences which may be committed by licence holders. Licence holders have a responsibility to ensure they are aware of the law regarding hackney carriage and private hire. If a licence holder is unsure they should contact the Licensing Section for advice.
- 13.2 This Policy does not deal with every type of offence, and does not prevent the Council from taking into account offences not specifically addressed in the Policy, or other conduct, which may be relevant.

## **14 FAILURE TO WEAR OR DISPLAY BADGES**

- 14.1 A serious view will be taken should a licence holder fail to comply with the requirement to wear or display the badges issued by the Licensing Section to identify the individual as a licensed driver. As this is a matter which can impact on the safety of the public the licence holder should expect their licence to be suspended with immediate effect until they are able to comply with the legal requirement.

## **15 PLYING FOR HIRE**

- 15.1 There is a clear distinction between public hire and private hire. Only licensed hackney carriage vehicles, driven by hackney carriage drivers, can be flagged down on the street. The offence of 'plying for hire' is committed when a licensed private hire driver makes a private hire vehicle available for public hire.
- 15.2 It is not appropriate for private hire drivers to park in prominent positions without a pre-booked journey having been provided to them by the relevant private hire operator. Examples of such locations include, but are not limited to areas where people are likely to congregate, locations with a high level of footfall, near bars or nightclubs, or near a taxi rank. If witnessed by a Licensing Enforcement Officer, or evidence is made available to a Licensing Enforcement Officer, the licensed driver should expect further action to be taken which would include the checking of booking records held by the relevant private hire operator. If practicable this action would also include a full inspection of the driver and vehicle against the conditions relating to both licences.
- 15.3 The Licensing Authority conducts operations to check if private hire drivers are knowingly plying for hire. If a licensed driver is found to be committing this offence during such an operation, they should expect the matter to result in a prosecution against them in the Courts. The licence holder should also expect their private hire driver licence to be revoked with immediate effect.

## **16 FAILURE TO PRESENT A LICENSED VEHICLE FOR INSPECTION**

- 16.1 Proprietors of both Hackney Carriage and Private Hire vehicles are periodically requested to present their vehicles for inspection by a Licensing Officer. The purpose of the inspection is to ensure the vehicle remains in such a condition that it continues to meet the required standard for use as a licensed vehicle.
- 16.2 If there is good reason why a particular time or date is not suitable for the presenting of the vehicle the vehicle proprietor should contact the Licensing Section to advise and request an alternative time and date. Failure to do this may result in further action being taken by the Licensing Section which may include the suspension or revocation of the vehicle licence and the Private Hire or Hackney Carriage Driver licence.

## **17 MOTORING OFFENCES**

- 17.1 The receipt of any penalty points must be reported to the Licensing Section.
- 17.2 A licence holder's driving record will be taken into account and the Council will consider the nature and volume of motoring offences. A poor record of driving could raise doubts about a licence holder's fitness and propriety to continue to hold a licence and indicate a disregard for the law.
- 17.3 The action taken by the Licensing Section will range from a written warning up to the revocation of the Private Hire or Hackney Carriage driver licence.
- 17.4 Any person who tots up **more than 6 penalty points** on their DVLA driving licence will be referred to the Licensing Panel.

17.5 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following:

## **18 DRIVING OFFENCES INVOLVING LOSS OF LIFE**

18.1 An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances a licence will generally be revoked with immediate effect.

## **19 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

19.1 Licence holders who commit an act of, or are being investigated for an allegation of, driving under the influence of alcohol or drugs, or where a licence holder has been disqualified from driving as a result of such an offence will generally have their licence revoked with immediate effect.

## **20 DRIVING WITHOUT INSURANCE**

20.1 A licensed Private Hire or Hackney Carriage Driver who does not have valid appropriate insurance in place will generally have their licence revoked with immediate effect

## **21 OTHER SERIOUS TRAFFIC OFFENCES**

21.1 Generally, the Council class a serious traffic offence when 6 or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than 6 penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences which could lead to a driving disqualification will be treated as a serious offence. In such circumstances a licence holder will generally have their licence revoked with immediate effect. Types of offences classed as a serious offence in addition to the above include, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' provisions whereby a driving licence is endorsed with 12 points or more.

## **22 MISCELLANEOUS TRAFFIC OFFENCES**

22.1 Generally individual traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being allowed to continue to hold a licence. A licence holder with more than 6 penalty points for such offences will be referred to the Licensing Panel who will consider whether the licence holder remains a fit and proper person to continue to hold a licence. Failure to report the imposition of points on a DVLA licence may result in a Private Hire or Hackney Carriage Driver licence being revoked.

## **OTHER OFFENCES**

### **23 SEXUAL AND INDECENCY OFFENCES**

23.1 Licence holders who commit an act or are being investigated for an allegation of indecent exposure, indecent assault, importuning or any sexual offence, or commit an

offence in relation to the above matters will generally have their licence revoked with immediate effect.

23.2 Any licence holder who is registered under the sex offenders notification requirements on the Sex Offenders Register will generally have their licence revoked with immediate effect.

## **24 VIOLENT OFFENCES**

24.1 A licence will generally be revoked with immediate effect if a licence holder commits an act of violence, is being investigated for, or is charged with or convicted of an offence of violence whilst holding a licence.

24.2 Offences involving violence include:

- |  |                        |
|--|------------------------|
| ▪ Assault occasioning actual bodily harm | ▪ Grievous Bodily Harm |
| ▪ Assault on police                      | ▪ Common assault       |
| ▪ Assault with intent to rob             | ▪ Wounding             |
| ▪ Battery                                | ▪ Wounding with intent |
| ▪ Robbery                                | ▪ Arson                |
| ▪ Violent disorder                       | ▪ Riot                 |

## **25 POSSESSION OF AN OFFENSIVE WEAPON**

25.1 A licence holder who commits an offence of possessing an offensive weapon, is being investigated for, or is charged with or convicted of an offence of possession of an offensive weapon, including a firearm, will generally have their licence revoked with immediate effect.

## **26 PUBLIC ORDER OFFENCES**

26.1 Licence holders who commit public order offences or are being investigated for, or have been charged with or convicted of an act of public disorder will be referred to the Licensing Panel who will consider whether the licence holder remains fit and proper to continue to hold the licence.

26.2 Public order offences include:

- |  |   |
|--|---|
| ▪ Affray   | ▪ Drunk and disorderly                  |
| ▪ Criminal damage  | ▪ Disorderly behaviour                  |
| ▪ Using threatening, abusive or insulting words or behaviour | ▪ Causing harassment, alarm or distress |

## **27 DRUG OFFENCES**

27.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.



27.2 Where a licence holder commits a drug related offence or is being investigated for, or has been charged with or convicted of such an offence their licence will generally be revoked with immediate effect.

## **28 DISHONESTY OFFENCES**

28.1 A serious view is taken of any offence or actions involving dishonesty. A licence holder who commits a dishonesty offence or is proven to act dishonestly will generally have their licence revoked.

28.2 Offences involving dishonesty include:

- Theft
- Fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- perverting the course of justice
- Burglary
- benefit fraud
- forgery
- obtaining money or property by deception

## **29 RACIALLY AGGRAVATED OFFENCES**

29.1 Licence holders who commit a racially aggravated offence, are being investigated for or been charged with or convicted of a racially aggravated offence will generally have their licence revoked with immediate effect.

29.2 Offences involving racial aggravation include:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

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**PRIVATE HIRE DRIVER LICENCE**

**CONDITIONS**

**September 2017**



# Private Hire Driver Licence Conditions

In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. A failure to comply with these conditions of your licence may result in the suspension or revocation of your Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions you have the right of Appeal to a Magistrates' Court within 21 days.

## Interpretation

"Wirral Council" includes the Licensing Health and Safety and General Purposes Committee, the Licensing Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

## MATTERS TO BE REPORTED TO THE COUNCIL

- 1 The licence holder must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates or Crown Court have started against them.
  - 2 The licence holder must notify the Council within 72 hours, details of any:
    - **investigation** into any criminal or motoring offence
    - motoring offences or penalty points received
    - criminal convictions received
    - fixed penalty notices
    - cautions, warning or reprimands received
    - anti-social behaviour order (or other order) issued by a court
    - change in medical condition or long term prescribed medication which may affect ability to drive
- In the case of a motoring endorsement, do not wait for your licence to be returned from the DVLA, Swansea.***
- 3 The licence holder must notify the Council of any change of address within 7 days of such change. In these circumstances the licence holder must produce their Private Hire Driver Licence to the Licensing office who will issue a licence in the new address.
  - 4 The licence holder must notify the Council of any change of telephone number within 7 days of such change.
  - 5 The licence holder must report lost or stolen Private Hire Vehicle Licence plates to the Council immediately on discovering the loss or theft.
  - 6 The licence holder must report lost or stolen Private Hire Driver Licence badges to the Council immediately on discovering the loss or theft.

## ACCIDENTS AND DAMAGE TO VEHICLE

- 7 In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the licence holder to Wirral Council within 72 hours of the damage having been sustained. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 8 In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must be reported by the licence holder to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 9 Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Licensing Officer the vehicle must not be used for hire.

*For the avoidance of doubt, slight scratches and stone chips which do not materially affect the use of the vehicle do not need to be reported.*

## FITNESS OF DRIVER

- 10 The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a satisfactory medical assessment from their Registered General Practitioner confirming that they meet the Council's medical standards for a licensed Private Hire Driver.
- 11 The licence holder must cease driving any Private Hire Vehicle and contact the Council immediately if they know of any medical condition or medication which may affect their driving ability and the safety of themselves and any passengers.

## CONDUCT OF DRIVERS

- 12 The licence holder must at all times when acting in accordance with the Private Hire Driver Licence granted to them, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- 13 In addition the licence holder must display within the vehicle a further identification badge which should be clearly and distinctly visible to all passengers carried within the vehicle. The licence holder must not lend the badge to any other person or cause or permit any other person to wear it.  
  
*The driver's badge should be worn on the top half of the body (eg chest) and should be CLEARLY visible.*
- 14 The licence holder must not wilfully or negligently cause or permit any licence plate or interior display of the Private Hire Vehicle Licence number to be concealed from public view or to be so defaced as to make any figure or information illegible.
- 15 The licence holder must not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user.

- 16 The licence holder must, on ceasing to be licensed as a driver, when the licence expires and is not renewed, when the licence is suspended or revoked, or when required to do so by an officer of the Council, return the badges to the Wirral Council.
- 17 The licence holder **must not**,
- smoke tobacco or like substances in the vehicle **at any time**
  - eat or drink in the vehicle when carrying passengers, except with the express consent of the hirer.
- 18 The licence holder must not, except with the express consent of the hirer, play a radio receiver or sound reproducing equipment in the vehicle other than for the purpose of receiving messages in connection with the operation of the vehicle.
- 19 The licence holder must at no time cause or permit the noise emitted by any radio equipment or any sound reproducing equipment, installed in the Private Hire vehicle, to be a source of annoyance to any person whether inside or outside the vehicle.
- 20 The licence holder must not operate the horn as a means of signalling that the vehicle has arrived.
- 21 The licence holder must not, while driving or in charge of a private hire vehicle:-
- tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
  - cause or procure any person to tout or solicit on a road or other public place, any person to hire or be carried for hire in any private hire vehicle, or
  - offer that vehicle for immediate hire while the licence holder of that vehicle is on a road or other public or
  - accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place.
- 22 The licence holder must ensure that there is a current certificate of insurance in force for the vehicle they are driving at all times and that such certificate of insurance allows them to drive the vehicle for private hire purposes.
- 23 The licence holder must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
- 24 If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
- 25 The licence holder must drive at all times in accordance with all relevant traffic regulations and the highway code and should never drive in an aggressive or dangerous manner.
- 26 The licence holder must ensure that the Private Hire Vehicle driven by them is in a roadworthy condition and is kept in a safe and satisfactory condition at all times.
- 27 The licence holder must ensure that the vehicle is presented in a clean and tidy condition at all times.
- 28 The licence holder must at all times when the vehicle is available or being driven for hire ensure that doorsigns are displayed on doors on both sides of the vehicle, in accordance with private hire vehicle licence conditions.

***Notwithstanding the above, the licence holder should ensure that any private hire vehicle they drive complies with private hire vehicle conditions and current legislation. Failure to do so may result in action being taken against you.***

- 29 The licence holder must present for inspection any private hire vehicle driven by them when requested by a Licensing Officer. Failure to comply with such request may result in the suspension or revocation of the Private Hire Vehicle Licence and the Private Hire Driver Licence.
- 30 The licence holder must not convey or permit to be conveyed in their vehicle more than the maximum number of persons permitted by the private hire vehicle licence.
- 31 The licence holder must not allow any child apparently under 10 years of age to be conveyed in the front of the vehicle beside the licence holder.
- 32 The licence holder must not permit any person to be conveyed in the vehicle without the consent of the hirer.
- 33 Every licence holder who must have agreed or must have been hired to be in attendance with the vehicle at an appointed time and place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- 34 Every licence holder must when requested by a passenger:-
- convey a reasonable quantity of luggage;
  - afford reasonable assistance in loading and unloading luggage;
- 35 The licence holder must at all times when the vehicle is available or being driven for hire:-
- behave in a civil, polite and orderly manner towards every person seeking to hire, or hiring or being conveyed
  - ensure the safeguarding of children, young and vulnerable persons is not put at risk
  - be clean, hygienic and respectable in their dress and person
  - address disputes through appropriate legal channels and avoid confrontation
  - comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
  - take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle
  - ensure they do not pose a threat to the public
  - ensure the public are safeguarded from dishonest persons
  - ensure they do not bring in to disrepute the integrity of the Council for having granted them a licence
  - ensure the private hire vehicle complies with the fitness standard set out by the Council.
- 36 The licence holder must not initiate or engage in any dialogue of a sexual nature with a passenger.
- 37 The licence holder must not use rude, inappropriate or offensive language.

## **FARES AND JOURNEYS**

- 38 The licence holder shall cause any statement of fares supplied by the relevant private hire operator to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.



- 39 If the private hire vehicle being driven by the licence holder is fitted with a device/meter for calculating the fare, the licence holder must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid the fare.
- 40 The licence holder must not demand from a hirer of a Private Hire Vehicle a fare in excess of that prescribed by the Operator or fare table displayed in the vehicle. If the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the licence holder must demand no more than the fare shown on the face of the meter.
- 41 The licence holder must, if required by the hirer of the vehicle, provide a written receipt for any fare paid.
- 42 The licence holder, when hired to drive to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

### **LOST PROPERTY**

- 43 The licence holder must, immediately after the termination of any hiring, search the vehicle, with reasonable care, for any property which may have been accidentally left therein. If any property accidentally left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator. If the item is of significant value it must be taken to the nearest police station situated in the Borough.

### **THE CARRIAGE OF ANIMALS**

- 44 A licence holder must not carry in a private hire vehicle any animal which belongs to, or is being looked after by themselves, or the owner or operator of the vehicle while it is being used as a private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner
- 45 A licence holder must carry assistance dogs when necessary. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment. Any driver with a medical condition, which may be exacerbated by dogs, may apply for an exemption from this condition. A certificate of exemption can be supplied on production of suitable medical evidence.
- 46 The licence holder must only drive vehicles which are licensed by the Metropolitan Borough of Wirral under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

### **ALTERATION OF CONDITIONS**

- 47 Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. If you are aggrieved, you will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.

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# **PRIVATE HIRE VEHICLE LICENCE**

## **CRITERIA**

**September 2017**



# Private Hire Vehicle Criteria

The legislation gives local authorities a wide discretion over the types of vehicles that can be licensed as private hire vehicles.

Wirral Council must be satisfied that vehicles licensed as private hire vehicles are suitable in type, size and design for use as private hire vehicles, that it is in a suitable mechanical condition and is safe and comfortable.

In this document the "Licensing Authority" means Wirral Council, its Licensing Health and Safety and General Purposes Committee, its Licensing Panel and its Officers.

Although the criteria set out in this document may have been met, approval for the issuing of a licence may be withheld if the Licensing Authority is of the opinion that the vehicle is unsuitable for use as a private hire vehicle to transport members of the public for hire and reward.

A vehicle that meets the criteria to be licensed as a private hire vehicle must have passed the MOT and Compliance Test in accordance with the Licensing Authority's procedure for testing vehicles before it can be licensed and before each renewal of that licence. Further tests and inspections may be carried out as directed by the Licensing Authority or Merseyside Police.

MOT or Compliance Test Pass Certificates submitted more than 28 days after the date of test will not be accepted.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

## VEHICLE AGE POLICY

1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.
2. Once a vehicle reaches 6 years of age it will be required to be tested every six months and a six monthly licence will be issued.
3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old

## GENERAL CONSTRUCTION

4. The vehicle must be fitted with at least 4 doors and 4 wheels
5. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
6. The vehicle must be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.
7. Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.
8. The vehicle must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great

Britain) 1984 and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended.

9. Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M1 classification or the appropriate Individual Vehicle Approval Certificate.
10. The vehicle presented for approval must, as a minimum, comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
11. The steering wheel must be on the offside of the vehicle.
12. Unless approved by the Licensing Authority no fittings outside of the manufacturer's specification may be attached to or be carried upon the inside or outside of the vehicle.
13. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's specification.
14. Any vehicle which has been disposed of under an insurance salvage agreement 9 category A or B will not be licensed.
15. Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16" measured in a straight line lengthwise along the front of the seat.

#### **BODYWORK**

16. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.
17. Paintwork must be of a high standard and the colour and finish of all panels must match exactly.

#### **WHEELS AND TYRES**

18. Where a vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
19. Where a vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
20. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
21. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
22. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.
23. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specification.
24. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
25. All tyres, including the spare where applicable, must be free from cuts and other defects.

26. The vehicle must carry a method for dealing with a tyre should it become defective. This method must be in accordance with the manufacturer's specification which may be one of the following:
- a. full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
  - b. space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
  - c. run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
  - d. emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

### **ELECTRICAL EQUIPMENT**

27. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the vehicle must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

### **INTERIOR LIGHTING**

28. Interior lighting must be provided in accordance with the manufacturer's specification. No additional lighting may be fitted.

### **SEATS**

29. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
30. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

### **SEAT BELTS**

31. Vehicles must be fitted with lap and diagonal seatbelts on all seats, including rear facing seats, as per the manufacturer's specification.
32. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage, and show no evidence of repair.
33. For the avoidance of doubt any cut, frayed or damaged seatbelt must have been replaced and not repaired.

### **WINDOWS**

34. Windows must be provided at the sides and at the rear of the vehicle.
35. Passenger door windows must be capable of being easily opened by passengers when seated.

36. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

## **HEATING AND VENTILATION**

37. A heating and ventilation system must be provided and must be in good working order.

## **DOORS**

38. All doors must be easily accessible to all passengers and capable of being opened from inside. It must be clear to passengers how to operate the doors of the vehicle.

### **Hinged and sliding doors**

39. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.

40. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

41. Where sliding doors are fitted there must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

### **Electric doors**

42. Where electric doors are fitted:

- A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
- The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
- A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

## **FLOOR COVERING**

43. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears, and holes.

44. All floor covering fitted must be of uniform colour and material.

## **LUGGAGE**

45. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.

46. Provision must be made for luggage to be kept separate and secured from the passenger seating area.





# **PRIVATE HIRE VEHICLE LICENCE**

## **CONDITIONS**

**September 2017**



# Private Hire Vehicle Licence Conditions

Wirral Council must be satisfied that private hire vehicles operating in Wirral are safe to do so. Wirral Council may require you to present your vehicle for inspection or test during the period that the vehicle is licensed. The proprietor or licensed driver of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle for the purpose of ascertaining its fitness and shall comply with any direction. Should a private hire vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. The vehicle must therefore be driven by a licensed Private Hire Driver at all times.

Should any of the below conditions not be complied with the private hire vehicle licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation. Appropriate action may also be taken against the Private Hire Driver who uses the vehicle for hire and reward. (See the Council's Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders)

Notwithstanding the below conditions, if there is anything in the construction, form, working or general appearance of the vehicle which, in the opinion of Wirral Council or an authorised officer working on behalf of the Council, renders a vehicle unfit for use as a private hire vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

If you are aggrieved by any of the requirements contained in the below conditions you have the right of appeal to a Magistrates' Court within 21 days of the issue of the licence to which these conditions are attached.

## Interpretation

"Wirral Council" includes the Licensing Health and Safety and General Purposes Committee, the Licensing Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

## MATTERS TO BE REPORTED TO THE COUNCIL

### CHANGE OF DETAILS

1. The proprietor of a private hire vehicle must notify Wirral Council of any change of name, address or contact telephone number within 7 days of such change taking place.
2. The proprietor of a private hire vehicle must notify Wirral Council of any intention to change the vehicle registration number, prior to any such change taking place.

### ACCIDENTS AND DAMAGE TO VEHICLE

3. In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the proprietor or driver of the vehicle to Wirral Council within 72 hours of the damage having been sustained. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
4. In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must be reported by the proprietor or driver of the vehicle to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.

### LOST AND STOLEN PLATES

5. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Council immediately.

### CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

6. The proprietor of a private hire vehicle must notify Wirral Council within 72 hours, details of any:
  - **investigation** into any criminal or motoring offence
  - criminal convictions received
  - cautions, warnings or reprimands received
  - motoring offences or penalty points received
  - fixed penalty notices
  - anti social behaviour order (or other order) issued by the Court

You must also report to Wirral Council any incidents which may lead to a complaint against you.

### TRANSFER OF OWNERSHIP OF VEHICLE

7. If the proprietor of a private hire vehicle wishes to transfer ownership of the vehicle to another person, the proprietor(s) must notify Wirral Council in writing of the name and address of the new proprietor within 14 days of the transfer of ownership. The current

proprietor must complete a consent pro-forma and the new proprietor must complete a transfer application form.

### **SURRENDER OF LICENCE**

8. If at any time during the period of the licence the proprietor, for any reason, does not wish to retain the private hire vehicle licence, or transfer the vehicle licence to another person, the proprietor must immediately surrender and return the private hire vehicle licence, window card, and front and rear plates to Wirral Council.

### **INSURANCE AND VEHICLE EXCISE LICENCE**

9. All private hire vehicles must be licensed and insured specifically for use as a private hire vehicle for that specific purpose.
10. Proof of current insurance must be submitted with each application for a licence.
11. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council.
12. The insurance must be continuous for the period of the vehicle licence.
13. If cover notes are provided they must run consecutively.
14. The proprietor must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
15. If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
16. The vehicle must be taxed whilst it is licensed as a private hire vehicle and the proprietor must be able to demonstrate that the vehicle has a current valid vehicle excise licence.

### **GENERAL SPECIFICATIONS**

17. No material alterations or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the prior approval of Wirral Council. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.
18. Private hire vehicles must as a minimum comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times, unless conditions state otherwise.

### **EXTERIOR OF THE VEHICLE**

19. The vehicle must be free from corrosion, damage or unsatisfactory repairs.
20. Vehicles, including all fittings, lights, and other mechanical and electrical components must be maintained in good working order.
21. The vehicle must be maintained with the paintwork, bodywork, fittings, locks, and latches in good order and to the vehicle manufacturer's standards.
22. Paintwork must be of a high standard and the colour of all panels must match exactly.

23. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying Wirral Council's inspection at any time during the period of the vehicle licence.
24. The interior and exterior of the vehicle must be maintained in a clean and safe condition.
25. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.
26. The vehicle must not emit excessive smoke from the exhaust.

### **DOORS SIGNS AND LIVERY**

27. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of the vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must be measure at least 590mm wide by 220mm tall, be complete in one piece, and shall contain the following information:
  - a. the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign.
  - b. the name of the private hire operator for which work is being undertaken. The word "taxi", "cab", "hire" or any word of similar meaning or appearance to any of those words must not be included.
  - c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar.
28. As an alternative to affixed door signs a private hire vehicle may have the following information displayed as livery on at least both sides of the vehicle:
  - d the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator contained within the livery and in all cases at least 30mm high. This wording must be positioned above all other information contained within the livery.
  - e the name of the private hire operator for which work is being undertaken. The word "taxi", "cab", "hire" or any word of similar meaning or appearance to any of those words must not be included.
  - f the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar.
  - g the name of the private hire operator and preferred method of contact may be displayed within the bottom 10 cm of the rear window.

29. A magnetic or adhesive sign containing the name of the private hire operator may be displayed on the bonnet or rear of a private hire vehicle.

### **INTERIOR OF THE VEHICLE**

30. Private hire vehicles must be wind and water tight when all doors and windows are closed.
31. All fittings and furniture inside the private hire vehicle must be in a clean and well maintained condition.
32. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
33. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.
34. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
35. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced - not repaired.
36. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.
37. Nothing must be placed in front of or on any windows that would obscure the clear vision of the driver or passengers other than those authorised by Wirral Council.
38. The private hire driver's badge must be displayed in a prominent position within the vehicle so that all details can easily be read by passengers at all times.

### **LUGGAGE**

39. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.
40. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

### **ELECTRICAL EQUIPMENT**

41. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

### **MANDATORY SIGNAGE AND NOTICES**

#### **VEHICLE LICENCE PLATES**

42. The large vehicle licence plate identifying the vehicle as a private hire vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon. For the avoidance of doubt, the mounting of the plate by magnetic or any other semi permanent means, for example cable ties, zip ties or Velcro, is prohibited.

43. The small vehicle licence plate identifying the vehicle as a private hire vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter the information printed thereon.
44. At no time must the licence plates be wilfully or negligently concealed from public view.
45. Vehicle licence plates must be free from damage and must not be altered in any way with regards their appearance or size.
46. The private hire vehicle licence plates remain the sole property of Wirral Council.

#### **VEHICLE IDENTIFICATION CARD**

47. The private hire vehicle identification card must be fixed inside the private hire vehicle in such a manner that it is clearly visible to persons inside the private hire vehicle.

#### **INTERIOR LIGHTING**

48. All interior lights must be in good working order and be automatically activated upon the opening of a door.

#### **NOTICES**

49. Any notice that Wirral Council may require must be displayed inside the vehicle as directed.

#### **FARE TABLE AND DEVICE/METER FOR CALCULATING FARES**

50. The proprietor shall cause any statement of fares supplied by the relevant private hire operator to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.
51. If a meter is to be used to calculate fares it must only be installed by an approved provider. Details of the meter provider and calibration certificate must be supplied to Wirral Council before the meter is used for private hire.
52. Where a meter is fitted all of its fittings must be fixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals and other fittings.
53. The device/meter used for calculating fares must be set to reflect the fare table of the private hire operator for which work is being undertaken.
54. The device/meter for calculating fares must not at any time display the words "FOR HIRE" or other words to the same effect.
55. When the device/meter for calculating fares is in use the fare and permitted extras must be shown legibly on the face of the device/meter.
56. The device/meter for calculating fares must be securely fitted in such a position that the display is clearly visible, and is sufficiently illuminated when in use. It must not be placed in a position that interferes with the driver's vision through the windscreen.



57. Any modifications or planned modifications to the device/meter for calculating fares must be declared to Wirral Council before the device/meter is used.

## **ADVERTISEMENTS**

58. No advertisements may be displayed on or from the outside of the private hire vehicle.
59. Advertisements may be displayed inside private hire vehicles with prior approval from Wirral Council. Advertisements inside the private hire vehicle must not be placed on any window or dashboard.
60. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Agency (ASA) and the Committee of Advertising Practices (CAP).
61. Any advertisement promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted to be advertised in private hire vehicles.

## **CLOSED CIRCUIT TELEVISION (CCTV)**

62. CCTV may be installed in private hire vehicles to aid the prevention and detection of crime. If CCTV is installed in a private hire vehicle the following conditions apply:
63. The data controller must register with the Information Commissioners Office (ICO) and ensure the registration is kept current at all times that CCTV is fitted in the vehicle.
64. The data controller must comply with the Data Protection Act 1988, 'CCTV Code of Practice' issued by the Information Commissioners Office (ICO), and any other relevant legislation.
65. Signs advising that CCTV is in operation must be prominently displayed so that it can be seen from both outside and inside the vehicle.
66. The CCTV system must be capable of recording and storing footage for a minimum period of 14 days.
67. The CCTV system must be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person(s) travelling in the vehicle.
68. The CCTV system must provide that the hard disk or memory card is not accessible by the proprietor or driver of the vehicle.
69. Footage captured must be made available to Wirral Council and the Police upon request.
70. The CCTV system must provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
71. Cameras must not be fitted in locations that are likely to affect the safety or dignity of any person travelling in the vehicle, and must be located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.

## **STEP**

72. Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.

## **ROOF RACKS, ROOF BOXES, AND TRAILERS**

73. Private hire vehicles are not permitted to use roof racks, roof boxes, or trailers.

## **WHEELS AND TYRES**

74. Where a private hire vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
75. Where a private hire vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
76. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
77. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
78. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.
79. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
80. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
81. All tyres, including the spare where applicable, must be free from cuts and other defects.
82. The private hire vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method must be in accordance with the vehicle manufacturer's specification which must be one of the following:
- full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
  - space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.

- run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
  - emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.
83. If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for hire or reward purposes other than completing the current journey, if applicable.

## **DOORS**

84. It must be clear to passengers how to operate the doors of the vehicle.

### **Where hinged and sliding doors are fitted**

85. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
86. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

### **Where electric doors are fitted**

87. Where electric doors are fitted the door system design must incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system must react in a manner that will allow the obstruction to be released.
88. A method for detecting an obstruction and preventing the closure of a powered door must be included as part of the design of the door controls.
89. A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.

## **WINDOWS**

90. All windows must be secure and free from cracks, damage, or other defects.
91. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.
92. Passenger door windows must be capable of being easily opened by passengers when seated.

## **MIRRORS**

93. All mirrors and mirror housing units must be secure and free from cracks, damage, or other defects.

## **PASSENGERS**

94. The proprietor must not cause or permit the vehicle to be used to carry a greater number of passengers than prescribed in the private hire vehicle licence.
95. The proprietor must not cause or permit children under the age of 10 years to be conveyed in the front of the vehicle whilst it is being used for hire and reward.
96. Only one passenger is permitted to be conveyed in the front of the private hire vehicle unless specifically permitted by the licence.

## **ALTERATION OF CONDITIONS**

97. Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. The licence holder, if aggrieved, will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.



# **HACKNEY CARRIAGE VEHICLE LICENCE**

## **CRITERIA**

**September 2017**

# Hackney Carriage Vehicle Criteria

In this document the “Licensing Authority” means Wirral Council, its Licensing Health and Safety and General Purposes Committee, its Licensing Panel and its Officers.

Although the criteria set out in this document may have been met, approval for the issuing of a licence may be withheld if the Licensing Authority is of the opinion that the vehicle is unsuitable for public use.

Although the Licensing Authority may extend its approval of any particular type of hackney carriage vehicle to all other hackney carriage vehicles conforming to the design of that type the Licensing Authority may withdraw such general approval if, in their opinion, any unsuitable features arise.

The criteria set out in this document are made under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

MOTs and compliance test pass certificates will only be accepted up to 28 days from the date of the test.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

## VEHICLE AGE POLICY

1. Every vehicle presented for licensing for the first time must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).
2. In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed, up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old
3. Once a vehicle reaches 10 years of age it will be required to be tested every six months and a six monthly licence will be issued.

## GENERAL CONSTRUCTION

4. All vehicles must be purpose built and built to accommodate disabled passengers in wheelchairs in the rear passenger compartment.
5. All vehicles must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984. Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended. Those vehicles which do not hold M1 type approval must be presented with approved certification that the specific vehicle meets the requirements of M1 category.
6. All vehicles must have separate driver and rear passenger compartments, separated by a transparent partition in accordance with the manufacturer or vehicle converter's original specification.
7. Vehicles presented for approval must comply with the Road Vehicles (Construction and

Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

8. The steering wheel must be on the offside of the vehicle.
9. Unless approved by the Licensing Authority no fittings outside of the manufacturer's or vehicle converter's specification may be attached to or be carried upon the inside or outside of the vehicle.
10. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's or vehicle converter's specification.

### **BODYWORK**

11. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.
12. Paintwork must be of a high standard and the colour and finish of all panels must match exactly.

### **WHEELS AND TYRES**

13. Where a hackney carriage vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
14. Where a hackney carriage vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
15. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
16. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
17. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification, and be compatible with the taximeter.
18. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
19. All tyres must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
20. All tyres, including the spare, where applicable, must be free from cuts and other defects.
21. The hackney carriage vehicle must carry a method for dealing with a tyre should it become defective. This method must be in accordance with the manufacturer's specification which may be one of the following:
  - full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.

- space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
- run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
- emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

## **ELECTRICAL EQUIPMENT**

22. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

## **FUEL SYSTEMS**

23. A device must be provided whereby the supply of fuel to the engine may be immediately cut off.
24. A manually operated device must have its location together with the means of operation and 'off' position clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.

## **INTERIOR LIGHTING**

25. Lighting must be provided for the driver and passengers.
26. Separate lighting controls for both passenger and driver must be provided.
27. Passenger compartment light switches and window controls must be within easy reach of all passengers
28. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position.
29. Lighting must be provided at floor level to each passenger door and be activated by the opening of the doors.

## **SEATS**

30. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
31. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.



## **SEAT BELTS**

32. Vehicles must be fitted with lap and diagonal seatbelts on all seats, including rear facing seats, as per the manufacturer or vehicle converter's specification.
33. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
34. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced – not repaired.

## **DRIVER COMPARTMENT**

35. Vehicles must be provided with a means of communication between the passenger and the driver.
36. Vehicles must be fitted with an induction loop system.

## **PASSENGER COMPARTMENT**

37. Occasional seats must automatically rise when not in use.
38. The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.
39. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled persons.
40. Colour contrasting grab handles must be placed at door entrances to aid passenger access to and egress from the vehicle.
41. Colour contrasting sight patches are required on all passenger seats.

## **WHEELCHAIRS & RAMPS**

42. Hackney carriage vehicles must be built to accommodate disabled passengers in wheelchairs and must be so equipped in order that disabled passengers in wheelchairs may be carried comfortably and safely.
43. Anchorages must be provided for the wheelchair and occupant. Anchorages must be either chassis or floor linked.
44. Restraints must be provided for wheelchairs and occupants which must be independent of each other.
45. Anchorages must also be provided for the safe stowage of wheelchairs when not in use, whether folded or otherwise.
46. A BS 6109 compatible ramp with a safe working load (S.W.L.) of 300kg for the loading of a wheelchair and occupant must be available for the safe loading and unloading of passengers.
47. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use.
48. The surface of the ramp must be covered with a non-slip material.

49. The edges of the ramp's surface must be marked in a high-contrast colour scheme.
50. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

### **ENTRANCE STEP**

51. The outer edge of the floor at each entrance must be fitted with non-slip high-visibility treads.
52. The top tread for any entrance must not exceed 38 cm above ground level when the vehicle is un-laden, except as detailed in criteria 53.
53. Where the top tread for the entrance exceeds 38 cm then an intermediate step must be provided at each entrance into the passenger compartment. The intermediate step must not extend outwards beyond the vertical line of the vehicle's wing mirrors. The step must be covered with a suitable non-slip surface with the edges of the step highlighted yellow.

### **WINDOWS**

54. Windows must be provided at the sides and at the rear of the vehicle.
55. Passenger door windows must be capable of being easily opened by passengers when seated. The control for opening a door window must be clearly identified so as not to be mistaken for any other control.
56. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

### **HEATING AND VENTILATION**

57. A heating and ventilation system must be provided for the driver and passengers with independent controls for the driver and passengers and must be in good working order.

### **DOORS**

58. Where hinged doors are fitted:
  - An automatic locking device must be fitted to passenger doors.
  - When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
  - The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
  - A hinged door must be capable of being opened to a minimum angle of 90 degrees.

59. Where sliding doors are fitted:

- An automatic locking device must be fitted to passenger doors.
- When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
- There must be reflective strips on both the front and rear edges of the door.
- There must be an illuminated sign bearing the words "Door Open" clearly visible from the rear of the vehicle. This sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated.
- There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.
- An audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

60. Where electric doors are fitted:

- A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
- The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
- A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

### **INTERIOR LIGHTBOX**

61. A lightbox must be exhibited in a prominent position within the hackney carriage vehicle.
62. The lightbox must display the word 'CAB' in uppercase letters and the vehicle licence number below it.
63. The lightbox must be wired to the ignition so that it will remain lit at all times the vehicle ignition is turned on.

### **FLOOR COVERING**

64. The floor of the vehicle must be covered in an appropriate non-slip material which can be easily cleaned.
65. The floor covering must not impede the movement of wheelchairs.

## **LUGGAGE**

66. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.
67. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

## **TAXIMETER**

68. A taximeter must be fitted to the vehicle, calibrated, and sealed to show the tariffs set by Wirral Council.

## **EXTERIOR ROOF LIGHT**

69. An illuminated roof-sign displaying the word 'TAXI' must be securely fitted to the roof of the hackney carriage vehicle in such a position that it is clearly visible from the front of the vehicle by day and night.
70. The roof-sign must be connected to the taximeter so that when the vehicle is available for hire the sign is illuminated and it is not illuminated when hired.



# **HACKNEY CARRIAGE VEHICLE LICENCE**

## **CONDITIONS**

**September 2017**



# Hackney Carriage Vehicle Licence Conditions

Wirral Council need to be satisfied that hackney carriage vehicles operating in Wirral are safe to do so. Wirral Council may require you to present your vehicle for inspection or test during the period which the vehicle is licensed. The proprietor of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness and shall comply with any direction. Should a hackney carriage vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked.

Should any of the below conditions not be complied with the hackney carriage vehicle licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation.

Notwithstanding the below conditions, if there is anything in the construction, form, working or general appearance which, in the opinion of Wirral Council, renders a vehicle unfit for use as a hackney carriage vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

Please note where the conditions refer to 'in writing', this includes email. The email address for the Licensing Section is [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

If you are aggrieved by any of the requirements contained in the below conditions you have the right of appeal to a Magistrates' Court within 21 days of the issue of the licence to which these conditions are attached.

Provision must be made for luggage to be kept separate and secured from the passenger seating area.

## MATTERS TO BE REPORTED TO THE COUNCIL

### CHANGE OF DETAILS

1. The proprietor of a hackney carriage vehicle must notify Wirral Council of any change of name, address or contact telephone number within 7 days of such change taking place.
2. The proprietor of a hackney carriage vehicle must notify Wirral Council of any intention to change the vehicle registration number, prior to any such change taking place.

### ACCIDENTS AND DAMAGE TO VEHICLE

3. In every case where a hackney carriage vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the proprietor or driver of the vehicle to Wirral Council within 72 hours of the damage having been sustained. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
4. In every case where a hackney carriage vehicle is involved in a **road traffic collision**, the details of the collision must reported by the proprietor or driver of the vehicle to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.

### CONVICTIONS, CAUTIONS, AND MOTORING OFFENCES

5. The proprietor of a hackney carriage vehicle must notify Wirral Council within 72 hours, details of any:
  - **investigation** into any criminal or motoring offence
  - criminal convictions received
  - cautions, warnings or reprimands received
  - motoring offences or penalty points received
  - fixed penalty notices
  - anti social behaviour order (or other order) issued by the Court

You must also report to Wirral Council any incidents which may lead to a complaint against you.

### TRANSFER OF OWNERSHIP OF VEHICLE

6. If the proprietor of a hackney carriage vehicle wishes to transfer ownership of the vehicle to another person, the proprietor must notify Wirral Council of the name and address of the new proprietor within 14 days of the transfer of ownership. The current proprietor must complete a consent pro-forma; the new proprietor must complete a transfer application form.



## **SURRENDER OF LICENCE**

7. If at any time during the period of the licence the proprietor, for any reason, does not wish to retain the hackney carriage vehicle licence, or transfer the vehicle licence to another person, the proprietor must immediately surrender and return the hackney carriage vehicle licence, window card, and plate to Wirral Council.

## **RECORDS TO BE KEPT BY THE PROPRIETOR OF THE VEHICLE**

### **HACKNEY CARRIAGE DRIVER LICENCE**

8. The proprietor must retain the Hackney Carriage Driver licence (or copy thereof) of each driver of the vehicle, and must return the licence (or copy thereof) to the driver when the driver ceases to work for him.
9. If the proprietor has cause for complaint and is unwilling to release the licence to the driver, then the licence must be returned to the Licensing Authority within 24 hours of the driver having requested it. Such return must be accompanied by a written complaint setting out the subject matter of the dispute or complaint.

## **GENERAL**

### **EXTERIOR OF THE VEHICLE**

10. Vehicles, including all fittings, lights, and other mechanical and electrical components must be maintained in a good working order in accordance with Wirral Council's Vehicle Inspection Policy.
11. The vehicle must be maintained with the paintwork, bodywork, fittings, locks, and latches in good order and to the vehicle manufacturer or authorised converter's standard.
12. Paintwork must be of a high standard and the colour of all panels must match exactly.
13. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying the Council's inspection at any time during the period of the vehicle licence.
14. The interior and exterior of the vehicle must be maintained in a clean and safe condition.
15. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.
16. The vehicle must not emit excessive smoke from the exhaust.

### **INTERIOR OF THE VEHICLE**

17. Hackney carriage vehicles must be wind and water tight when all doors and windows are closed.
18. All fittings and furniture inside the hackney carriage vehicle must be in a clean and well maintained condition.
19. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.

20. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.
21. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
22. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced - not repaired.
23. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.
24. The floor of the vehicle must not impede the movement of wheelchairs.
25. The outer edge of the floor at each entrance must be fitted with non-slip high visibility treads.
26. A heating and ventilation system with independent controls for the driver and passengers must be maintained in working order to allow passengers to travel in comfort.
27. The proprietor of the vehicle must ensure that the hackney carriage driver's badge of the driver of the vehicle is displayed in a prominent position so that all details can easily be read by passengers.
28. The method of communication between the driver and passenger compartments must be in good working order.
29. The induction loop system fitted within the vehicle must be in good working order.
30. Occasional seats must rise automatically when not in use.
31. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled persons.
32. Colour contrasting grab handles must be placed at door entrances to aid passenger access to and egress from the vehicle.
33. Colour contrasting sight patches are required on all passenger seats.

#### **LUGGAGE**

34. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.
35. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

#### **ELECTRICAL EQUIPMENT**

36. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

## **MANDATORY SIGNAGE AND NOTICES**

### **VEHICLE LICENCE PLATE**

37. The large vehicle licence plate identifying the vehicle as a private hire vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon. For the avoidance of doubt, the mounting of the plate by magnetic or any other semi permanent means, for example cable ties, zip ties or Velcro, is prohibited.
38. The small vehicle licence plate identifying the vehicle as a hackney carriage vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter the information printed thereon.
39. At no time must the licence plates be wilfully or negligently concealed from public view.
40. The hackney carriage vehicle licence plates remain the sole property of Wirral Council.

### **VEHICLE IDENTIFICATION CARD**

41. The hackney carriage vehicle window card must be fixed inside the hackney carriage vehicle on the nearside of the partition in such a manner that it is clearly visible to persons inside the hackney carriage vehicle.

### **INTERIOR LIGHTBOX**

42. A lightbox, which is in good working order, must be exhibited in a prominent position within the hackney carriage vehicle.
43. The lightbox must display the word 'CAB' in uppercase letters and the vehicle licence number below it.
44. The lightbox must be wired to the ignition so that it will remain lit at all times the vehicle ignition is turned on.

### **INTERIOR LIGHTING**

45. Lighting must be provided for the driver and passengers.
46. Separate lighting controls for both passenger and driver must be provided.
47. Passenger compartment light switches and window controls must be within easy reach of all passengers
48. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position.
49. Lighting must be provided at floor level to each passenger door and be activated by the opening of the doors.

### **EXTERIOR ROOF LIGHT**

50. An illuminated roof-sign displaying the word 'TAXI' must be securely fitted to the roof of the hackney carriage vehicle in such a position that it is clearly visible from the

front of the vehicle by day and night.

51. The roof-sign must be connected to the taximeter so that when the vehicle is available for hire the sign is illuminated and it is not illuminated when hired.

## **NOTICES**

52. Any notice that Wirral Council may require must be displayed inside the vehicle as directed.

## **TABLE OF FARES**

53. The table of fares issued by Wirral Council must be displayed in a prominent position where it can be easily read by passengers.
54. The fare must be calculated in accordance with the rates set by the Council. Rates cannot be more than the maximum currently permitted by the Council.

## **TAXIMETER**

55. The meter for recording the fare must be calendar controlled and must be maintained in good working order.
56. Any meter must only be installed by an approved meter provider. Details of the meter provider and calibration certificate must be supplied to the Wirral Council before the meter is used for public hire.
57. The meter must be set to reflect the current tariff of fares as determined by Wirral Council.
58. When the hackney carriage vehicle is not hired the meter must display the words "FOR HIRE" or other words to the same effect.
59. When the meter is in use the fare and permitted extras must be shown legibly on the face of the meter.
60. The meter must be securely fitted in such a position that the display is clearly visible to any passenger being carried in the hackney carriage vehicle, and is sufficiently illuminated when in use.
61. The meter and all of its fittings must be fixed to the vehicle so that it cannot be practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals and other fittings.
62. The meter must be fitted in such a position that it does not cause an obstruction to the hackney carriage driver or hirer(s).
63. Any modifications or planned modifications to the meter must be declared to Wirral Council before the meter is used.

## **ADVERTISEMENTS**

64. The proprietor shall not cause or permit any sign, symbol, notice, or advertisement to be displayed in, on, or from the vehicle, except with the prior approval of the Licensing Authority. Where advertisements are displayed without prior approval an Authorised Officer can require the advertisement to be removed.
65. Advertisements must comply with the Code of Advertising Practice.

66. Any advertisement promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted.
67. Electronic screens may be used subject to the prior approval by Wirral Council.
68. The position of the screen must not distract the driver of the vehicle.
69. The position of the screen must be such that it cannot be seen from outside the vehicle.

### **CLOSED CIRCUIT TELEVISION (CCTV)**

CCTV may be installed in hackney carriage vehicles to aid the prevention and detection of crime. If CCTV is installed in a hackney carriage vehicle the following conditions apply:

70. The data controller must register with the Information Commissioners Office (ICO) and ensure the registration is kept current at all times that CCTV is fitted in the vehicle.
71. The data controller must comply with the Data Protection Act 1988, 'CCTV Code of Practice' issued by the Information Commissioners Office (ICO), and any other relevant legislation.
72. Signs advising that CCTV is in operation must be prominently displayed outside and inside the vehicle.
73. The CCTV system must be capable of recording and storing footage for a minimum period of 14 days.
74. The CCTV system must be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person(s) travelling in the vehicle.
75. The CCTV system must provide that the hard disk or memory card is not accessible by the proprietor or driver of the vehicle.
76. Footage captured must be made available to the Licensing Authority and the Police.
77. The CCTV system must provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
78. Cameras must not be fitted in locations that are likely to affect the safety of any person travelling in the vehicle, and must be located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.

### **WHEELCHAIRS AND RAMPS**

79. Anchorages provided for the wheelchair and occupant must be secure.
80. Restraints for wheelchairs and occupants must be free from any damage which may affect their safe use.
81. A BS 6109 compatible ramp with a safe working load (S.W.L.) of 300kg for the loading of a wheelchair and occupant must be available at all times for the safe loading and unloading of passengers.
82. The ramp must be free from any damage and in good working order.
83. The non-slip material on the surface of the ramp must be free from rips, tears, or damage.
84. The edges of the ramp's surface must be marked in a high-contrast colour scheme.

85. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

### **ENTRANCE STEP**

86. The outer edge of the floor at each entrance must be fitted with non-slip high-visibility treads.
87. Where the top tread for the entrance exceeds 38cm above ground level when the vehicle is un-laden then an intermediate step must be provided at each entrance into the passenger compartment. The intermediate step must not extend outwards beyond the vertical line of the vehicle's wing mirrors. The step must be covered with a suitable non-slip surface with the edges of the step highlighted yellow.

### **CONVEYANCE OF ANIMALS**

88. The proprietor of the vehicle must ensure that any driver is aware of their duty under Section 168 of the Equality Act 2010 to convey an assistance dog, if requested, together with a passenger unless the driver is already the holder of and is displaying an exemption notice.
89. Whilst the vehicle is being used for hire and reward purposes the proprietor shall not convey, or permit a driver to convey, in the vehicle any animal belonging to, or in the custody of themselves or the proprietor or operator of the vehicle unless by way of a genuine hire and reward journey paid for by that custodian.

### **ROOF RACKS, ROOF BOXES, AND TRAILERS**

90. Hackney carriage vehicles are not permitted to use roof racks, roof boxes, or trailers whilst being used for hire and reward purposes.

### **WHEELS AND TYRES**

91. Where a hackney carriage vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
92. Where a hackney carriage vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
93. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
94. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
95. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification, and be compatible with the taximeter.
96. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
97. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.

98. All tyres, including the spare where applicable, must be free from cuts and other defects.
99. The hackney carriage vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method must be in accordance with the vehicle manufacturer's specification which must be one of the following:
- full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
  - space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
  - run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
  - emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.
100. If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for hire or reward purposes other than completing the current journey, if applicable.

## **FUEL SYSTEMS**

101. A device must be provided whereby the supply of fuel to the engine may be immediately cut off.
102. A manually operated device must have its location together with the means of operation and 'off' position clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.

## **DOORS**

103. Where hinged doors are fitted:
- a. An automatic locking device must be fitted to passenger doors.
  - b. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
  - c. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
  - d. A hinged door must be capable of being opened to a minimum angle of 90 degrees.
104. Where sliding doors are fitted:
- a. An automatic locking device must be fitted to passenger doors.
  - b. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch

mechanism.

- c. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
- d. There must be reflective strips on both the front and rear edges of the door.
- e. There must be an illuminated sign bearing the words "Door Open" clearly visible from the rear of the vehicle. This sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated.
- f. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.
- g. An audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

105. Where electric doors are fitted:

- a. A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
- b. The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
- c. A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

## **WINDOWS**

- 106. All windows must be secure and free from cracks, damage, or other defects.
- 107. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.
- 108. Passenger door windows must be capable of being easily opened by passengers when seated. The control for opening a door window must be clearly identified so as not to be mistaken for any other control.

## **MIRRORS**

- 109. All mirrors and mirror housing units must be secure and free from cracks, damage, or other defects.

## **INSURANCE**

- 110. The proprietor must produce the current valid certificate of insurance for the hackney carriage vehicle when requested to do so by an Authorised Officer. If the certificate cannot be produced on demand it must be presented within 7 days to Wirral Council.

## **PASSENGERS**

- 111. The proprietor must not cause or permit the vehicle to be used to carry a greater number of passengers than prescribed in the hackney carriage vehicle licence.



112. The proprietor must not cause or permit passengers to be carried in the front of the vehicle unless specifically permitted by the licence.
113. The proprietor must not cause or permit children under the age of 10 years to be conveyed in the front of the vehicle whilst it is being used as a hackney carriage vehicle.

#### **ALTERATION OF CONDITIONS**

114. Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. The licence holder, if aggrieved, will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.

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# Vehicle Inspection Policy

September 2017



## **Hackney Carriage and Private Hire Vehicle Inspection Policy**

This policy regulates the actions taken by Authorised Officers in relation to defects, faults, or breaches of conditions attached to vehicle licences in respect of hackney carriage and private hire vehicles.

Licensing Officers are authorised under the relevant legislation to inspect licensed vehicles and take action where necessary to ensure the travelling public are safe, in so much as the vehicles used to transport them meet the relevant criteria and conditions laid down by Wirral Council.

Following the inspection of a licensed vehicle an Authorised Officer may take one of a number of actions.

### **Condition Notice**

A condition notice is issued where a vehicle is found to have some minor defect(s) or fault(s) which are not considered to be detrimental to the safety and/or comfort of the travelling public. A condition notice details the identified defect(s) and/or fault(s), and will provide a date by which they should be rectified. Failure to do so may result in a suspension notice being issued.

A vehicle subject to a condition notice may continue to be used for hire and reward purposes.

In the event of a vehicle presenting several defects or faults which individually would normally warrant a condition notice being issued, an Authorised Officer may issue a suspension notice due to the number of defects.

### **Suspension Notice**

A suspension notice is issued when a vehicle is found to have some major defect(s) or fault(s), or a fault which it is considered renders the vehicle to be unfit / unsafe for the carriage of the travelling public. A suspension notice details the identified defect(s) and/or fault(s), and will provide a date by which they should be rectified.

The effect of the suspension notice is that the hackney carriage or private hire vehicle licence is suspended. A vehicle subject to a suspension notice **must not** be used for hire and reward purposes. The use of a vehicle for hire or reward purposes whilst the licence is suspended constitutes an offence. The public/private hire insurance is likely not to be valid in these circumstances.

The private hire operator (where applicable) will be notified when a suspension notice is issued in the case of any licensed vehicle working on their system.

### **Requirement for a Re-test**

If the defect(s) and/or fault(s) at the time of inspection are considered to be severe or numerous, or if the Authorised Officer is concerned about the safety of the vehicle, a full re-test may be required by that Authorised Officer before the suspension notice will be lifted. If this is the case a separate re-test form will be issued.

### **Re-inspection**

In all cases, the vehicle proprietor must rectify the defects and present the vehicle to an Authorised Officer for re-inspection, on or before the specified date/time.

The vehicle proprietor or driver should contact the Licensing Section to arrange for the vehicle to be re-inspected. Vehicles should not be presented for re-inspection without contacting the Licensing Section.

Proof of insurance must also be produced on re-inspection.

If it is deemed appropriate and necessary arrangements may be made for the vehicle to be re-inspected outside normal office hours. This may occur if a vehicle is suspended at night / on the weekend and the fault can be rectified quickly.

Failure to comply with any notices issued by an Authorised Officer will result in further action being taken.

## **Legislation**

Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- That the Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle
- Any offence or non-compliance with the provisions of the Town Police Clauses Act 1847 or relevant part of the Local Government (Miscellaneous Provisions) Act 1976 or
- Any other reasonable cause

Any proprietor aggrieved by a decision of the Council under this section may appeal to the Magistrates' Court.

Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 permits any Authorised Officer of the Council or Police Officer to inspect a licensed hackney carriage vehicle or private hire vehicle to determine its fitness for use as such or any taximeter affixed to such a vehicle.

If not satisfied as to the fitness of the vehicle the Authorised Officer can suspend the vehicle licence until such time that the identified faults/defects are rectified and an Authorised Officer is so satisfied to its fitness or as to the accuracy of its taximeter.

There is no right of appeal against the Section 68 suspension notice.

If a vehicle licence is suspended the licence holder has a specified period in which to rectify the faults / defects and produce the vehicle for re-inspection.

In all cases where a vehicle is not presented for re-inspection and deemed to be fit for use as a licensed vehicle within 2 months, the vehicle licence is deemed to be **revoked** and at that point there is a right of appeal against the revocation which must be lodged within 21 days to a Magistrates' Court.

Defect/Fault	Notice	Other Possible Action / Notes
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### BODYWORK

Minor corrosion	Condition	
Major corrosion	Suspension	
Minor dent/bodywork damage	Condition	
Major dent/bodywork damage	Suspension	
Sharp edges	Suspension	
Loose body panels/bumper	Suspension	
Paintwork poor standard	Condition	
Body panel colours do not match	Condition	

### LOCKS, LATCHES, FITTINGS

Bonnet does not shut properly	Suspension	
Boot does not shut	Suspension	
Rear view mirror missing	Suspension	
Rear view mirror damaged	Condition	
Wing mirror missing	Suspension	
Wing mirror damaged	Condition	
Wing mirror housing damaged	Condition	
Roof rack, roof box, or trailer fitted to vehicle	Condition	

### LEAKS AND EMISSIONS

Visible fuel/oil/brake fluid leak	Suspension	
Exhaust blowing to excess or producing excess smoke	Suspension	Re-test / MOT

### WHEELS AND TYRES

Continuous tyre tread depth less than 1.6mm across the central three quarters of the breadth of the tyre, and/or visible tread not present across the remaining breadth of the tyre	Suspension	Legal Action - The Road Vehicles (Construction and Use) Regulations 1986
Tyre not correct size, speed, or load rating	Suspension	
Tyre not correctly inflated	Suspension	

Evidence of cut or other defect to tyre	Suspension	
Four road wheels not of same type and pattern	Condition	
Four wheel trims not of same pattern	Condition	Where wheels designed to be fitted with wheel trims
No method for dealing with defective tyre: a) full size spare wheel b) space saver spare wheel c) run-flat tyres fitted to vehicle and TPMS d) emergency tyre sealant and compressor/inflator pack	Suspension	
No jack or wheel brace, where applicable	Suspension	Full-size spare or space-saver only
Cosmetic wheel damage	Condition	
Structural wheel damage	Suspension	
Missing wheel nut(s) or stud(s)	Suspension	
Damaged wheel rim	Suspension	
Loose wheel	Suspension	

## LICENCE PLATES & VEHICLE REGISTRATION PLATES

Front/rear vehicle licence plate missing	Suspension	HCV: Prosecution under s.45, 51, 52 Town Police Clauses Act 1847  PHV: Prosecution under s.48(6) of Local Government (Miscellaneous Provisions) Act 1976
Front/rear vehicle licence plate incorrectly affixed but legible	Condition	
Front/rear vehicle licence plate incorrectly affixed and illegible	Suspension	Includes if fixed inside rear window
Front/rear vehicle licence plate damaged but legible	Condition	
Front/rear vehicle licence plate damaged and illegible	Suspension	
Vehicle identification card not displayed prominently	Condition	
Vehicle registration plate missing	Suspension	
Vehicle registration plate damaged but legible	Condition	
Vehicle registration plate damaged and illegible	Suspension	
Non-compliant vehicle registration plate	Suspension	

## WINDOWS

Windscreen chipped or cracked with damage greater than 10mm in the driver's line of vision (a vertical strip 290mm wide centred on the steering	Suspension	
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wheel) or 40mm elsewhere in the rest of the area swept by the wiper blades		
Windscreen damage likely to make windscreen insecure	Suspension	
Insecure windscreen	Suspension	
Windscreen fails to let 75% of light through	Suspension	
Window (other than windscreen) fails to let 70% of light through	Suspension	
Window mechanism inoperative / faulty	Suspension	

## DOORS

Door does not shut properly	Suspension	
Door not capable of being opened by one operation of latch mechanism	Condition	
Audible or visual warning to indicate sliding door open inoperable	Suspension	Only where sliding doors fitted to vehicle
Method to detect and react to obstruction in electrically operated door not fitted or inoperable	Suspension	Electric doors only
Sign not clearly displayed in vehicle providing instructions on correct operation of door	Condition	Electric doors only

## VEHICLE EXTERIOR

Dirty exterior	Condition	
One door sign missing	Condition	
Two door signs missing	Suspension	
Door sign(s) non-compliant	Suspension	
Door sign(s) not approved by Licensing Authority	Suspension	
Inoperative or faulty windscreen wipers/washers	Suspension	
No filler cap or filler cap with ineffective seal (incl. push in filler cap)	Suspension	
Location of manual fuel cut-off device, where fitted, not marked clearly on exterior of vehicle	Condition	

## VEHICLE INTERIOR

Interior not wind and water tight	Suspension	
Dirty interior (incl. seats)	Condition	
Driver's area obstructed in a manner likely to affect the control of the vehicle	Suspension	

Pedal rubbers missing, damaged, or worn	Suspension	
Seat and/or mounting insecure	Suspension	
Seat or covering ripped, torn, or otherwise damaged	Condition	
Seatbelt missing, frayed, or otherwise damaged	Suspension	
Seatbelt mechanism not in good working order	Suspension	
Floor covering unsuitable or damaged	Condition	
Device for calculating fares not securely fitted in a prominent position	Suspension	
Taximeter not securely fitted in a prominent position	Suspension	
Taximeter not calibrated / tested	Suspension	Meter to be calibrated – certificate
Vehicle tax expired	Suspension	
Light box not fitted	Suspension	
Light box not marked with word 'CAB' and plate number	Suspension	
Light box not illuminating when ignition turned on	Suspension	
Incorrectly or insecurely fitted radio or data head, or wiring causing obstruction	Suspension	
Driver badge not prominently displayed in vehicle	Suspension	
CCTV fitted inside vehicle without approval	Suspension	
Handbrake not functioning properly	Suspension	
Excess play in steering wheel	Suspension	
Steering wheel broken or loose	Suspension	
Power steering not working	Suspension	
Horn inoperative or ineffective	Suspension	
Electrical equipment installed inadequately	Condition	
Interior light(s) inoperative, damaged, or missing	Condition	
Notice required by Wirral Council not displayed	Condition	
Advertisements displayed inside private hire vehicle without prior approval from Wirral Council	Condition	
Advertisement displayed inside vehicle promoting alcohol, tobacco, sex industry, or other inappropriate or controversial matters	Suspension	
Electronic advertisement screen fitted to vehicle without prior approval or in such a position that is can be seen	Condition	

from outside of the vehicle		
Portable step not carried in vehicle where top tread for entrance exceeds 38cm and no step fitted to vehicle	Suspension	
Outer edge of floor at each entrance not fitted with non-slip high-visibility tread	Condition	
Heating and ventilation system with separate controls for passengers not fitted in working condition	Condition	
Method of communication between driver and passenger(s) not in good working order	Condition	
Induction loop system not in good working order	Condition	
Occasional seat does not rise when not in use	Condition	
Suitable means not provided to assist persons to rise from rear seat	Condition	
Colour-contrasting grab handles not placed at all door entrances	Condition	
Provision for keeping luggage separate and secured from passenger seating area not provided	Condition	
Illuminated control switch for operating interior light and window not present in passenger compartment	Condition	
Table of fares not displayed prominently, where applicable	Condition	
Taximeter fails to display "FOR HIRE" or similar when vehicle is not hired	Condition	

## EXTERNAL LIGHTS

One of the following lights inoperable in daylight/good visibility: headlight sidelight brake light rear light	Condition	
Two or more lights inoperable	Suspension	
High-level brake light inoperable	Condition	
Reversing light inoperable	Suspension	
Fog light inoperable	Condition	
Light cluster damaged – no sharp edges	Condition	
Light cluster damaged – sharp edges	Suspension	

Indicator light inoperative	Suspension	
Indicator lens broken – no sharp edges	Condition	
Indicator lens broken – sharp edges	Suspension	
'TAXI' roof light missing	Suspension	
'TAXI' roof light inoperable	Suspension	
'TAXI' roof light housing damaged	Condition	
Vehicle registration plate light inoperative	Suspension	

### **WHEELCHAIRS AND RAMPS**

Anchorage for securing wheelchairs insecure	Suspension	
Restraints for wheelchairs and occupants not present	Suspension	
Restraints for wheelchairs and occupants damaged – affecting use	Suspension	
Compliant wheelchair ramp not present	Suspension	
Wheelchair ramp inoperable	Suspension	
Non-slip material on wheelchair ramp not in good working order	Suspension	
Edges of wheelchair ramp not marked in high-contrast colour	Suspension	
Ramps which are not permanently-affixed to vehicle not marked with vehicle registration number	Condition	

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## **Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences**

This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended). The purpose of this policy is to explain how the Council will carry out its licensing functions in relation to applications for Private Hire and Hackney Carriage Driver Licences in circumstances where the applicant has a criminal record.

### **Decision making**

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on their merits, and the Council will provide reasons for all decisions made when an application is refused.

**October 2016**



## **1 INTRODUCTION**

1.1 Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

1.2 This document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has committed a criminal offence.

1.3 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:

- Applicants for Private Hire and Hackney Carriage Driver Licences
- Licensing Officers
- Members of the Licensing Panel
- Magistrates hearing appeals against local authority decisions

1.4 This guidance will be used for the determination of new applications in relation to Hackney Carriage Drivers and Private Hire Drivers.

1.5 Where Licensing Officers have delegated powers to grant licences they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Panel (the Panel). Whilst Officers and the Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Panel may depart from the guidelines. Offences not specifically identified in these guidelines may also be considered depending on the circumstances.

1.6 In exercising its powers the Council must ensure:

- That a person is a fit and proper person.
- That a person does not pose a threat to the public.
- That the public are safeguarded from dishonest persons.
- The safeguarding of children, young and vulnerable persons.

## **2 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK**

2.1 The Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.

2.2 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a Driver Licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

2.3 Information received from the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course and will be retained no later than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

2.4 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a Driver Licence. The Council will however

consider all information on an enhanced DBS and will take a serious view of any special Police warnings contained therein. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.

- 2.5 The Council may not be satisfied that an applicant is a fit and proper person to hold a Driver Licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
- 2.6 In considering evidence of an applicant's good character and fitness to hold a Driver Licence, where previous offences or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant.

### **3 FAILURE TO DISCLOSE A CONVICTION**

- 3.1 When completing an application form for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement:
- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form.
  - To inform the Council if you are under investigation in respect of any criminal offence, if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you.
  - To inform the Council if you have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against you, including details of any sentences upon breach relating to anti social behaviour.
- 3.2 Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.
- 3.3 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations.

Please contact us on telephone number **0151 691 8043** if you would like to discuss your application in confidence.

### **4 LICENSING PANEL**

- 4.1 In circumstances where an applicant has convictions which are outside of the timeframes referred to in this guidance and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Licensing Panel who will consider the application. Applicants will be advised of the procedure which will enable their attendance before the Licensing Panel and they will be able to attend the Panel to put their case forward. Any person refused a licence has a right of appeal to the Magistrates Court against the Council's decision within 21 days of being notified of the Council's decision.
- 4.2 Each applicant referred to the Licensing Panel will be considered on their individual merits. In those circumstances the Licensing Panel will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a



licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability as a Private Hire/Hackney Carriage Driver. Alternatively, the Panel may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.

- 4.3 The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles
- 4.4 Being a licensed Hackney Carriage or Private Hire Driver is a responsible position and the Panel takes its public protection role very seriously. The Panel will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.
- 4.5 The Panel can consider all criminal offences, including spent convictions and will also take in to consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.
- 4.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Panel may depart from these guidelines at its discretion subject to the circumstances. The policy guidelines provide a general guide to new applicants on various types of offences.

## **5 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS**

- 5.1 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for Driver Licences.
- 5.2 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual's application.
- 5.3 If an applicant has a conviction for an offence not covered by the guidelines regard will be had to the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant when deciding whether to grant an application. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 5.4 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but an applicant will generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued. Each case will be decided on its own merits.
- 5.5 Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which may be taken into account despite being outside the timeframes referred to in these guidelines. Such cases will generally be referred to the Licensing Panel.

- 5.6 For the purpose of clarity the timeframes referred to in these guidelines start from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court whether or not the term of imprisonment was suspended), whichever is later.

## **6 SEXUAL AND INDECENCY OFFENCES**

- 6.1 Licensed drivers often carry unaccompanied and vulnerable passengers. Applicants who have committed an offence at any time for indecent exposure, indecent assault, importuning or any sexual offence, will generally not be granted a Hackney Carriage or Private Hire Driver Licence.
- 6.2 Any licence holder who is registered under the sex offenders notification requirements on the Sex Offenders Register will generally not be granted a Hackney Carriage or Private Hire Driver Licence.

## **7 VIOLENT OFFENCES**

- 7.1 Licensed drivers have close regular contact with the public and a firm line will be taken with those who have committed a violent offence. An application will generally be refused if an applicant has a conviction for an offence that involved significant harm or loss of life or an act of terrorism. If an applicant has committed more than one violent offence then it is likely that the application will be refused. An applicant who has committed a violent offence will generally not be licensed until a period of at least five years has passed since either the offence or the date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is later. Given the range of offences that involve violence the Council will carefully consider the nature of the offence and the sentence imposed when determining an application.

Offences involving violence include:

- Assault occasioning actual bodily harm
- Assault on police
- Assault with intent to rob
- Battery
- Robbery
- Violent disorder
- Grievous Bodily Harm
- Common assault
- Wounding
- Wounding with intent
- Arson
- Riot

## **8 POSSESSION OF AN OFFENSIVE WEAPON**

- 8.1 An applicant with such an offence on their record will, depending on the circumstances of the offence, generally be refused a licence for a period of at least 5 years after either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. An applicant who has committed an offence relating to a firearm will generally be refused.

## **9 PUBLIC ORDER OFFENCES**

9.1 Applicants who have committed public order offences will generally be refused a licence for a period of 3 years from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. An applicant with more than one such offence in the previous 10 years will be expected to show a period of at least 5 years free of such offences from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

Public order offences include:

- Affray
- Criminal damage
- Using threatening, abusive or insulting words or behaviour
- Drunk and disorderly
- Disorderly behaviour
- Causing harassment, alarm or distress

## **10 DRUG OFFENCES**

10.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.

10.2 Where an applicant has committed an offence relating to the supply of drugs or for the production or cultivation of drugs the application will generally be refused for a period of at least 10 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

10.3 Where an applicant has committed an offence relating to the possession of drugs the application will generally be refused for a period of at least 5 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

10.4 If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would generally be required to show evidence of seven years free from drug taking after detoxification treatment.

## **11 DISHONESTY OFFENCES**

11.1 Licensed drivers are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. For all these reasons, a serious view is taken of any offence involving dishonesty. An applicant with a dishonesty offence will generally be refused a licence for a period of at least five years since either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is later. Offences involving dishonesty include:

- Theft
- Fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- Burglary
- benefit fraud
- forgery
- obtaining money or property by deception

An applicant who has committed the offence of perverting the course of justice will generally be refused a licence for a period of five years

## **12 RACIALLY AGGRAVATED OFFENCES**

12.1 Applicants who have committed racially aggravated offences will generally be refused a licence for a period of at least 5 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. Offences involving racial aggravation include:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

## **13 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES**

13.1 A serious view will be taken of any offences committed by an applicant who has previously been licensed while working as a Hackney Carriage or Private Hire Driver, Proprietor or Operator

## **14 MOTORING OFFENCES**

14.1 An applicant's driving record will be taken into account and the Council will consider the nature and volume of motoring offences when considering applications. A poor record of driving will raise doubts about an applicant's fitness and indicate disregard for the law. The Council has put motoring offences into four categories ranging from extremely serious offences (category A) to less serious miscellaneous offences (category D). The Council will use its discretion when considering the seriousness of motoring offences. A list of motoring offences together with their likely category is attached at Appendix 1.

14.2 Any person with more than 6 penalty points on their DVLA driving record will be referred to the Licensing Panel.

14.3 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following:

#### **14.4 CATEGORY A TRAFFIC OFFENCES - DRIVING OFFENCES INVOLVING LOSS OF LIFE**

An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances an application would generally be refused.

#### **14.5 CATEGORY B TRAFFIC OFFENCES - DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

A serious view is taken of any motoring offence for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. A person who has been disqualified from driving as a result of such an offence is likely to be refused a licence for a period of at least two years after the restoration of their DVLA driving licence. More than one offence of this type would generally prevent a person from being licensed.

#### **14.6 CATEGORY C TRAFFIC OFFENCES - OTHER SERIOUS OFFENCES**

Generally, the Council class a serious traffic offence when six or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than six penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences leading to a driving disqualification (except those offences falling within categories A and B) will be treated as a serious offence. Subject to the circumstances an applicant will generally be refused a licence for a period of at least two years after the most recent conviction, or two years after restoration of the DVLA driving licence in the event of a disqualification. Types of offences classed as a serious offence include driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

#### **14.7 CATEGORY D TRAFFIC OFFENCES - MISCELLANEOUS OFFENCES**

Generally individual traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being issued a licence. A person with more than 6 'live' penalty points for such offences must generally show a period of 12 months free from conviction before their application is likely to be considered favourably. A 'totting up' conviction following a number of separate offences will be considered as a serious offence.

If you have any queries regarding your application please contact us on **0151 691 8043** or email [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

## MOTORING OFFENCES

Code	Offence	Penalty points	Council category
<b>Accident offences</b>			
<b>AC10</b>	Failing to stop after an accident	5 to 10	C
<b>AC20</b>	Failing to give particulars or to report an accident within 24 hours	5 to 10	C
<b>AC30</b>	Undefined accident offences	4 to 9	C
<b>Disqualified driver offences</b>			
<b>BA10</b>	Driving while disqualified by order of court	6	C
<b>BA30</b>	Attempting to drive while disqualified by order of court	6	C
<b>Careless driving offences</b>			
<b>CD10</b>	Driving without due care and attention	3 to 9	C or D*
<b>CD20</b>	Driving without reasonable consideration for other road users	3 to 9	C or D*
<b>CD30</b>	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	C or D*
<b>CD40</b>	Causing death through careless driving when unfit through drink	3 to 11	A
<b>CD50</b>	Causing death by careless driving when unfit through drugs	3 to 11	A
<b>CD60</b>	Causing death by careless driving with alcohol level above the limit	3 to 11	A
<b>CD70</b>	Causing death by careless driving then failing to supply a specimen for analysis	3 to 11	A

**Construction and use offences**

<b>CU10</b>	Using a vehicle with defective brakes	3	D
<b>CU20</b>	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	D
<b>CU30</b>	Using a vehicle with defective tyre(s)	3	D
<b>CU40</b>	Using a vehicle with defective steering	3	D
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers	3	D
<b>CU80</b>	Using a mobile phone while driving a motor vehicle	3	D

**Reckless and dangerous driving offences**

<b>DD40</b>	Dangerous driving	3 to 11	B
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle	3 to 11	A
<b>DD80</b>	Causing death by dangerous driving	3 to 11	A
<b>DD90</b>	Furious driving	3 to 9	C

**Drink or drugs' offences**

<b>DR10</b>	Driving or attempting to drive with alcohol level above limit		B
<b>DR20</b>	Driving or attempting to drive while unfit through drink		B
<b>DR30</b>	Driving or attempting to drive then failing to supply a specimen for analysis		B
<b>DR40</b>	In charge of a vehicle while alcohol level above limit		B
<b>DR50</b>	In charge of a vehicle while unfit through drink		B
<b>DR60</b>	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive		B
<b>DR70</b>	Failing to provide specimen for breath test		B
<b>DR80</b>	Driving or attempting to drive when unfit through drugs		B

<b>DR90</b>	In charge of a vehicle when unfit through drugs		B
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### Insurance offences

<b>IN10</b>	Using a vehicle uninsured against third party risks	6 to 8	C
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### Licence offences

<b>LC20</b>	Driving otherwise than in accordance with a licence	3 to 6	C or D*
<b>LC30</b>	Driving after making a false declaration about fitness when applying for a licence	3 to 6	C or D*
<b>LC40</b>	Driving a vehicle having failed to notify a disability	3 to 6	C or D*
<b>LC50</b>	Driving after a licence has been revoked or refused on medical grounds	3 to 6	C or D*

### Miscellaneous offences

<b>MS10</b>	Leaving a vehicle in a dangerous position	3	D
<b>MS20</b>	Unlawful pillion riding	3	D
<b>MS30</b>	Play street offences	2	D
<b>MS50</b>	Motor racing on the highway	3 to 11	C or D*
<b>MS60</b>	Offences not covered by other codes	Various	As appropriate*
<b>MS70</b>	Driving with uncorrected defective eyesight	3	D
<b>MS80</b>	Refusing to submit to an eyesight test	3	D
<b>MS90</b>	Failure to give information as to identity of driver etc	6	C

### Motorway offence

<b>MW10</b>	Contravention of special roads regulations (excluding speed limits)	3	D
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### Pedestrian crossings' offences

<b>PC10</b>	Undefined contravention of pedestrian crossing regulations	3	D
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<b>PC20</b>	Contravention of pedestrian crossing regulations with moving vehicle	3	D
<b>PC30</b>	Contravention of pedestrian crossing regulations with stationary vehicle	3	D

### Speed limit offences

<b>SP10</b>	Exceeding goods vehicle speed limits	3 to 6	D
<b>SP20</b>	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6	D
<b>SP30</b>	Exceeding statutory speed limit on a public road	3 to 6	D
<b>SP40</b>	Exceeding passenger vehicle speed limit	3 to 6	D
<b>SP50</b>	Exceeding speed limit on a motorway	3 to 6	D

### Traffic direction and signs

<b>TS10</b>	Failing to comply with traffic light signals	3	D
<b>TS20</b>	Failing to comply with double white lines	3	D
<b>TS30</b>	Failing to comply with 'Stop' sign	3	D
<b>TS40</b>	Failing to comply with direction of a constable/warden	3	D
<b>TS50</b>	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	D
<b>TS60</b>	Failing to comply with a school crossing patrol sign	3	D
<b>TS70</b>	Undefined failure to comply with a traffic direction sign	3	D

### Special code – 'totting up'

<b>TT99</b>	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified		
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### Theft or unauthorised taking

<b>UT50</b>	Aggravated taking of a vehicle	3-11	C
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### **Aiding, abetting, counselling or procuring**

Offences as coded, but with 0 changed to 2, for example LC10 becomes LC12.

### **Causing or permitting**

Offences as coded, but with 0 changed to , for example LC10 becomes LC14.

### **Inciting**

Offences as coded, but with the end 0 changed to 6, for example DD40 becomes DD46.

Offences remain on a DVLA driving licence for the following periods of time:

CD40, CD50, CD60, CD70, DR10, DR20, DR30 and DR80 - 11 years from date of conviction;

DD40, DD60, DD80 and offences resulting in disqualification - 4 years from date of conviction;

All other offences remain on the licence for 4 years from date of offence.

Source: [www.direct.gov.uk](http://www.direct.gov.uk)