



TRAFFORD  
COUNCIL

# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2023

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# 1.0 INTRODUCTION

## 1.1 MISSION STATEMENT

“The purpose of Trafford Council’s Licensing Authority is to protect the public. We will do this by administering stringent processes with regards to applications for driver, vehicle and operator licenses in our borough including the checking of criminal records, requiring medical reports for drivers and checking their right to work. We will manage a Local Area Knowledge Test for new drivers, assess standards of English Speaking and Listening, and conduct induction training for all new drivers covering topics of equality, safeguarding, modern slavery and compliance with licence conditions. We aim to enforce against non-compliance with the Authority’s licence conditions by way of the Penalty Points System and referral to the Public Protection Sub-Committee. We will contribute to the protection of the public and support the GM Clean Air Plan by regulating the type of vehicle that can be licensed in Trafford.”

## 1.2 POWERS AND DUTIES

Trafford Council is responsible for the regulation of Hackney Carriage and Private Hire licensing within the borough of Trafford. Private hire and hackney carriage regulation seeks to protect individuals, businesses and the environment and promote public safety.

This document sets out the policy that the Authority will apply when making decisions about new applications as well as current licences.

## 1.3 OBJECTIVES

Hackney carriage and private hire vehicles play a vital role in an integrated transport system. They often provide services in situations where other forms of transport are either not available (rural areas, late night economy) or for persons with mobility difficulties.

The Authority will adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following objectives:

- The protection of the public, safeguarding children and the vulnerable;
- The prevention of crime and disorder;
- The safety and health of drivers and the public;
- Vehicle safety, comfort and access across all consumer groups in accordance with the Authority’s commitment to the Equality Act 2010;
- The establishment of professional and respected hackney carriage and private hire trades;
- Access to an efficient and effective public transport service; and
- The protection of the environment.

In promoting these licensing aims and objectives, the Authority will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Authority.

#### 1.4 THE FIT AND PROPER TEST

Throughout this policy reference is made to whether an applicant or existing licence holder is, or remains, a 'fit and proper' person to hold a licence.

- a) The Authority will use the following tests to determine whether an individual is considered 'fit and proper': Drivers - would you (as a member of the licensing committee or other person charged with the ability to grant a private hire or hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?
- b) Private Hire Operators - would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purpose?
- c) Vehicle Proprietors - would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purpose?

When submitting an application for a licence a person is required to declare all:

- a) Convictions – including fixed penalties;
- b) Cautions – all forms of caution;
- c) Other formal action – any matter of restorative justice;
- d) 'Non convictions' – see the definition above for guidance on 'the term 'non conviction'';
- e) Matters currently the subject of criminal investigation or prosecution.

The applicant must also pass other tests, assessments and a medical as outlined in this Policy. This is so the Council can apply the 'fit and proper' test and ensure:

- a) That a person is a 'fit and proper' person;
- b) The public are not exposed to persons with a history of dishonesty, indecency or violence or any other offence or inappropriate behaviour which may question the person's 'fit and proper' status;
- c) The safety of all members of the public and in particular children, young persons and vulnerable adults.

The 'fit and proper' test is not solely based on convictions. Officers, Committee and other relevant decision-making bodies are able to take into account 'non convictions' provided by the Police, other agencies and services, etc. The evidential threshold is based on the balance of probabilities, and not the 'beyond reasonable doubt' standard which is the criminal standard of proof for criminal trials.

The disclosure of convictions, cautions, other formal action or 'non conviction', may not automatically bar a person from being granted a licence, renewing a licence, or retaining a licence. This will depend on whether the person can satisfy the Council that they are 'a fit and proper person' to hold a licence.

The Council may be satisfied that a person is not 'a fit and proper, person to hold a licence for any good reason. If a person fails to provide satisfactory evidence that they are 'a fit and proper person', or if there is good reason to question or doubt the evidence provided, then this can amount to good reason to refuse, revoke or suspend a licence.

## 1.5 GREATER MANCHESTER COMBINED AUTHORITY (GMCA)

The Authority is committed to working together with all Greater Manchester Authorities to introduce common minimum standards across Greater Manchester for hackney carriage and private hire licensing and enforcement. This policy incorporates the agreed Greater Manchester common minimum standards which has currently been agreed by 7 of the 10 GM Authorities.

## 1.6. STATUS

In exercising its regulatory functions, the Authority will have regard to this policy document and the objectives set out above. The Authority will have regard to all other strategies, policies and guidance in its decision making. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart from its policy, clear and compelling reasons will be given for doing so.

## 1.6. IMPLEMENTATION

Once approved, this policy will become effective on the 1<sup>st</sup> December 2023 unless otherwise stated. The Authority expects licence holders to comply with its terms from that date.

The Authority will keep this policy and appendices under review and will consult where appropriate on proposed revisions to the policy with appendices amended when required under delegated powers.

From the effective date this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

## 2.0 VEHICLES

### 2.1 VEHICLE LICENCES

Local licensing authorities have a wide range of discretion over the types of vehicle that they can license as hackney carriage or private hire vehicles.

Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the "type approval" rules within any vehicle specifications they adopt.

The Authority generally licences the purpose built "London type cab" as a hackney carriage but also allows alternative vehicles to be licensed as hackney carriages subject to the vehicle specifications.

### 2.2 LIMITATION ON NUMBERS

The Authority currently limits the number of hackney carriage vehicle licences it issues. This number will be reviewed every three years to determine if there is a demand for further licences to be issued.

### 2.3 ACCESSIBILITY

Hackney carriages and private hire vehicles are an essential mode of transport for disabled and older people. The combination of the personal service they offer, their wide availability and door to door operation enable them to respond particularly well to the travel needs of people with disabilities.

The Authority considers it important that people with disabilities have access to all forms of public transport. Therefore, for this reason all licensed hackney carriages must be wheelchair accessible.

In accordance with s.167 of the Equalities Act 2010 (as amended by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 ) the Authority publishes on its website a list of vehicles which are capable of carrying passengers in wheelchairs. Once a vehicle has been listed, the driver of any such vehicle who is not exempted will be under a statutory duty to carry wheelchair bound passengers and to provide mobility assistance.

The Authority uses the dimensions recommended by the Government for a 'reference wheelchair' as a guide for its list. This allows for a wider range of vehicles to be included than if the Authority only included on the list vehicles capable of taking a larger type of wheelchair. However, it is recognised that this will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included on the list.



## 2.4 VEHICLE TESTING

The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. The Authority also has a duty to ensure that all licensed vehicles are well maintained and are in presentable condition with no significant external damage or corrosion.

Hackney carriage and private hire vehicles are granted licences for 12 months. Prior to being granted a licence each vehicle must be examined and tested at the vehicle testing centre approved by the Authority. Once granted each vehicle will be required to pass a compliance test every 6 months.

Where a licensed vehicle fails an authorised examination and test, and is deemed unsafe as a passenger vehicle by the vehicle examiner, the vehicle proprietor or driver may be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied.

## 2.5 ACCIDENT DAMAGE

Any new to licence vehicle that has been written off in any category will not be licensed. In respect of existing licensed vehicles the licence will not be renewed (if previously written off) after the 1<sup>st</sup> April 2025. This is to ensure that all relevant precautions have been taken to ensure public safety bearing in mind that the structural integrity of the vehicle may have been compromised.

In the interim where an existing licensed vehicle has been written off the Authority will not revoke the licence provided the proprietor has obtained a signed and dated certificate stating the vehicle has passed an independent examination of the repairs to confirm its roadworthiness to the satisfaction of the Authority. See Accident Damage Checks in **Appendix A**.

If at any time a licensed vehicle is involved in an accident, however minor, the licence holder must inform the Authority of this fact as soon as possible and in any event within 3 working days by email to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk) or by completing the Authority's [Accident Reporting Form](#).

Details of the Accident Damage reporting procedure can be found in [Appendix A](#).

## 2.6 SIGNAGE AND ADVERTISING

It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle.

Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words "Taxi" or "Cab" or "For Hire" or any word or words of a similar meaning, whether alone or part of another word.

Roof signs fitted to hackney carriage vehicles shall be illuminated at all times when the vehicle is available for hire.

All hackney carriage and private hire vehicles will be required to display signage as specified by the Licensing Authority for the purpose of identifying the vehicle as a Trafford licensed vehicle.

Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those private hire vehicles deemed executive hire vehicles by the Authority shall display plates on both the front and rear of the vehicle.

All Private Hire Vehicles will be required to display rear door stickers with the wording ***Private Hire Vehicle – Not insured unless pre-booked with the Operator***. Operators will be allowed to request permission to place additional signage if desired i.e. operator contact details.

Proprietors of executive hire vehicles who wish to be exempted from displaying licence plates must apply for an exemption certificate. Where an application is refused by the Licensing Officer on the grounds that the officer is not satisfied that the vehicle will be used exclusively for executive hire work, the proprietor may appeal in writing to the Public Protection Sub-Committee giving grounds why they believe the officer decision was unreasonable.

Vehicles shall not be allowed to display written or other material on any window with the exception of those permitted by the conditions of licence.

Licensed vehicle proprietors shall not display or allow to be displayed in or on their vehicles any signs, notices, advertisements, video or audio display etc. either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider waiving this prohibition on application from hackney carriage vehicle licence holders in accordance with the terms of licence.

### **Applications for approval of advertisements on hackney carriage vehicles must be made in writing to the Authority.**

All advertisements must comply with the British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco, gambling or alcohol products; display nude or semi-nude figures; are likely to offend public taste; depict men or women as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

If the Authority is not satisfied as to the non-contentious nature or placement of an advertisement then any such application may be submitted to the Public Protection Sub-committee for consideration.

## **2.7 CCTV IN LICENSED VEHICLES**

CCTV in Trafford licensed vehicles is currently not permitted. Dashboard cameras which face outwards will be permitted provided they are used in accordance with any guidance issued by the Information Commissioner's Office (ICO) and the Surveillance Camera Commissioner (SCC).

## 2.8 ENVIRONMENTAL CONSIDERATIONS

Hackney carriages and private hire vehicles are an essential form of transport in the Trafford area. Thousands of taxi and private hire journeys are undertaken every day for trips that other forms of transport are incapable of making, but it is clearly important to consider the environmental impact of those journeys.

Therefore, the Authority will consider introducing measures to improve, as far as possible, the efficiency of licensed vehicles by, in particular, reducing the harmful emissions from such vehicles.

Liquid Petroleum Gas (LPG) conversions are acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority.

## 2.9 EXECUTIVE VEHICLES

The Local Government (Miscellaneous Provisions) Act 1976 provides the legal framework for the licensing of the private hire trade. Over recent years the trade has become more diverse and there is now a much wider range of vehicles and services available to customers. The Authority has a set of minimum standards that executive vehicles must meet to be considered suitable for licensing.

This Policy outlines the minimum standards expected in Trafford in respect of the licensing of the Executive Private Hire Trade - See **Appendix P**.

### **What is Executive Private Hire?**

There is no legal definition which determines the difference between Executive and Standard Private Hire. In each instance it will involve a booking being accepted by a licensed private hire operator and an appropriately licensed vehicle and driver meeting the requirements of the booking.

In determining whether a booking is considered to be executive hire, regard will be had to several factors, including:

- How the booking is made e.g. contract
- How payment is made, payments made direct to the driver would not normally be considered as executive hire
- The monetary value of the booking, this will be considerably higher than standard private hire rates
- The type and monetary value of the vehicle used to undertake the journey
- Any specialist training courses/skills required by the driver
- Dress code/attire worn by the driver
- The business plan/model provided by the Executive Private Hire Operator
- Whether the vehicle used to undertake the journey is an Executive Private Hire vehicle exempted from displaying licence plates in accordance with LGMPA 1976 section 75(3) and by virtue that section

54 (2) does not then apply i.e. the driver is not required to wear his/hers driver's badge in a visible position.

#### COMMON DIFFERENCES BETWEEN STANDARD AND EXECUTIVE PRIVATE HIRE WORK

The main distinction between standard and executive private hire can broadly be described as the type of client catered for, the type of service offered, and the cost of the service provided.

The following information provides further indicators of the likely differences -

##### STANDARD PRIVATE HIRE WORK:

- Bookings can be taken at short notice, unlikely to be customer loyalty to driver and therefore vehicle and driver need to have readily accessible means of identification for the customer i.e., licence plate and door signs on vehicle and drivers badge visible for driver ID
- Payment likely (but not mandatory) to be made to the driver, therefore important that licence status of the driver/vehicle easily identifiable, potential for unlicensed drivers/vehicles to tout for trade, as common practice is that payment takes place at the end of the journey
- Standard private hire work often takes place in busy locations e.g. late night economy, supermarkets, hospitals, transport hubs etc. vehicle and driver need to have readily accessible means of identification for the customer i.e., licence plate and door signs on vehicle and driver's badge visible for driver ID
- The vehicle used to undertake standard private hire work will be a licensed vehicle compliant with policies and licensing conditions associated with private hire licensing

##### EXECUTIVE PRIVATE HIRE WORK:

- Bookings can be made independently but the majority of work is expected to be contract work, regular customers will recognise vehicles/drivers
- Payment is unlikely to be made direct to the driver and therefore there is potentially less incentive for illegal ply for hire in Executive type vehicles
- Although pick up/drop offs may be in busy locations specific arrangements are likely to have been made regarding exact pick up point
- Driver/chauffeur likely to be outside of vehicle and know the identity of the customer
- The vehicle used to undertake executive private hire work will be a licensed vehicle, high value, high specification vehicle exempted from the requirement to display licence plates and signage, but compliant with licensing requirements and conditions associated with executive private hire licensing requirements.

## 2.10 TAXIMETERS

All hackney carriage vehicles must be fitted with calendar controlled taximeters, which are approved and sealed by a recognised agent.

If a private hire vehicle is fitted with a taximeter it must be of a type approved by the Authority and be located within the vehicle in accordance with the reasonable

instructions of an Authorised Officer and/or the private hire vehicle conditions attached to this policy.

Hackney carriage and private hire vehicles must display the current Tariff Card in the form provided by the Authority in a prominent position clearly visible to passengers.

## 2.11 VEHICLES LICENSED BY ANOTHER AUTHORITY

The Authority will not licence a vehicle which is licensed by another Authority. The Authority will consider an exemption to this policy if the vehicle is owned by an accident management or replacement vehicle business.

Before purchasing a vehicle please check that it meets the Authority's vehicle specifications by referring to this policy document or by contacting the Licensing Office.

## 2.12 APPLICATION PROCEDURE

Applicants for a hackney carriage or private hire vehicle licence must complete the appropriate on-line application form and then submit it to the Licensing Office.

The Authority will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

Any applications for vehicle licences that fall outside of the policy will be referred to the Licensing Manager and if necessary the Public Protection Sub-committee for consideration.

## 2.13 RENEWAL OF LICENCES

Whilst the Authority may take steps to remind existing vehicle licence holders that their licences are due to be renewed, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Application forms, appropriate fees and supporting documentation must be submitted prior to the expiry date of the licence.

If the vehicle licence is not renewed prior to expiry of the current licence, the licence will expire and an application for the grant of a new licence must be submitted. This will require a new compliance certificate. The vehicle may not be used for taxi or private hire work until the application for the new licence has been granted. The vehicle will be issued with a new plate number.

## 2.14 TRANSFER OF LICENCES

The Authority must be satisfied that the vehicle licence will be granted to the proprietor (i.e. owner) of the vehicle. The Authority requires the applicant to provide the original V5 logbook in their name and address; together with proof of purchase i.e. receipt/bill of sale/hire purchase agreement (see 2.15 below).

## 2.15 BILL OF SALE/RECEIPT

The receipt must include:

- the name, address and signature of the seller and the purchaser;

- the date of purchase;
- the details of the vehicle: make, model, registration number; and
- the price paid

## 2.16 DBS/RIGHT TO WORK CHECK

All vehicle owners who are not licensed drivers, including directors of companies, are required to have a basic DBS check and a right to work check.

The Council's requirements and application procedures for new vehicles and those renewing their vehicle licence are detailed at **Appendix A**.

**Appendix B** to this policy sets out the specification and minimum standards in respect of hackney carriages and **Appendix C** to this policy sets out the specification for private hire vehicles.

A copy of the Authority's Testing Manual and charging structure are attached to this policy at **Appendix F**.

Taximeters must be operated in accordance with this policy and with the Hackney Carriage Byelaws at **Appendix K**.

**Appendix P** outlines the minimum standards expected in respect of the licensing of the Executive Private Hire Trade.

## 3.0 DRIVERS

### 3.1 DRIVER'S LICENCE

The Authority issues both hackney and private hire driver's licences. Licences are issued for a maximum of three years but the Authority will grant licences for a lesser period if deemed appropriate.

Applicants must be 21 years of age and hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months before an application can be submitted. The UK left the European Union on the 31<sup>st</sup> January 2020. Therefore, the above requirement is subject to any agreement reached between the EU states and the UK on the validity of EC/EEC driving licences after the transition period.

The Council's requirements and application procedures for new drivers and those renewing their driver's licence are detailed at **Appendix G**.

### 3.2 RELEVANCE OF CONVICTIONS AND CAUTIONS

The Authority is committed to ensuring that the licensed trade are fit and proper to hold a licence.

To ensure this all drivers will be required to undertake an enhanced disclosure check through the DBS to include barred lists (such as details of unspent convictions and police cautions). Drivers must also register to the DBS Update Service and maintain that registration to enable the licensing authority to routinely check for new information every 6 months as a minimum. All costs associated with maintaining this subscription must be met by the licence holder.

NB. If a licence has not been issued within 6 months of a DBS certificate issue date, then a further enhanced DBS will be required (unless the applicant is registered with the Update Service)

The Licensing Authority will conduct background checks on applicants who have (from the age of 18) spent 6 continuous months or more living outside of the UK – this includes requiring a certificate of good conduct authenticated by the relevant embassy as necessary. See the [Criminal record checks for overseas applicants](#) for more information on applying for overseas criminal record information or certificate of good character.

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as



these disclosures include details of live and spent convictions, police cautions and other relevant information that a person poses a risk to public safety.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. The Authority will only accept DBS certificates which are applied for through Trafford Council or its agent.

In assessing whether the applicant or existing driver is a fit and proper person to hold a licence, the Authority will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, or similar document, the Authority will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the whether the applicant or driver is a fit and proper person to hold a licence in line with this policy.

Those applications or renewals with information indicating a past criminal record, or other concern, will be referred to the Authority's Public Protection Sub-Committee, who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence.

Further details on the DBS process and requirements can be found in the application process for Hackney Carriage and Private Hire Drivers at **Appendix G**.

Convictions, police cautions and breaches of legislation/conditions/byelaws etc. will be dealt with in accordance with the Authority's Penalty Point Scheme as set out in **Appendix O** and/or its Suitability Policy as set out at **Appendix R**.

### 3.3 DRESS CODE

This Authority has adopted a Dress Code for licensed drivers, which is attached to this policy at **Appendix J**.

### 3.4 CONDITIONS OF LICENCE

The Authority attach conditions to the issue of Hackney Carriage/Private Hire driver and vehicle licences which are considered reasonable, necessary and proportionate for all licensed vehicles and drivers and are attached to this policy at the following appendices:

**Appendix D** – Hackney Carriage Vehicle Conditions

**Appendix E** – Private Hire Vehicle Conditions

**Appendix K** – Hackney Carriage Driver Byelaws

**Appendix L** – Private Hire Driver Conditions

### 3.5 RENEWALS

Whilst the Authority may take steps to remind existing driver licence holders that their licences are due to be renewed, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.



Application forms, appropriate fees and supporting documentation must be submitted prior to the expiry date of the licence.

Where a driver's licence expires, the driver will be required to apply for a new licence. All factors which are pre-requisites to the granting of a driver's licence will be mandatory such as DBS, Medical Report, Knowledge Test and Induction Training unless the application is made within 6 months of the expiry of the previous licence. In which case, the applicant will not be required to take the knowledge test and induction training; nor provide a DBS certificate (unless one is due) or a medical report (unless one is due).

## 4.0 PRIVATE HIRE OPERATORS

### 4.1 OPERATOR'S LICENCE

Any person, other than a hackney carriage proprietor, who operates a private hire service, must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public who will be using operator's premises and vehicles and drivers arranged through them.

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

Applicants for a Trafford Private Hire Operator's Licence are expected to have a working knowledge of the private hire trade and an understanding of the roles and responsibilities of a private hire operator. The Authority will need to satisfy itself that the person holding a private hire operator's licence will have day to day control of the operation and financial management of the business. It is important to ensure that the operator is not merely named on the licence with an unsuitable person having management control of the business. This will be assessed by a Licensing Officer at an interview with the applicant once an application has been submitted.

### 4.2 CRIMINAL RECORD CHECKS

An applicant for a private hire operator's licence must provide a current (no more than four weeks old) Basic Disclosure. The disclosure is valid for three years from the date of issue. A subsequent disclosure must be provided prior to the expiry of the existing certificate.

### 4.3 FITNESS AND PROPRIETY

The Authority will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Authority will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands);
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Trafford Council);
- Businesses practices demonstrated by the applicant (for example - standard of record keeping, compliance with other regulatory requirements, financial practices etc.).

It is recognised that private hire drivers and operators are not necessarily the only contact points for customers. For example, a person taking bookings will be

responsible for deciding which driver to send to which user; a position that could be exploited.

The Authority has a responsibility to ensure that all staff members of a Private Hire Operator, do not pose a risk to the public and therefore, all staff that take bookings, dispatch vehicles, or have access to sensitive information (such as booking records) are required to provide the Operator with a Basic Disclosure Check from the Disclosure and Barring Service every three years.

#### 4.4 LICENCE DURATION

This Authority will grant private hire operator licences for a period of five years, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

Although every effort will be made to send out reminder letters to licence holders prior to the expiry of the licence, it remains the responsibility of the licence holder to ensure that applications to renew are made in good time.

Applications for operator's licences must be made on the prescribed online form, together with the appropriate fee.

The Council's requirements and procedures for applying for a Private Hire Operator's Licence are detailed at **Appendix M**.

All operator licences are issued with conditions which are set out at **Appendix N**.

## 5.0 DISCIPLINARY AND ENFORCEMENT MEASURES

### 5.1 ENFORCEMENT

The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers and the environment when tackling non-compliance by businesses.

In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference.

### 5.2 DISCIPLINARY HEARINGS

Where a licence holder has been referred to the Public Protection Sub-Committee, it has the power to order the revocation or suspension of the licence. Where a licence is due to be renewed as an alternative to revocation, the Sub-Committee may decide that the appropriate action is to order that the licence should not be renewed.

### 5.3 PENALTY POINTS SCHEME

The Authority operates a penalty point scheme of enforcement whereby points may be issued by authorised officers to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions. The penalty point scheme will apply to drivers, operators and vehicles. The Scheme is attached to this policy at **Appendix Q**.

### 5.4 OFFENCES

The relevance of offences and convictions for prospective applicants and existing licence holders is outlined in the Authority's Suitability Policy at **Appendix R**.

### 5.5 SURRENDERING A LICENCE WHILST UNDER INVESTIGATION

If any licence holder seeks to surrender their licence whilst they are under investigation for a criminal offence or other conduct that could result in the suspension or revocation of their licence, we will usually refuse to accept the surrender; continue with the investigation and determine the outcome.

### 5.6 ALLEGATION OF SERIOUS MISCONDUCT

Public Protection Sub-Committees are arranged at set calendar dates throughout the year to facilitate referral for decisions. The Authority is mindful that in circumstances of alleged serious misconduct, a decision is required much sooner than waiting for the next scheduled hearing of the Public Protection Sub-Committee. In the interests

of Public Safety, allegations of serious misconduct can be referred to officers for an emergency decision under delegated authority as set out in **Appendix S**.

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## 6.0 FARES

### 6.1 GENERAL

The Hackney Carriage Table of Fares (“the tariff”) is set by the Authority and is the maximum fare that can be charged by hackney carriage drivers which can be negotiated downwards by the hirer.

The Authority will review the tariff from time to time in liaison with the hackney carriage trade. A notice of any variation to the maximum fare will be advertised by the Authority.

### 6.2 TABLE OF FARES

A table of authorised maximum fares shall be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Private Hire Operators that use licensed vehicles fitted with a fare meter will provide the authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible at all times.

### 6.3 COMPELLABLE AREA

The Authority has adopted Section 166 of the Greater Manchester Act 1981.

The effect of Section 166 is to introduce a ‘compellable area’ extending for four miles from Trafford’s boundary but within the County boundary. Any taxi in Trafford that is available for hire must take passengers to any destination within the ‘compellable area’ if requested. The driver **must** use the meter for these journeys and charge the passenger the fare shown on the meter at the end of the journey. For example, for a journey from MUFC football ground to Deansgate, Manchester the meter must be switched on and the fare charged may only be that shown on the meter or less.

A driver has complete discretion whether to undertake a journey where the destination falls **outside** the ‘compellable area’. This means the driver does not have to take passengers and can refuse if he/she wishes. If a job is accepted, the driver may charge as he/she wishes, although it is a requirement that the driver must come to an agreement with the passenger regarding the fare before the start of the journey.

Further details about the compellable area can be found at **Appendix Q**.

# APPENDIX A

## VEHICLE REQUIREMENTS AND APPLICATION PROCEDURE – HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

### 1.0 VEHICLE REQUIREMENTS

#### 1.1 VEHICLE SIZE

Vehicles shall be licensed for the carriage of between four and eight passengers. Applications in relation to vehicles that wish to accommodate less than four passengers shall be referred to the Public Protection Sub-Committee.

#### 1.2 VEHICLE EMISSIONS AND AGE

From the 1<sup>st</sup> December 2023 all vehicles being presented for licensing for the first time must comply with the current Euro standard relating to vehicle emissions and must meet the following age requirements:

- Private Hire Vehicle – must be less than 10 years old
- Private Hire Vehicle (Wheelchair Accessible) – must be less than 15 years old
- Purpose built Hackney Carriage Vehicles – must be less than 15 years old

From the 1<sup>st</sup> April 2025 all existing licensed vehicles must comply with the current Euro standard relating to vehicle emissions. The vehicle licence will not be renewed after this date if the vehicle does not meet both the emission standard and the above age standards.

Current Euro standard is Petrol: Euro 4 (2005 onwards manufacturer) and Diesel: Euro 6 (2015 onwards manufacturer). Hybrid vehicles are generally EU compliant. LPG vehicles are also compliant.<sup>2</sup>

If a vehicle reaches the maximum age during the currency of a licence, the vehicle will continue to be licensed until the end of that licence period.

The Greater Manchester Five year Environment Plan contains an ambition for Greater Manchester to be carbon neutral by 2038. This means sectors such as transport need to take very significant action now to reduce carbon emissions. For transport this means a shift to vehicles that are not powered by fossil fuels. For taxis and private hire vehicles to contribute to this would mean them to switch to zero emission capable (ZEC) vehicles.

It remains the ambition of the Council to move existing fleets to ZEC as soon as possible.

The Authority does not permit the retro fitting of engines into older vehicles.

Where retrofit emissions technology is installed in the vehicle the technology must have been approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

All applications for vehicle licences are subject to the satisfactory passing of a compliance test by one of the Authority's nominated garages.

### 1.3 EXCEPTIONAL CONDITION (AGE) TEST

Existing licensed vehicles will not be subject to the new vehicle age and emission standards until they apply to renew the licence after 1<sup>st</sup> April 2025. In the interim they will be subject to the Authority's previous age policy as follows: Trafford Council has a policy as regards the maximum ages of hackney carriage/private hire vehicles after first licensing - the maximum age limits are:

- Private Hire Vehicle 6 years
- Hackney Carriage Vehicle 15 years

These maximum age limits are subject to the proviso that if an older vehicle is deemed by the Council's nominated garage(s) to be in exceptional condition it can be eligible to be licensed.

### 1.4 VEHICLE COLOUR

Council's current policy standard for Hackney Carriage Vehicles is that they should be black in colour with the following exceptions:

- London Style Taxis may be of the manufacturer's colour
- Advertising is allowed on London Style Taxis

There is no specific colour requirement for Private Hire vehicles.

### 1.5 TAXIMETERS

Meters used to calculate fares must be accurate, calendar controlled, display the correct time and be capable of displaying:

- In the case of Hackney carriages, the various tariffs as approved by the Authority (including extra charges recoverable under the approved table of Fares).
- The meter shall be calibrated and set to the Authority's agreed charging distances and tariffs currently in force.



- In the case of Private Hire vehicles, any scale of charges provided by the operator of the vehicle.

Any sign of tampering including the breaking of seals will result in a suspension notice being issued immediately. For the suspension to be lifted, the meter must have been resealed and calibrated by an approved meter company and presented to the Authority for inspection.

## 2.0 NEW APPLICATIONS / RENEWALS / OWNER OR VEHICLE TRANSFERS

### 2.1 SEATING CONFIGURATION

Where the application is for a vehicle to carry more than 4 passengers, before making an application the vehicle must be inspected by a Licensing Enforcement officer to determine an approved **Seating Configuration**. Proprietors should contact the Licensing Section to book the seating examination. The **FULL** logbook must be provided at the inspection.

### 2.2 REQUIRED DOCUMENTS – NEW VEHICLE LICENCE APPLICATIONS

Applicants must complete the online application form and pay the required fee by visiting the Authority's website at [www.trafford.gov.uk](http://www.trafford.gov.uk) and searching for Hackney Carriage/Private Hire Vehicle Application Form. When submitting the form applicants will be required to upload scanned copies of the following:

- **A valid certificate of insurance to cover public and/or private hire work.**
- **The vehicle registration document i.e. logbook.** This means the full logbook.
- **A bill of sale/receipt.** Either from the garage/dealer/auction OR for private sales a letter must be provided from the previous owner giving their name, address, all vehicle details, new owner details and address and signed and dated by both parties
- **DBS/Right to work check.** If the applicant is not a Trafford licensed driver then they must submit a basic DBS disclosure certificate and proof of right to work. Where the application is made by a company then a DBS check must be submitted for each director/ partner.
- **A Valid Compliance Test Certificate from a Nominated Garage**
- **HPI Check.** The Authority will not license a vehicle which has been written off in any category.

## 2.3 REQUIRED DOCUMENTS – RENEWAL OF VEHICLE LICENCE APPLICATIONS

- **A valid certificate of insurance to cover public and private hire work.** A valid insurance certificate must be uploaded with the application.  
  
**The vehicle registration document i.e. logbook.** This means either the full logbook or the New Keeper Supplement from page 3 Section 10 of the logbook. For vehicles over 4 passengers the applicant MUST produce the FULL LOGBOOK.
- **A Valid Compliance Test Certificate.** The compliance test needs to be arranged before the application is submitted, applicants should contact the Authority's nominated testing stations to arrange an appointment.
- **DBS/Right to work check.** If the applicant is not a Trafford licensed driver then they must submit a basic DBS disclosure certificate and proof of right to work. Where the application is made by a company then a DBS check must be submitted for each director/ partner.

## 2.4 REQUIRED DOCUMENTS– OWNER/VEHICLE LICENCE TRANSFER APPLICATIONS

- **A valid certificate of insurance to cover public and/or private hire work.** In respect of an owner transfer the insurance certificate must be uploaded with the application.
- **A Valid Compliance Test Certificate.** Not required for owner transfers.
- **A valid certificate of insurance.**
- **The vehicle registration document i.e. logbook.** This means the full logbook.
- **A bill of sale/receipt.** Either from the garage/dealer/auction OR for private sales a letter must be provided from the previous owner giving their name, address, all vehicle details, new owner details and address and signed and dated by both parties
- **DBS/Right to work check.** If the applicant is not a Trafford licensed driver then they must submit a basic DBS disclosure certificate and proof of right to work. Where the application is made by a company then a DBS check must be submitted for each director/ partner.

## 3.0 COMPLIANCE TEST APPOINTMENTS

Vehicles are tested by appointment only.

Appointments can be arranged by calling:

LP Mcr Limited aka Tyre Bay Mcr ,476 Chester Road, Old Trafford, Stretford M16 9HE Tel: 0161 876 4343

Peter Ramsey Auto Services Ltd, Stretford Motorway Estate, Barton Dock Road, Trafford Park M32 0ZH Tel: 0161 865 9151 [peterramsey.autos@outlook.com](mailto:peterramsey.autos@outlook.com)

Kar Automotive Services S3, Buffalo Court, Kansas Avenue, Salford M50 2QL Tel: 0161 848 9853 [info@trainingprestige.co.uk](mailto:info@trainingprestige.co.uk)

It is advisable to arrange the test appointment well in advance. Should the driver fail to attend, or arrive late, for the appointment, they may be charged an extra fee.

### 3.1 Payment

Payment of the fee charged must be made in full at the time of the test, retest or meter test.

### 3.2 Expiry Date of Compliance Certificate

Vehicles tested up to 14 days before the expiry date can be issued with a new certificate to cover from the original expiry date.

Vehicles tested more than 14 days before the expiry date must be issued with a new certificate dated the day of the inspection expiring six months from that date.

The current certificate must be presented at the time of the new test.

### 3.3 Retest

If the vehicle fails the compliance test it may be presented for one re-test. If the vehicle fails the re-test it will then be required to undergo a full compliance test.

### 3.4 Documents to be Presented to the Nominated Garage (New to License)

The following documents are required to be presented for verification before a vehicle can be tested:

#### (a) Vehicle Registration Documentation

- (i) Must be registered in current owner's name with correct address. If it is not possible to present the registration document the first time a vehicle is tested, provided the green slip is presented the test should be carried out.

(b) HPI Check

- (i) Where a vehicle has been written off in any category the compliance test will not be carried out.

### 3.5 Documents to be Presented to the Nominate Garage (Replacement Vehicle)

(a) Vehicle Registration Documentation

- (i) Must be registered in current owners name with correct address. If it is not possible to present the registration document the first time a vehicle is tested, provided the green slip is presented the test should be carried out.

- (b) Copy of Vehicle Proprietor's Licence- so that plate number can be recorded on the compliance certificate and on the monthly recording log.

(c) HPI Check

- (i) Where a vehicle has been written off in any category the compliance test will not be carried out.

### 3.6 Documents to be Presented to Nominate Garage (Every Six Monthly Compliance Test)

(a) Current Certificate of Insurance (Hardcopy)

- (i) Certificate must show type of use covered.
- (ii) Valid insurance must be produced when presenting the vehicle for inspection.
- (iii) Insurance cover notes are acceptable, but (i) and (ii) still apply.

(b) Vehicle Registration Documentation

- (i) Must be registered in current owners name with correct address. If it is not possible to present the registration document the first time a vehicle is tested, provided the green slip is presented the test should be carried out.

(c) Current Certificate of Compliance

(d) Copy of Vehicle Proprietor's Licence

(e) Hackney Carriage/Private Hire Driver's Badge (if vehicle is currently licensed)

### 3.7 Documents to be issued by the Nominated Garage to Owner/Driver

When a vehicle passes the Compliance Test:

- The Compliance Certificate (Doc.2)
- The MOT certificate (if due)
- A copy of the Window Tint Test Form (Doc.7) (if applicable)
- A copy of the Age Test Certificate (Doc.6) (if applicable)
- Compliance Card

When a vehicle fails the Compliance Test:

- A copy of the Inspection and Testing Record Sheet (Doc.3)
- An appointment for the vehicle to undergo a Full or Minor Re-Test

### 3.8 Test Cancellation

A charge may be made if:

- An appointment is cancelled at short notice.
- An appointment is not kept.
- The vehicle is presented late.
- A test is refused (see Refusal to Test)

### 3.9 Refusal to Test

A test or retest may be refused if:

- Payment for the test/retest cannot be made.
- The required documents have not been presented.
- The vehicle condition is such that it could cause difficulties in carrying out a full inspection (e.g. dirty underbody or engine will not start).

### 3.10 Suspension of Test

A test may be suspended at any time if in the opinion of the tester it is not possible to complete the test.

e.g. Engine will not restart, vehicle is unsafe, damage may occur to the vehicle, lack of fuel.

If the test is suspended the test fee will not be refunded. The test must be rebooked and another test fee paid.

### 3.11 Modification of Vehicles

Modification of a vehicle from its standard specification may result in the vehicle failing the test unless prior approval has been given; or relevant safety certification has been issued.

'Modification' includes any changes to the vehicle which may affect the safety, operation or appearance of the vehicle.

Examples include, but are not limited to:

- Non-standard wheels/tyres
- Non-standard paint finish or colour
- Additional badges or decals
- Additional body trim and spoilers
- Additional lamps or reflectors
- Disconnection of standard equipment
- Non-standard engine, gearbox, brakes, steering, suspension, etc.
- Seats added or removed
- Adapted to carry wheelchairs

### 3.12 Exhaust Emissions

Exhaust emissions will be checked using the equipment and techniques prescribed for the M.O.T. test. The same pass limits apply as for the M.O.T. test.

Owners of Diesel engine vehicles are advised that the test comprises of a minimum of three full throttle free accelerations to maximum revolutions. You are advised to ensure the engine is in good condition and to advise the test station staff of any reason why a vehicle may not be fit to be tested.

### 3.13 Vehicle Appearance

The standard required for body panels, paint finish and trim is that they should not significantly differ in appearance to that of a new vehicle.

Allowances are made for stone chips and minor paint finish blemishes resulting from normal use.



### 3.15 Window Tint Policy

The Council has a policy on the level of window tint it will permit on Trafford licensed vehicles. All newly presented vehicles must undergo and pass a window tint test.

| POSITION OF GLASS                        | MINIMUM LIGHT TRANSMITTANCE |
|--|-----------------------------|
| FRONT WINDSCREEN                         | 75%                         |
| O/S FRONT WINDOW                         | 70%                         |
| O/S REAR WINDOW                          | 20%                         |
| O/S ANY OTHER GLASS (accept rear window) | 20%                         |
| N/S FRONT WINDOW                         | 70%                         |
| N/S REAR WINDOW                          | 20%                         |
| N/S ANY OTHER GLASS (accept rear window) | 20%                         |
| REAR WINDSCREEN                          | No minimum                  |

### 3.16 Accident Notification

If a licensed vehicle is damaged, and that damage affects the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried then the accident MUST be reported in writing within 72 hours of the accident. The vehicle's proprietor is required to use the [on-line form](#) to report the accident. Details must be accurate and complete.

### 3.17 Documents to be Submitted with Accident Notification

- up to 5 photos of each side of the vehicle plus additional images of the damage
- [accident sketch showing where the damage is located](#)

### 3.18 Documents to be Submitted after Vehicle Repaired

Once the repairs have been made the proprietor must submit the following documents to the Licensing Section via the online form:

- Engineers Report
- A new compliance test
- Invoice for repairs



### 3.19 Accident Damage Checks

Where a vehicle has been involved in an accident which has led to the vehicle licence being suspended, the proprietor will be expected to present the vehicle to the Council's nominated garage(s) for inspection once the vehicle has been repaired.

Where the vehicle has been damaged, it will be the responsibility of the proprietor to obtain a signed and dated certificate stating the vehicle has passed an independent examination of the repairs to confirm its roadworthiness to the satisfaction of the Council.

Such examination must have been carried out by an experienced vehicle examiner who is qualified to assess accident damage and provide an engineer's report by being a member of one of the following bodies:

#### **Member or Associate Member of the Institute of Automotive Engineers Assessors (IAEA)**

Prior to undertaking the inspection the Nominated Garage must see:

- the vehicle's V5 Registration Document;
- the independent engineer's report
- Full HPI Check

Garages will not carry out a HCV/ PHV Test on a vehicle where it has sustained accident damage and the vehicle's proprietor has not provided a satisfactory engineer's report.

### 3.20 LPG Conversions

All vehicles which are powered by Liquid Petroleum Gas (LPG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

LPG conversions shall also comply with the Authority's current vehicle condition which states that the vehicle has facilities for the conveyance of luggage safely and protected from inclement weather.

The proprietor must be able to produce a certificate issued by a member of the an accredited LPG installer scheme confirming satisfactory installation, examination and testing of the vehicle in accordance with the Liquid Gas UK Codes of Practice. Any modification and certification must be inspected by one of the Council's nominated garages and a copy of the certification sent to the Council's Licensing Team.

Where the LPG conversion involves the installation of the LPG fuel tank in the vehicle boot space (meaning that the spare wheel has to be relocated) that a

reasonable amount of space remains free for storage and any spare wheel displaced as a result can be stowed in a location that does not impinge on the passenger carrying area of the vehicle.

# APPENDIX B

## HACKNEY CARRIAGE VEHICLE SPECIFICATION

### 1. VEHICLE AGE AND EMISSIONS

As of the 1<sup>st</sup> December 2023 all vehicles being presented for licensing for the first time must comply with the current Euro standard relating to vehicle emissions and must meet the following age requirements:

- Purpose built Hackney Carriage Vehicles – must be less than 15 years old

From the 1<sup>st</sup> April 2025 all existing licensed vehicles must comply with the current Euro standard relating to vehicle emissions. The vehicle licence will not be renewed after this date if the vehicle does not meet both the emission standard and the above age standards.

Current Euro standard is Petrol: Euro 4 (2005 onwards manufacturer) and Diesel: Euro 6 (2015 onwards manufacturer). Hybrid vehicles are generally EU compliant. LPG vehicles are also compliant.

### 2. VEHICLE COLOUR

All taxis must be black with the exception of London style cabs which may be of the manufacturers colour. Advertising wraps on London style cabs will be allowed but not on any other vehicle. Colour wraps will not be allowed on any vehicle.

### 3. ACCIDENT DAMAGED VEHICLES

Any new to licence vehicle that has been written off in any category will not be licensed. In respect of existing licensed vehicles the licence will not be renewed (if previously written off) after the 1<sup>st</sup> April 2025.

### 4. GENERAL CONSTRUCTION

The vehicle must have M1 approval on the registration document. If a converted vehicle it must have either EU, GB, UK(NI) IVA or VIVA type approval. Vehicles shall not have been altered since that approval was granted. The proprietor must produce a certificate of conformity specific to the vehicle.

Whole vehicle type approval to EU, GB or UK(NI) are all acceptable in terms of registration in Great Britain at this time.

There is also Individual Vehicle Approval (IVA) typically used for more specialised vehicles or one-off imports. Vehicles imported when they are more than 10 years are

not subject to IVA, and only require MOT prior to registration, but DVSA offer a non-statutory IVA (known as Voluntary IVA or VIVA) service where required, to verify that a vehicle over 10 years old meets the IVA rules.

For an overview on type approval see [Vehicle approval: Overview - GOV.UK \(www.gov.uk\)](#). For more detailed information please refer to the website of the [Vehicle Certification Agency](#) and the [Type Approval](#) and [What is Type Approval?](#) pages in particular.

All vehicles must have separate driver and passenger compartments.

All vehicles shall be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided that the wheelchair fits within the following dimensions:

|         |          |
|---------|----------|
| Width:  | 2 metres |
| Height: | 2 metres |
| Length: | 5 metres |
| Weight: | 3000 kgs |

Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

To aid identification of hackney carriage vehicles by the public, licensed vehicles which are not purpose built, shall display on both sides of the vehicle the word "taxi". The word "taxi" shall be permanently marked, in a colour contrasting with the colour scheme of the vehicle in letters not less than 100 mm high. The wording shall be located in such a position that it is easily seen and may be repeated along the side of the vehicle.

No equipment and/or fittings, other than those approved, may be attached to, or carried on the inside or outside of, the vehicle.

## 5. MODIFICATIONS/ADDITIONAL EQUIPMENT

No modifications may be carried out to the vehicle without prior written approval from the Authority. Written proposals for any vehicle modification should include appropriate information from the vehicle manufacturer that the modification can be accomplished without compromising the vehicle specification.

## 6. STEERING

All vehicles shall be right-hand drive and shall have been so since date of first registration.

## 7. TYRES

- a. Vehicles must have tyres that comply with the relevant legislation. Specifically, re-tread tyres must comply with BS AU 144E as amended and be marked accordingly.
- b. Tyres should be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.

## 8. BRAKES

The Vehicle must have an anti-lock braking system fitted.

## 9. INTERIOR LIGHTING

- a. The vehicle must be fitted with adequate lighting for the driver and passengers.
- b. The vehicle must be fitted with separate lighting controls for both passenger and driver.
- c. The vehicle passenger compartment must have an illuminated control switch fitted which is in reach of wheelchair passengers.
- d. The vehicle must have lighting provided at floor level for each passenger door, which is activated by the opening of the doors.

## 10. ELECTRICAL EQUIPMENT

Any additional electrical installation and/or after-market components used within the vehicle must meet the requirements of the relevant automotive Electron Magnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.

## 11. FUEL SYSTEMS

- a. The vehicle must have a device provided whereby the supply of fuel to the engine may be immediately cut off.
- b. If a manually operated device is fitted, the location together with the means of operation and 'off' position must be clearly marked on the outside of the vehicle.
- c. In the case of a vehicle fitted with an automatic inertia fuel cut-off switch, no marking are required.
- d. Where the engine is powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels, the vehicle must be fitted with an automatic inertia fuel cut-off device.
- e. The vehicle must have a manually operated fuel cut-off device externally mounted, which is easily visible and readily accessible at all times from the outside of the vehicle with its location and means of operation clearly marked.
- f. Where retrofit emissions technology is installed in a vehicle the technology must have been approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

## 12. BODY

- a. The body must be on the fixed-head type with a partially glazed partition separating the driver from the passenger.
- b. The overall length must not exceed five metres. This is essential for determining the size of taxi ranks, other pick-up points and for the free access and flow of other vehicles.

## 13. FACILITIES FOR THE DISABLED

- a. Every taxi must be equipped to the approved standards in order that wheelchair passengers may be carried.
- b. The vehicle must have:

- i. Anchorages provided for wheelchair tie-downs and the wheelchair passenger restraint
  - ii. Anchorages that are either chassis or floor-linked and capable of withstanding approved dynamic or static tests
  - iii. Anchorage restraints for wheelchair and occupant independent of each other
  - iv. Anchorages provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment
  - v. Anchorages and restraints designed so that they do not cause any danger to other passengers
- c. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm, and the minimum angle of a hinged door when opened must be 90 degrees.
- d. The clear height of the doorway must not be less than 1.2 metres.
- e. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in contrasting colours.
- f. (1)The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
- i. Be not more than 380mm from the ground (measured at the centre of the tread width)
  - ii. The surface shall be covered in a slip-resistant material and have a band of colour across the entire width of the edge that shall contrast with the remainder of the tread and floor covering.
- (2)Should any entrance be more than 380mm from the ground, an external interim step must be available when the associated passenger door is opened; this should comply with the following requirements:
- i. not be more than 380mm in height from the ground (measured at the centre of the step width)
  - ii. be not less than 250mm deep
  - iii. The surface shall be covered in a slip-resistant material
  - iv. Have a band of colour across its leading edge that contrast with the remainder of the step and floor covering
  - v. Not be capable of being operational while the vehicle is in motion
  - vi. If automatic or powered, be fitted with a safety device that stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction if that motion could cause injury to the passenger
  - vii. Can fold or retract so that it does not project beyond the side of the vehicle, and the vehicle is not capable of being driven away unless the step is folded or retracted.
- g. The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
- h. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of seat and any part of any other seat that faces it, provided adequate foot room is maintained at floor level.

- i. Where all seats are placed facing the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat squab (seat cushion), measured along a horizontal plane at the centre of the cushion.
- j. A ramp for the loading of a wheelchair and occupant, which is available at all times for use, as a minimum, at the nearside passenger door. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely away when not in use.

#### 14. PASSENGER COMFORT

- a. When fitted, occasional seats must be at least 40cm in width, and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm.
- b. Occasional seats must be arranged so they rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.
- c. Suitable means must be provided to assist persons to rise from the rear seat, with particular attention given to the needs of the elderly and disabled.
- d. The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.
- e. Lap and diagonal seatbelts must be fitted on all seats (including rear-facing seats).
- f. Colour-contrasting sight patches are required on all passenger seats.
- g. Head restraints must be fitted to all forward and rear-facing seats. The design of headrests should maximise the driver's rear view when any of the passenger seats are not occupied.
- h. An induction loop system (or equivalent) must be fitted.

#### 15. DRIVER'S COMPARTMENT

- a. The driver's compartment should be designed so that the driver has adequate room, and so he can easily reach and quickly operate the controls.
- b. Controls should be placed to allow reasonable access to the driver's seat, when centrally placed, and be properly protected from contact with luggage.
- c. The vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm.
- d. Where a single-piece partition is fitted, a facility must be provided for making payment to the driver.
- e. The headrests should maximise the rear sightlines for the driver, when any of the passenger seats are not occupied.

#### 16. DRIVER VISIBILITY

The vehicle should be fitted with a single-piece full-width rear window.

#### 17. PASSENGER VISIBILITY

- a. The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 780mm on any glass panel forward of or beside the seated passenger. The

vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition by way of a drawing.

The bottom of the window area in the passenger compartment must be available for opening by the seated passenger.

- Specification for window tints will be:
  - Front windscreen – min. 75% light transmission
  - Front side door glass – min. 70% light transmission
  - Remaining glass or rear side windows (exc. Rear window) - allow manufacturer's tint to a minimum 20% light transmission
  
- b. Windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control.
- c. A proportion of the window area in the passenger compartment must be able to be opened by the passenger.

## 18. HEATING AND VENTILATION

An adequate heating and ventilation system must be provided for the driver and passengers and means provided for the independent control by the driver and the passengers. All switches must be within easy reach of the seated passengers, including those in wheelchairs.

## 19. DOOR FITTINGS

An approved type of automatic door-securing device must be fitted to passenger doors to prevent them from being opened when the vehicle is in motion. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of a latch mechanism. The door must not open from the inside if the driver has the footbrake depressed. The interior door handle must be clearly identified to prevent it being mistaken for any other control.

## 20. FARE TABLE AND NUMBER PLATE

A frame must be provided for the fare table fixed in an approved place. A position for an interior number plate is to be provided with the words 'the number of this taxis is...' shown immediately above the position of the plate.

## 21. FLOOR COVERING

The floor of the passenger compartment must be covered with slip resistant material that can be easily cleaned. The floorcovering must not impede the movement of wheelchairs. The colour of the floor must contrast with any upstand areas around it and the colour of the seats.

## 22. LUGGAGE



Suitable dedicated provision for the secure carriage of luggage should be made, separated from the passenger compartment and proportionate to the number of passengers carried.

### 23. TAXI SIGN

The vehicle must display a 'Taxi' sign approved by the Authority. The sign shall be illuminated when the vehicle is being used for plying for hire in any street and is not actually hired. The light of the sign shall be extinguished throughout the whole of the time during which the vehicle is actually hired.

### 24. RADIO APPARATUS

The vehicle must be suitable for the fitting of radio equipment.

NB. The equipment fitted must have been approved by the Authority.

# APPENDIX C

## PRIVATE HIRE VEHICLE SPECIFICATION

### 1.0 VEHICLE DESIGN

- 1.1 All vehicles shall conform to M1 vehicle standard either via manufacture or if converted must be inspected to attain M1.
- 1.2 If a converted vehicle it must have either EU, GB, UK(NI) IVA or VIVA type approval. Vehicles shall not have been altered since that approval was granted. The proprietor must produce a certificate of conformity specific to the vehicle.

Whole vehicle type approval to EU, GB or UK(NI) are all acceptable in terms of registration in Great Britain at this time.

There is also Individual Vehicle Approval (IVA) typically used for more specialised vehicles or one-off imports. Vehicles imported when they are more than 10 years are not subject to IVA, and only require MOT prior to registration, but DVSA offer a non-statutory IVA (known as Voluntary IVA or VIVA) service where required, to verify that a vehicle over 10 years old meets the IVA rules.

For an overview on type approval see [Vehicle approval: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/vehicle-type-approval). For more detailed information please refer to the website of the [Vehicle Certification Agency](#) and the [Type Approval](#) and [What is Type Approval?](#) pages in particular.

- 1.3 The type of vehicles adapted or modified for use as a private hire vehicle are generally small vans and larger vehicles such as minibuses but standard vehicles can also be converted or modified from the original manufacturer's specification.
- 1.4 Where established vehicle converters have had independent testing by an authorised authority on specific areas of adaption such as seats, seatbelt anchorages and floor tracking in order to comply with M1 standards, then evidence of such certification may be acceptable.
- 1.5 The vehicle must have a hard top (a soft top is not acceptable).
- 1.6 The vehicle must have a minimum of four wheels.
- 1.7 Specification for window tints will be:
- Front windscreen – min. 75% light transmission
  - Front side door glass – min. 70% light transmission

- Remaining glass or rear side windows (exc. Rear window) - allow manufacturer's tint to a minimum 20% light transmission

## 2.0 WHEELCHAIR ADAPTED VEHICLES

- 2.1 In addition to the above, where a vehicle has been converted to carry a wheelchair(s) it must have a three point seatbelt system for each wheelchair which includes a secure upper anchorage.
- 2.2 Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- 2.3 A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear of the vehicle.
- 2.4 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
- 2.5 Any lifting equipment used to lift persons or loads fitted to a vehicle must have received a thorough examination by a qualified person.
- 2.6 Any lifting equipment which lifts persons must be thoroughly examined every 6 months after its initial installation or refit following a road traffic accident or incident and as directed by the competent person. The thorough examination is not maintenance covered by the MOT or compliance certificate but is a separate inspection of the working parts of the lifting equipment and includes attachments which lift or support weight including chains or slings.
- 2.7 Examiners of lifting equipment will provide a report to the licence holder who must act on the reports' findings. Any potentially serious faults must be rectified immediately.
- 2.8 The vehicle owner will be required to present a current LOLER certificate at each 6 monthly vehicle inspection and be able to demonstrate that the lifting equipment is capable of working as required.

## 3.0 STEERING

- 3.1 All vehicles shall be right-hand drive and shall have been so since the date of first registration.

## 4.0 VEHICLE AGE & EMISSIONS

- 4.1 As of the 1<sup>st</sup> December 2023 all vehicles being presented for licensing for the first time must comply with the current Euro standard relating to vehicle emissions and must meet the following age requirements:

- Private Hire Vehicle – must be under 10 years old
- Private Hire Vehicle (Wheelchair Accessible) – must be under 15 years old

4.2 From the 1<sup>st</sup> April 2025 all existing licensed vehicles must comply with the current Euro standard relating to vehicle emissions. The vehicle licence will not be renewed after this date if the vehicle does not meet both the emission standard and the above age standards.

4.3 Current Euro standard is Petrol: Euro 4 (2005 onwards manufacturer) and Diesel: Euro 6 (2015 onwards manufacturer). Hybrid vehicles are generally EU compliant. LPG vehicles are also compliant.

4.4 If a vehicle reaches the maximum age during the currency of a licence, the vehicle will continue to be licensed until the end of that licence period.

4.5 The Greater Manchester Five year Environment Plan contains an ambition for Greater Manchester to be carbon neutral by 2038. This means sectors such as transport need to take very significant action now to reduce carbon emissions. For transport this means a shift to vehicles that are not powered by fossil fuels. For taxis and private hire vehicles to contribute to this would mean them to switch to zero emission capable (ZEC) vehicles.

4.6 It remains the ambition of the Council to move existing fleets to ZEC as soon as possible.

4.7 The Authority does not permit the retro fitting of engines into older vehicles.

4.8 Where retrofit emissions technology is installed in the vehicle the technology must have been approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

4.9 All applications for vehicle licences are subject to the satisfactory passing of a compliance test by one of the Authority's nominated garages.

## 5.0 ACCIDENT DAMAGED VEHICLES

5.1 Any new to licence vehicle that has been written off in any category will not be licensed. In respect of existing licensed vehicles the licence will not be renewed (if previously written off) after the 1<sup>st</sup> April 2025.

## 6.0 INTERNAL DESIGN AND SEATING CONFIGURATION

6.1 All seats must be forward or rear facing. Side facing seats are not allowed.

6.2 Seating must be for between four and eight passengers in addition to the driver.

- 6.3 There shall be a seating width of 40 cm allowed per passenger.
- 6.4 There shall be headroom of 86 cm measured from the rear of the seat to the roof lining.
- 6.5 There must be legroom of 18 cm from the front of any seat to the rear of any seat/dashboard or internal panel in the front.
- 6.6 Conference seating shall have 130 cm minimum spacing between the opposing backrests.
- 6.7 Any rear facing seat shall be fitted with a headrest.
- 6.8 Access to every seat must be unobstructed and easily accessible to all passengers without the need to tip forward/ fold/ remove seats when the vehicle is occupied for the numbers of licensed seats.
- 6.9 There must be access to at least two doors for each passenger and a separate means of ingress and egress for the driver.
- 6.10 If a seat is to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.
- 6.11 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

## 7.0 SIGNAGE

- 7.1 No roof signs are permitted on private hire vehicles.
- 7.2 No advertising other than Authority issued signage will be allowed on private hire vehicles.

## 8.0 VEHICLE COLOUR

- 8.1 There is no specific colour requirement for private hire vehicles.

## 9.0 BODY

- 9.1 The vehicle shall have no signs of previous significant accident damage.
- 9.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 9.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 9.4 Running boards shall only be permitted where they are fitted by manufacturers.
- 9.5 The step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.

- 9.6 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.
- 9.7 Electrically operated steps if fitted shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

## 10.0 DOORS

- 10.1 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 10.2 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.
- 10.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 10.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## 11.0 HEATING AND VENTILATION

- 11.1 Vehicles shall have an efficient heating and ventilation system.
- 11.2 All vehicles shall have a window that can be opened on at least one side of the passenger compartment.

## 12.0 FUEL SYSTEMS

- 12.1 A device shall be fitted whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall 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 external switch or markings are required.
- 12.2 All vehicles which are powered by Liquid Petroleum Gas (LPG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
- 12.3 LPG conversions shall also comply with the Authority's current vehicle condition which states that the vehicle has facilities for the conveyance of luggage safely and protected from inclement weather.
- 12.4 The proprietor must be able to produce a certificate issued by a member of an accredited LPG installer scheme confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.

- 12.5 Where the LPG conversion involves the installation of the LPG fuel tank in the vehicle boot space (meaning that the spare wheel has to be relocated) that a reasonable amount of space remains free for storage and any spare wheel displaced as a result can be stowed in a location that does not impinge on the passenger carrying area of the vehicle.
- 12.6 Where retrofit emissions technology is installed in a vehicle the technology must have been approved as part of the Clean Vehicle Retrofit Accreditation Scheme (CVRAS).

### 13.0 TRAILERS AND ROOF CARRIERS

- 13.1 The vehicle may tow a trailer but shall;
- comply with the towing weights specified by the vehicles' manufacturer
  - provide secure and weather proof storage for luggage
  - display the licence plate on to a platform kit at the rear
- 13.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the manufacturer.

### 14.0 TYRES

- 14.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 14.2 Many new vehicles are now being manufactured without spare wheels, instead being supplied with a space-saver tyre or puncture repair kit or vehicles are being manufactured with run flat tyres. Vehicles fitted with run flat tyres have a specially tuned suspension to compensate for the increased tyre rigidity that is a feature of run flat tyres.
- 14.3 Alternative types of tyres and repair kits that comply with British Standards are permitted for emergencies only and must be used only in order to complete a journey and get the vehicle to the nearest repair site. The licence holder must comply precisely with the manufacturers' recommendations.
- 14.4 All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

### 15.0 ELECTRICAL EQUIPMENT

- 15.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.





# APPENDIX D

## HACKNEY CARRIAGE VEHICLE CONDITIONS

### GENERAL

This Licence is issued subject to compliance with the Council's current Hackney Carriage byelaws and the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

#### 1. DEFINITIONS

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means ..... Council

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"The Identification Plates" the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage

The "Licensee" is the person who holds the Hackney Carriage Vehicle Licence

"The Proprietor" means the person(s) who owns or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"Taximeter" any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

"Vehicle" the vehicle licensed as a Hackney Carriage

Words importing the masculine gender such as "he" or "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council unless otherwise stipulated, all communication must be with the Council's Licensing Department.

## 2. IDENTIFICATION PLATES

- 2.1 The front and rear vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and that the plate must be fixed in the plate holder using the clips provided so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee of the vehicle shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

## 3. CONDITION OF VEHICLE

- 3.1 The Licensee shall ensure that the vehicle is always maintained in a good mechanical and structural condition and be capable of satisfying the Council's mechanical and structural inspection at any time during the period of the licence.
- 3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Council.
- 3.4 The Licensee of the vehicle shall: -
  - provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
  - ensure the interior of the vehicle to be kept wind and water tight and adequately ventilated;
  - ensure the seats in the passenger compartment are properly cushioned and covered;
  - cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;

- ensure fittings and furniture of the vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
  - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.
- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).
- 3.6 The Licensee must ensure that a daily vehicle check log must be completed by the licensee or driver(s) of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
  - Tyre condition, pressures and tread
  - Wipers, washers and washer fluid levels
  - Cleanliness inside and out
  - Bodywork – no dents or sharp edges
  - Licence plates present and fixed in accordance with these conditions
  - Any internal discs on display and facing inwards so customers can see.
  - Door and bonnet stickers on display
  - Tariff sheet in display
  - Horn in working order
- 3.7 The Licensee shall ensure that he or the driver shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

#### 4. ACCIDENTS

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

#### 5. ADVERTISEMENTS

- 5.1 The Licensee may only display advertisements on the outside of a London Style Hackney Carriage which must comply with the Council's policy and for which consent has been provided by an Authorised Officer.

## 6. VEHICLE SIGNAGE

- 6.1 The Licensee will not allow any sign, notice flag, emblem or advertisement to be displayed in or from any Hackney Carriage Vehicle without the express permission of the Council
- 6.2 The Licensee will ensure that any mandatory signs be affixed permanently to the vehicle as directed by the Council and are not removed whilst the vehicle is licensed.

## 7. ASSISTANCE DOGS

- 6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 6.2 The location of the assistance dog must be agreed with the passenger at all times.
- 6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

## 8. OTHER ANIMALS

- 8.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

## 9. TAXIMETERS

- 9.1 The Licensee shall ensure the vehicle is fitted with a Council approved, tested and sealed Taximeter before plying or standing for hire and shall use the approved meter only.
- 9.2 The Licensee shall ensure that the Taximeter is located within the vehicle in accordance with the reasonable instruction of an authorised officer, and sufficiently illuminated that when it is in use, it is visible to all passengers.
- 9.3 The Licensee shall ensure that the authorised Taximeter is maintained in a sound mechanical/electrical condition at all times and programmed to calculate the fare in accordance with the current fares tariffs fixed by the Council.
- 9.4 The Licensee shall ensure that the 'for hire' sign is extinguished when the fare commences, and the taximeter is brought into operation.
- 9.5 The Licensee shall ensure that the 'for hire' sign is not illuminated when the vehicle is outside of its licensing district.

## 10. TAMPERING WITH TAXI METERS

10.1 Taximeters must not be tampered with by anybody other than an Authorised Officer or an approved contractor approved by the Council.

## 11. FARE TABLE

11.1 The Licensee shall ensure that a copy of the current fare table supplied by the Council is displayed and visible at all times so that it can be easily read by passengers.

## 12. DRIVER'S LICENCE

12.1 The Licensee shall retain copies of the hackney carriage drivers' licence of each driver of his vehicle and produce the same to an Authorised Officer or Police Officer on request.

## 13. COMMUNICATION EQUIPMENT

13.1 The Licensee shall ensure that any communication equipment, used to communicate with passengers, fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

## 14. CONVICTIONS AND SUITABILITY MATTERS

14.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

14.2 If the Licensee is not a licensed private hire or hackney carriage driver, they will be subject to an annual Basic DBS check. This will apply to each licensee listed on the application / licence. In respect of a company or partnership, a check of each of the Directors or Partners will be required.

14.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,

- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 48 hours) and shall provide such further information about the circumstances as the Council may require.

## 15. NOTIFICATIONS AND LICENCE ADMINISTRATION

- 15.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 15.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 15.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 15.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
  - The address of the driver;
  - The company for whom the driver works for;
  - The date and time you hired / lent / leased / rented your vehicle to the driver;
  - Whose insurance the driver will be using the vehicle under;
  - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
  - The expected duration the vehicle will be hired / lent / leased / rented to the driver

## 16. INTENDED USE

- 16.1 The Licensee of the Hackney Carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a private hire operator licensed by another local authority;

- 16.2 The accurate and complete record should include, as a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -
- date;
  - time of first pick up;
  - first 'pick up' point by location / name / address including house number;
  - destination point by location / name / address including house number;
  - the name and address of the operator on behalf of which the journey was being undertaken.
- 16.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;
- 16.4 The record of journeys shall be available for inspection at any time by a Police Officer or PCSO; and an Authorised Officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;
- 16.5 Each book, when full, shall be delivered to the Council's Licensing Department;
- 16.6 Where the Licensee wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.

# APPENDIX E

## PRIVATE HIRE VEHICLE CONDITIONS

**The licensee shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.**

### 1. DEFINITIONS

For a legal definition of the following terms, see the Local Government (Miscellaneous Provisions) Act 1976.

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Vehicle Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Trafford Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the holder of a private hire vehicle licence.

"The Operator" / "PHO" a person who makes provisions for the invitation and acceptance of booking / hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person(s) who owns, or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"The Meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.



Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

## 2. IDENTIFICATION PLATES

- 2.1 The vehicle front and rear licence identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to allow them to be easily removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

## 3. CONDITION OF VEHICLE

- 3.1 The Licensee shall ensure that the private hire vehicle shall be maintained in good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the period the vehicle is licensed.
- 3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
- 3.4 The Licensee of the Private Hire Vehicle shall: -
  - provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
  - ensure the interior of the vehicle is kept wind and water tight and adequately ventilated;
  - ensure the seats in the passenger compartment are properly cushioned and covered;

- ensure the floor in the passenger compartment has a proper carpet, mat or other suitable covering;
  - ensure fittings and furniture of the Private Hire Vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
  - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.
- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Licensee).
- 3.6 A daily vehicle check log must be completed by the driver of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
  - Tyre condition, pressures and tread
  - Wipers, washers and washer fluid levels
  - Cleanliness inside and out
  - Bodywork – no dents or sharp edges
  - Licence plates present and fixed in accordance with these conditions
  - Any internal discs on display and facing inwards so customers can see.
  - Door and bonnet stickers on display
  - Tariff sheet in display
  - Horn in working order
- 3.7 The Licensee shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

#### 4. ACCIDENTS

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

#### 5. VEHICLE SIGNAGE

- 5.1 No sign, notice, flag or emblem or advertisement shall be displayed in or on any Private Hire Vehicle without the express permission of the Council.

5.2 The Licensee shall ensure that the Council issued rear door signs are affixed permanently to the vehicle and are not removed whilst the vehicle is licensed.

## 6. ASSISTANCE DOGS

6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.

6.2 The location of the assistance dog must be agreed with the passenger at all times.

6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

## 7. OTHER ANIMALS

7.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

## 8. METERS

8.1 If the vehicle is fitted with a meter:

- The licensee shall ensure the meter is of a type approved by the Council and maintained in a sound mechanical condition at all times
- The licensee shall ensure the meter is set to display any fare table which may be adopted by the private hire operator
- The Council may ensure calibrate and seal, at the expense of the licensee, any meter which is to be used in the licensed vehicle
- The licensee shall ensure the meter is illuminated and is located in a position where any hirer can see the fare easily
- The licensee shall ensure that the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon
- The licensee shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle
- No meter shall be replaced without the consent of an authorised officer of the council.

## 9. FARE TABLE

- 9.1 The Licensee shall ensure that a copy of the current fare table is available, when not working for an 'app only' based operator, at all times, so it can be easily read by passengers.
- 9.2 The Licensee shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

## 10. LICENCE

- 10.1 The Licensee shall retain a copy of the original private hire vehicle drivers' licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Police Constable on request.

## 11. CONVICTIONS AND SUITABILITY MATTERS

- 11.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.
- 11.2 If the Licensee is not a licensed private hire or hackney carriage driver, they will be subject to an annual Basic DBS check. This will apply to each licensee listed on the application / licence. In respect of a company or partnership, a check of each of the Directors or Partners will be required.
- 11.3 The licensee shall notify the Council if they are subject to any:
- arrest or criminal investigation,
  - summons,
  - charge,
  - conviction,
  - formal/simple caution,
  - fixed penalty,
  - criminal court order,
  - criminal behaviour order or anti-social behaviour injunction,
  - domestic violence related order,
  - warning or bind over
  - or any matter of restorative justice

against them immediately in writing (or in any case within 48 hours) and shall provide such further information about the circumstances as the Council may require.

## 12. NOTIFICATIONS AND LICENCE ADMINISTRATION

- 12.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 12.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 12.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 12.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
  - The address of the driver;
  - The company for whom the driver works for;
  - The date and time you hired / lent / leased / rented your vehicle to the driver;
  - Whose insurance the driver will be using the vehicle under;
  - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
  - The expected duration the vehicle will be hired / lent / leased / rented to the driver

# APPENDIX F

## VEHICLE INSPECTION & RETEST POLICY

Vehicle Licence Conditions require that you maintain your vehicle in a satisfactory condition at all times and that you present your vehicle for test in a clean condition.

The vehicle must be sufficiently clean of oil, grease and dirt accumulations. You risk your vehicle being turned away from the test centre if you fail to comply with this requirement and being charged £28.00 for non-attendance.

You should present your vehicle for the compliance test at the Test centre up to 10 minutes before the allotted test time. You will be charged a late /non-attendance fee of £28.00 if the vehicle is not presented at the allotted test time.

You will be provided with a test report at the end of the test which will give details as to the items that have been examined and whether the vehicle has passed the test. Section A of the report refers to the MOT testable items and Section B refers to the supplementary items that are tested under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Table 1 below gives details of what type of retest is required for each failure type and the fee applicable.

**Table 1**

| <b>Failure</b>   | <b>Action</b> | <b>Retest Type &amp; Fee</b>             |
|--|---------------|--|
| Any item listed in Section A of the Inspection Sheet excluding minor items (see Table 2 below) | Suspend       | Retest (£50)<br>(Retest of failed items) |
| 2 or less minor items from Section A of the Inspection Sheet (see Table 2 below)               | Suspend       | Free retest                              |
| 3 or more minor items from Section A of the Inspection Sheet (see Table 2 below)               | Suspend       | Minor retest (£25)                       |
| Any item marked 'S' in Section B of the Inspection Sheet                                       | Suspend       | Minor retest (£25)                       |

|  |   |                    |
|--|---|--------------------|
| 5 or more items in Section B of the Inspection Sheet (non 'S' marked items only)   | The vehicle must be presented at the test station for further inspection within seven working days otherwise the vehicle licence will be suspended. | Minor retest (£25) |
| 7.0 or less items in Section B of the Inspection Sheet (non 'S' marked items only) | The vehicle must be presented at the test station for further inspection within seven working days otherwise the vehicle licence will be suspended. | Free retest        |

**Table 2**

| <b>Minor Items from Section A</b>   |                              |
|-------------------------------------|------------------------------|
| Hazard warning lamps                | Rear reflectors              |
| Direction indicators                | Lamps                        |
| Seats (security)                    | Seatbelts (not anchorages)   |
| Boot lid                            | Door                         |
| Tail board                          | Drop sides                   |
| Tailgate                            | Loading door                 |
| Sharp edges/projections on bodywork | Horn                         |
| VIN                                 | Brake pedal anti-slip rubber |
| Registration plate                  | Steering wheel               |
| Fuel filler cap                     | Mirrors                      |
| Windscreen wipers/washers           |                              |

# HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE TESTING STANDARDS

## HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES EXAMINATION AND TESTING REQUIREMENTS IN ADDITION TO THOSE FORMING PART OF THE MOT/DVSA TEST

|            |  |  |
|------------|--|--|
| <b>1.0</b> | <b>Rear drive shaft inner/outer gaiters</b>  |  |
|            | <b>Method of inspection</b><br>Inspect rear drive shaft inner/outer gaiters for condition and security (where applicable).   | <b>Reason for failure</b><br>Gaiter missing/damaged/split or insecurely fitted.<br>Drive shaft couplings excessively worn, insecure or damaged   |
| <b>2.0</b> | <b>Prop shaft</b>  |  |
|            | <b>Method of inspection</b><br>Check for wear in needle roller bearings/cups, alignment of yokes and condition and security of retainer/circlip.<br>Check security of flange bolts and/or nuts.<br>Check condition of centre bearing and sliding spine | <b>Reason for failure</b><br>Universal coupling yokes misaligned or incorrect prop shaft fitted.<br>Needle roller bearings rusted/worn/seized.<br>Bearing cup retainer/circlip missing or insecure<br>Coupling flange bolts loose, missing, or anti-loose/locking washer missing.<br>Sliding joint spline worn or damaged to extent where it is likely to cause vibration or failure.<br>Centre bearing noisy or worn.<br>Mounting bracket incorrectly fitted, cracked, incorrect type or bearing rubber mounting deteriorated or split. |
| <b>3.0</b> | <b>Wheels</b>  |  |
|            | <b>Method of inspection</b><br>Check condition of spare wheel and tyre (where accessible).   | <b>Reason for failure</b><br>Does not meet legal requirement.<br>Exemption: where there is no provision for a spare wheel.   |
| <b>4.0</b> | <b>Seatbelts</b><br><b>All seat belts including rear facing seat fitted to Euro 7 taxi</b>   |  |
|            | <b>Method of inspection</b><br>Inspect all non-obligatory seatbelts (where fitted) to the same MOT test standard as obligatory seatbelts   | <b>Reason for failure</b><br>A non-obligatory seatbelt that does not meet MOT test standard for an obligatory seatbelt.  |
| <b>5.0</b> | <b>Seating</b><br><b>Seating security and condition</b>  |  |
|            | <b>Method of inspection</b><br>Check all seats are properly cushioned and free from damage.  | <b>Reason for failure</b><br>Seat cushion worn, damaged or insecure.   |



|            |   |  |
|------------|---|--|
|            | <p>Check that seating and arm rests meet manufactured specifications.<br/>Removed additional seating – brackets and mountings do not protrude in such a manner that it may cause damage or injury.</p>  | <p>Base or back rest cushion worn to the extent that the frame protrudes.<br/>Damaged/ torn or sharp edges of seating or arm rests.<br/>Seat base or back rest insecure.<br/>Seat mechanisms faulty in operation.<br/>Seating dirty or stained.<br/>Brackets or mountings protruding dangerously.<br/>Must not have the ability to fit more seats than licensed for.</p>   |
| <b>6.0</b> | <b>Doors<br/>Locks, hinges, panelling, etc.</b>   |  |
|            | <p><b>Method of inspection</b></p> <p>With the doors open (64pprox..18 inches) check for excessive wear in hinges.</p> <p>Check that all passenger door locks and handles are easily operated from inside and outside the vehicle, as appropriate.</p> <p>Check door seals, handles, bonnet catches and support struts for security and condition.</p> <p>In respect of Hackney carriages – automatic door lock operation and function</p>  | <p><b>Reason for failure</b></p> <p>Insufficient doors, door hinges worn in excess of manufacturers recommended tolerance.</p> <p>Doors will not open easily, sticking doors.<br/>Doors will not lock internally or difficult to lock.<br/>Door check strap missing/broken or incorrectly fitted.<br/>Door seals missing/damaged/incorrectly fitted or not creating a proper seal.<br/>Door handles or interior panelling insecure/sharp edges/damages or incorrect type.</p> <p>Check passenger doors lock when foot-brake is applied and that warning lamps come on.</p>   |
| <b>7.0</b> | <b>Glass and windows<br/>Condition of windows, glass or other transparent material</b>  |  |
|            | <p><b>Method of inspection</b></p> <p>Check the condition of all internal screens partitions side, rear, roof and door windows/glass for cracks, surface damage and discolouration.</p> <p>Check that all windows that are designed to open can do so. Check for security, wind and water tightness. From inside the vehicle, check that all windows and screens are free from defect or other objects, which may excessively impair vision and that they conform to the manufacturer's specification. Stickers are not permitted on windows unless they have been approved by the licensing authority.</p> | <p><b>Reason for failure</b></p> <p>A crack, significant surface damage or discolouration in glass or other transparent material.<br/>Tinted windows – must allow at least 70% visible light transmission in all windows except front windscreen which must be 75%.<br/>Approved tint-meter to be used at testers discretion.<br/>Glass or approved material not transparent.<br/>Window will not open/close or is difficult to open/close.<br/>Window will not open completely to manufacturer's specification.<br/>Interior of vehicle not wind and water tight.<br/>Unauthorised stickers or objects attached to windows or screens.<br/>Any missing or broken glass/scored glass/cracked or holed glass, which may be likely to deteriorate quickly and cause failure.</p> |
| <b>8.0</b> | <b>Passenger communication</b>  |  |
|            | <b>Method of inspection</b>   | <b>Reason for failure</b>  |

|             |  |   |
|-------------|--|---|
|             | From inside the vehicle check that any passenger can communicate with the driver without restriction. Check that intercom system (where fitted) works correctly.   | Panelling between front and rear compartment giving no means of adequate access for audible communication.<br><br>Panel not transparent.<br><br>Intercom system not working/faulty/unclear in operation.  |
| <b>9.0</b>  | <b>Oil Leaks<br/>Engine, gearbox and final drive</b>   |   |
|             | <b>Method of inspection</b><br><br>Inspect the engine and drive train for obvious leaks  | <b>Reason for failure</b><br><br>A severe oil leak, where oil is dripping from the vehicle during the vehicle inspection.   |
| <b>10.0</b> | <b>Electrical wiring and equipment</b>   |   |
|             | <b>Method of inspection</b><br><br>Check all areas of the vehicle, in particular around the foot controls and dash panel area, for loose or defective wiring and equipment.  | <b>Reason for failure</b><br><br>Any loose or damaged wiring.<br><br>Any wiring, which may be so positioned or installed as to represent a safety risk.   |
| <b>11.0</b> | <b>Interior lights</b>   |   |
|             | <b>Method of inspection</b><br><br>Check operation of interior lights with door shut. Open each door individually and check the operation of the interior lights. Operate internal switches to check correct operation of interior light(s)            | <b>Reason for failure</b><br><br>Interior light does not operate when any one door is opened (where fitted).<br>Interior light does not operate when switched on.<br>Interior light not giving off sufficient light so as to cause difficulty in vision to both rear or front seated passengers.<br>Passenger light switches not clearly marked (hackney carriage).<br>Lamp or switches damaged or faulty in operation. |
| <b>12.0</b> | <b>Panel and meter lights</b>  |   |
|             | <b>Method of inspection</b><br><br>Switch on vehicle lights and check that all panel lights and meter/taxi lamp operation  | <b>Reason for failure</b><br><br>Panel or meter lights inoperative/faulty.<br>Panel or meter light dim.<br>Taxi illumination lamp in operative or dim.  |
| <b>13.0</b> | <b>Engine and gearbox mountings</b>  |   |
|             | <b>Method of inspection</b><br><br>From underneath the vehicle and from the engine compartment, inspect visually for any evidence of damage or deterioration of mountings. If mounting suspect it may be necessary to use a lever to release its load. | <b>Reason for failure</b><br><br>Damaged or deteriorated mounting failed or likely to fail.<br>Insecure, broken or missing engine stabiliser rods.<br>Cross member split/cracked or likely to fail or deteriorate.  |
| <b>14.0</b> | <b>Heater</b>  |   |
|             | <b>Method of inspection</b><br><br>Examine heater for operation, security and condition  | <b>Reason for failure</b><br><br>Noisy operation.   |

|             |  |  |
|-------------|--|--|
|             | Check condition of heater hoses  | Leaking matrix or hoses.<br>Insecure installation.<br>Heater faulty or inoperative.<br>Controls or switches faulty.  |
| <b>15.0</b> | <b>Examination of body<br/>Front and rear bumpers</b>  |  |
|             | <b>Method of inspection</b><br><br>Check front and rear bumpers for security, positioning and damage   | <b>Reason for failure</b><br><br>Bumpers missing, insecure, incorrectly positioned, corroded or damaged.<br>Protruding or sharp edges.   |
| <b>16.0</b> | <b>Load security<br/>Luggage boot area<br/>Boot lid/tailgate<br/>Security of parcel shelf/luggage cover</b>  |  |
|             | <b>Method of inspection</b><br><br>Check for presence/security/condition and weather tightness of boot lid/tailgate support struts/mechanism and weather seal.<br>Check that they support the boot lid/tailgate safely in the open position and seal correctly in the closed position. Check condition and presence of weather seals. Check for presence/security/condition of parcel shelf/luggage cover. | <b>Reason for failure</b><br><br>Support struts/mechanism missing/insecure/leaking or damage.<br><br>Boot lid/tailgate is not self-supporting in the fully open position.<br><br>Damage or missing boot door/tailgate weather seal.<br><br>Parcel shelf/luggage cover missing/insecure or damaged.                     |
| <b>17.0</b> | <b>Condition of body and paintwork (see detailed bodywork/paint work requirements)</b>   |  |
|             | <b>Method of inspection</b><br><br>Examine interior and exterior of body to identify corrosion, cracks or damage and condition of paintwork.   | <b>Reason for failure</b><br><br>Severe corrosion causing weakening or disfigurement of structure or panels.<br>Cracked panels/sections.<br>Damage which is a potential hazard to the public.<br>Paintwork not a uniform colour match.<br>Paintwork blistered or eroded.<br>Poor quality repair or repair not uniform. |
| <b>18.0</b> | <b>Body floor</b>  |  |
|             | <b>Method of inspection</b><br><br>Examine body floor pan to identify corrosion, cracks or damage.   | <b>Reason for failure</b><br><br>Severe corrosion causing weakening of floor pan.<br>Cracks or damage to floor pan causing weakening or potential danger to passengers.<br>Repair(s) of poor quality.  |
| <b>19.0</b> | <b>Interior panels<br/>Security and condition of panels<br/>Security and condition of sun visors</b>   |  |
|             | <b>Method of inspection</b><br><br>Examine all interior panels for security and condition.<br>Examine sun visors for condition and security.   | <b>Reason for failure</b><br><br>Insecure panels or sun visors.<br>Damaged panels or sun visors  |

|             |  |  |
|-------------|--|--|
|             |  | Sun visors will not remain in closed position.<br>Headlining insecure, dirty, stained or poorly repaired.<br>Any raised item or hole on floor which could be a potential trip hazard.  |
| <b>20.0</b> | <b>Cleanliness of vehicles</b>   |  |
|             | <b>Method of inspection</b><br>Examine vehicle for interior and exterior cleanliness including seating, carpets or matting and luggage area.<br>Examine the underside of the vehicle and engine compartment for cleanliness. | <b>Reason for failure</b><br>Worn carpets/matting, which could be a potential hazard to passengers.<br>Dirty or wet seating/interior trim/carpets/matting/loose objects accumulated on seat/floor//rear parcel shelf/scuttle panel/in luggage boot.<br>External body of vehicle excessively dirty.<br>Foul odour in vehicle.<br>Engine or underside of vehicle in a dirty condition. |
| <b>21.0</b> | <b>Licence Plate</b>   |  |
|             | <b>Method of inspection</b><br>Examine rear of the vehicle to check that the plate is firmly fixed to the body work or bumper.   | <b>Reason for failure</b><br>Plate is insecure, damaged or dirty   |
| <b>22.0</b> | <b>Window sticker</b>  |  |
|             | <b>Method of inspection</b><br>Examine each rear passenger window to ensure current window stickers are displayed.   | <b>Reason for failure</b><br>Current window stickers not displayed   |

## BODYWORK/PAINTWORK

### PAINTWORK AND UNIFORM COLOUR

The authority recognises that vehicle paintwork can deteriorate with time and the paintwork is easily damaged yet costly and difficult to repair. The conditions relating to the standard of the paint finish reflect this. Paintwork should be uniform in colour over the whole of the vehicle and where repairs have been carried out best practice body shop techniques should be followed to ensure that the best colour match possible is obtained using recognised automotive re-finishing products.

### POOR WORKMANSHIP

Repairs should be carried out to high standards. Defects which result from poor preparation or poor application of the paint finish are likely to result in the vehicle not reaching the required standard. Such defects, including runs, 'orange peel', 'fisheyes', dust in the paint, sander marks, poor paint coverage and overspray, are not acceptable.

### COSMETIC DAMAGE

The authority recognises that vehicles suffer minor 'cosmetic' damage during day-to-day use and that this type of damage can be the most difficult and the most costly to repair. The conditions reflect that this type of defect is inevitable on hackney carriages and private hire vehicles. Permitted areas of 'cosmetic' damage are detailed below, subject to there being no more than three such defects on any panel and no more than ten such defects on the vehicle. Compliance with the requirements can be achieved by repairing only some of the defects where this is to the advantage of the proprietor.

A panel is the roof, front wing, rear wing, front door (including 'A' pillar) rear door (including 'B' pillar) bonnet (including the area below the windscreen) boot or tailgate, sill, front panel (including bumper) rear panel (including bumper). The vehicle will fail the test if the bumper is missing, insecure, incorrectly positioned, corroded or damaged; or if there are any protruding or sharp edges.

## SCRATCHES

Single scratches or groups of scratches which fit completely inside the test template will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A scratch is where the paint film is damaged, but there is no deformation of the bodywork.

## SMALL DENTS

Small dents, which fit completely inside the test template, will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A dent is where the bodywork has been deformed as a result of an impact or other contact and may or may not include damage to the paint film.

## RUST SPOTS

A single rust spot or a group of rust spots which fit completely inside the template will not cause the vehicle to fail the test unless the metal is corroded and unable to withstand 'thumb' pressure without crumbling or permanent distortion. Perforation of the panel due to corrosion from the underside of the panel will result in failure of the test. A rust spot is a defect caused by oxidation of the metal due to failure of the paint film to protect it but without obvious damage.

## FLAKING

Areas of flaking paint or lacquer which fit inside the test template will not cause the vehicle to fail the test. Flaking is where an area of the paint or lacquer film loses its adhesion to the substrate due to poor preparation, contamination, water ingress, etc.

## STONE CHIPS

Stone chips will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A stone chip is a defect to the paint film caused by the impact of small stones 'thrown up' by other traffic.

## REPLACEMENT PANELS

Vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriages and private hire vehicles provided that the repairs have been carried out to an acceptable standard.

Fitting – replacement panels should be fitted as per the vehicle manufacturer’s specification using approved fittings.

Alignment – replacement panels should be correctly aligned. They should be level with all adjacent panels and the gap between panels should be uniform and similar to those between original panels.

## TRIM

Vehicle trim serves a number of purposes and can make a significant contribution to the overall appearance of the vehicle. Bearing this in mind, the Authority accepts that some items of trim are delicate and damage easily, whilst others are designed to prevent panel damage and may become damaged whilst performing that function.

Fixing – all trim should be present, correctly aligned and fixed in accordance with the manufacturer’s specification.

Damage – scuffing of protective trim will not cause the vehicle to fail the test. Minor damage of ‘cosmetic’ trim will not cause the vehicle to fail the test.

## MAJOR ACCIDENT DAMAGE

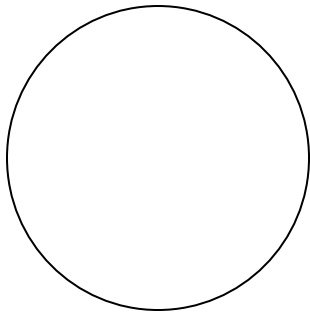
Vehicles, which have been involved in serious accidents, may be used as hackney carriages or private hire vehicles provided that they have not been written off and have been professionally repaired. Any vehicle that is involved in major accident must be reported to the licensing section within the prescribed time as laid down in the conditions of use.

All vehicles that have been involved in an accident must be inspected by a tester at the Authority’s nominated testing station prior to being used as a private hire or hackney carriage.

## ASSESSMENT

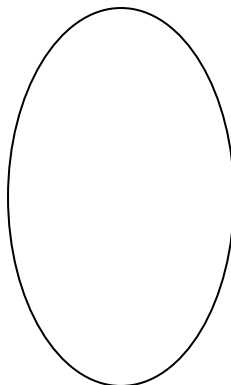
Where a vehicle tester detects evidence that a vehicle has been involved in an accident which may have caused damage to the structural integrity of the vehicle or may have caused safety critical components to become miss-aligned, the proprietor must prove to the satisfaction of the examiner that the repairs were effected to an acceptable standard or the vehicle must be submitted, at the proprietor’s expense, for specialist examination at an approved centre before a licence will be granted or renewed.

**Hackney carriage and private hire bodywork damage template**



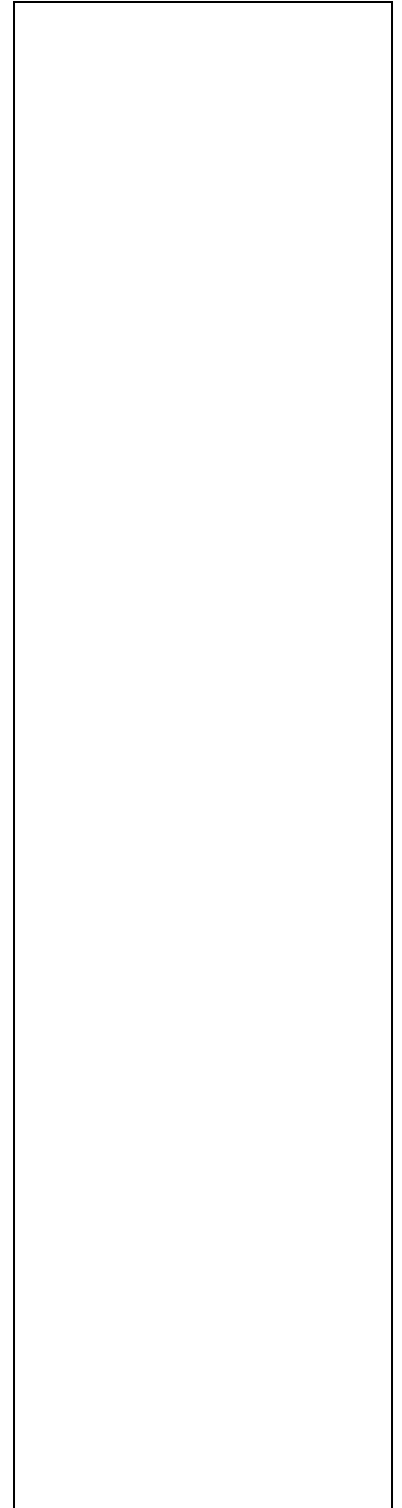
**Dents**  
**Rust spots**  
**Flaking paint**  
**40mm circle (nominal)**

**Scratches only**  
**200mm x 50mm**



**50mm x 30mm ellipse (nominal)**

Damage must fit completely within the lines of the appropriate template in order to be acceptable. The template can be aligned to be most advantageous to the proprietor.



# APPENDIX G

## DRIVER REQUIREMENTS

### HACKNEY CARRIAGE/PRIVATE HIRE LICENCES

Trafford Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

There is no statutory definition of what constitutes a 'fit and proper' person; however the Authority will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

#### DRIVING LICENCE

Applications will only be accepted from applicants who are aged 21 years old or older and that have held a full driving licence issued in the UK (please note that the requirement is to have held the full licence for at least 12 months, not 12 months since the date that the driver passed the driving test).

#### ECEC/EEC LICENCE

Applicants can drive in Great Britain on a full, valid driving licence. If applicants are younger than 67 when they became a resident, they can drive on their EU licence until they are 70. If they were 67 or older when they became a resident, they can drive on their EU licence for 3 years after that point.

Applicants can exchange their EU licence for a UK licence when they can't drive on it anymore.

A foreign driver's licence can be exchanged for a GB licence if it is from:

- EU (no time limit for exchange applies)
- Northern Ireland [no time limit for exchange applies]
- Jersey, Guernsey and Isle of Man [must be exchanged before 12 months]
- a designated country\* [must be exchanged before 12 months]

\* Andorra, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Gibraltar, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe



## ANY OTHER COUNTRY

Applicants can drive in Great Britain on a full, valid driving licence for 12 months from when they became resident. Within those 12 months they will need to apply for a provisional licence and pass the theory and practical driving tests to drive in the UK.

## DRIVING LICENCE CHECK

The counterpart of the driving licence has now been abolished and endorsements are recorded electronically by the DVSA. In order for applicants to confirm their driving licence record to us they will be required to access their record by logging onto the share driving licence service at [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence) where they can generate a “Check Code” which must be supplied with their application. This service is free and should be used by both paper and photo card driving licence holders. We will be unable to process an application until confirmation of the DVSA licence has been supplied.

Motoring offences will be dealt with in accordance with the Authority’s Statement of Policy about Relevance of Convictions as set out at **Appendix R**.

## QUALIFICATIONS AND SKILLS

Applicants (who are not existing licence holders) that submit their application for a drivers licence are required to provide evidence of the following qualifications / skills to the Authority before a licence will be issued:

### ENGLISH LANGUAGE STANDARD

Applicants must provide evidence of ability in English (speaking and listening) at least to Entry Level 3 standard (as defined in the Regulated Qualifications Framework); or a similar qualification at an equivalent level.

Applicants who have an international qualification must be able to satisfy the Authority that the qualification meets the requirement of English (speaking and listening) to Entry Level 3. UK NARIC ([www.naric.org.uk](http://www.naric.org.uk)) is the designated UK national agency for the recognition and comparison of international qualifications and skills. The Authority will accept an English Language Assessment completed by NARIC showing the applicant has a qualification equivalent to Entry Level 3 English.

The Authority reserves the right to refuse to accept a certificate of qualification as proof of meeting this requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

### DRIVER KNOWLEDGE TEST

The test will consist of topographical questions about the Trafford area but will also extend across the Greater Manchester region.

- The test will also include questions about:
  - disability awareness;
  - safeguarding children and vulnerable people;

- modern day slavery
  - child exploitation;
  - domestic violence;
  - Road Safety;
  - Basic vehicle maintenance;
  - Customer care / customer awareness;
  - licensing law and the driver conditions; and
  - local knowledge
  - numeracy and literacy.
- a booking fee is payable by the applicant prior to them undertaking the Driver Knowledge Test and Induction Course;
  - If a candidate fails the first Driver Knowledge Test then they may retake it after a period of 3 months from that date at which the first test was taken (subject to the payment of the appropriate test fee). If an applicant fails the second Driver Knowledge Test then they will not be permitted to take the test again until at least another 6 months has passed since the date at which the second test was taken (subject to the payment of the appropriate test fee). If an applicant fails the third Driver Knowledge Test, and any subsequent test, they will not be permitted to take the test again until at least another 6 months has passed since the date at which the previous test was taken (subject to the payment of the appropriate test fee).

## DRIVER INDUCTION COURSE

All applicants will be required to undertake a Driver Induction Course which will include training in safeguarding, child exploitation, domestic violence and disability awareness.

## MEDICAL CERTIFICATION

Applicants must provide a certificate from their own GP or a GP who has access to the applicant's full medical history. The certificate should state that the GP has conducted a medical examination and reviewed the applicant's medical history and is satisfied that the applicant meets Group 2 standards of medical fitness. There will be a fee for this examination and certification which is payable by the applicant directly to the GP. The certificate must be less than 4 months old.

## ENHANCED DISCLOSURE CERTIFICATION

Drivers are required to provide an Enhanced Disclosure Certificate from the Disclosure and Barring Service to the Authority. The contents of the certificate will be assessed in accordance with Trafford Council's policy on convictions, as detailed in **Appendix R**, when determining the fitness and propriety of the applicant.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Where a licence holder fails to maintain the update service subscription their licence will be suspended until they have provided a new DBS Certificate and registered with the update service. The Authority will use the update service to check the status of a licence holder's criminal record every six months and also when renewing the licence. If when checking the update service there are changes recorded on the DBS certificate the licence holder will be required to provide a new Enhanced DBS certificate.

If the applicant has lived outside of the UK for a six months continuous period or more since the age of 10 years they must provide a letter of good citizenship from the embassy of that country for the period of that residence.

The onus is on the applicant to obtain such a document and the applicant remains liable for all associated costs.

The Authority will consider an Enhanced Disclosure Certificate, or equivalent, to be valid for a period of 6 months from the date that it was issued.

The Authority reserves the right to request a new Enhanced DBS check should it consider it appropriate to do so.

## NEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE APPLICATION PROCESS

Applicants can view the fees payable by the applicant to the Authority in accordance with the Driver Licence Application process on Trafford Council's website, at [insert link]

### **STAGE ONE – DRIVER KNOWLEDGE TEST & INDUCTION COURSE**

Any person wishing to apply for a hackney carriage/private hire driver's licence must undertake and pass the Driver Knowledge Test and sit the Induction Course before they can submit an application form. The Knowledge Test will follow the Induction Course on the same day.

The candidate can book a Driver Knowledge Test via the [on-line booking form](#).

The Authority will then email the candidate with a date for the knowledge test with their unique KT reference number; details of how to pay and instructions on where and what time the test will take place. The email will include revision material to assist the candidate to complete the Test and Induction Course. Only where the fee has been paid in full will a candidate be permitted to take the Driver Knowledge Test. The fee is non-refundable.

The Authority will only accept the online booking form if it is completed for the person who was issued with the unique KT reference number.

If the candidate fails to attend an agreed test date, the Authority shall retain the booking fee and the applicant will be required to rebook the test and pay the booking fee again.

If an applicant wishes to cancel and/or rearrange a test date they must contact the Authority by email at least 48 hours before their scheduled test otherwise the Authority will retain the booking fee and the applicant will be required to rebook the test and pay the booking fee again. The candidate will be permitted to cancel the test date on one occasion after which they will incur an administration charge to rearrange the test date.

The Authority will email the candidate after 14 days confirming the test result.

Where the candidate has failed the test they can book a re-test. Where the candidate requests a re-test date, the Authority will schedule a test date in accordance with the test process steps as set out above. Only where the re-test fee has been paid in full will a candidate be permitted to re-take the Driver Knowledge Test. The fee is non-refundable.

Where the candidate has passed the Test and attended the Induction Course they will be issued with a Pass Certificate.

The Pass Certificate will be valid for 12 months. Where the candidate fails to submit an application and all required documents within 12 months of passing the Knowledge Test they will be required to re-take the Test and sit the Induction Course.

## **STAGE TWO – SUBMITTING THE APPLICATION FORM**

The applicant will be contacted by the Authority by email and invited to submit an application.

The applicant will be required to complete the [online application form](#); pay the application fee in full; and upload copies of the following required documents:

- One colour passport type photograph
- DVLA photocard driving licence or old style paper driving licence in your current address
- Proof of current address which is less than 3 months old i.e. utility bill, bank statement
- Check code from DVLA for viewing driving licence details
- Overseas criminal record check/certificate of good conduct (if applicable)
- Medical Form
- Birth Certificate
- Certificate of Naturalisation issued by the Home Office (if applicable)
- Biometric Residence Permit (if applicable)

- Proof that the applicant is legally permitted to work in the UK. [Check what documents are acceptable.](#)
- Proof of ability in English (speaking and listening) at least to Entry Level 3 standard
- Passport
- Proof of national insurance number
- An Enhanced DBS Certificate
- Any other documents that the Authority may reasonably request to help progress the application
- The correct fees
- Driver knowledge Test & Induction Pass Certificate
- Advanced Driving Course Certificate

When the fee has been paid in full by the applicant and all required documents have been submitted the Licensing Authority will progress the application to the next stage of the application process.

Where the applicant cannot provide all the required documents the matter will be referred to the Licensing Manager or Regulatory Services Manager to consider whether in the individual circumstances of the case the application can be progressed to the next stage of the application process.

## GENERAL NOTES FOR THE DOCUMENT VERIFICATION

### KEY DATES

A DBS certificate will be valid for 6 months and the medical will be valid for 4 months from the date of issue.

## DISCLOSURE & BARRING SERVICE APPLICATION

Where an applicant does not already have a valid DBS Certificate, the Authority or its agent will process a DBS Certification application on behalf of the applicant. This service is offered by the Authority for a fee, which is payable by the applicant to the Authority or its agent.

If the applicant is required to use the Authority's DBS service or its agent, the applicant will be asked to complete a DBS Application Form, which will be reviewed at the appointment or at the post office if the Authority's agent is used:

- The applicant will need to provide detailed addresses, postcodes and dates of where the applicant has lived during the last 5 years.
- If the applicant has lived outside of the UK the applicant MUST provide a letter of good citizenship from the embassy of that country for the period of that residence – see above
- The Authority cannot progress the application if this evidence is not provided by the applicant.

The Authority or its agent will submit the applicant's DBS Application Form and fee to the Disclosure and Barring Service to process:

- Processing of the DBS Application Form can take up to 8 weeks depending on the workload of the Disclosure and Barring Service;
- The Disclosure and Barring Service is independent from the Authority and therefore the Authority has no control or involvement in the processing of DBS Applications;
- The Disclosure and Barring Service will produce a DBS certificate for the applicant, which will be sent directly to the applicant's home address. The Authority will not receive a copy of the DBS certificate nor will it be notified that a certificate has been sent to the applicant. **It is the applicant's responsibility to ensure that they submit the DBS certificate to the Authority.**

### **STAGE THREE – DETERMINATION OF THE APPLICATION**

Once the above stages have been completed, and provided the Authority has all of the required documentation (or has agreed to progress the application without all the required documents) the Authority can assess the application in full.

In determining an application, the Licensing Authority will consider:

- The results of the applicant's Driver Knowledge Test;
- The Application Form;
- All those items listed at stage two of the application process, including the applicant's Medical Certificate and the applicant's DBS Certificate;
- Trafford Council's Policy

Where Trafford Council's policy and scheme of delegation dictates, the application may be referred to the Licensing Manager or the Regulatory Services Manager (Trading Standards and Licensing) or the Authority's Public Protection Sub Committee for its determination as to whether or not the applicant is a fit and proper person and also, whether a Driver's Licence should be granted.

The options available to the Officers or the Sub-Committee are to either grant the licence or to refuse to grant the licence.

Where an applicant is aggrieved by a decision made by the Sub-Committee they may, within 21 days of receipt of the written decision, appeal against the decision to Manchester Magistrates' Court, Crown Square, Manchester, M60 1PR.

### **STAGE FOUR - ISSUE OF THE LICENCE**

Once the application has been granted the applicant will be sent an electronic copy of their licence. The driver badges will be sent in the post by special delivery.

Hackney carriage and private hire driver licences are granted for a period of three years: except in certain circumstances, namely

- Where an applicant wishes to have a one year licence;

- Where the applicant is due to retire or cease being a licensed driver;
- Where an applicant's right to work visa is due to expire; or
- Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.

If there are restrictions on the length of time the applicant may work in the UK, the licence will not be issued for any longer than this period. In such circumstances an immigration check will be repeated each time the driver applies to renew the licence. If, during this period, the driver is disqualified from holding a licence because they have not complied with the UK's immigration laws, the licence will lapse and the driver must return it to the Council.

# RENEWAL HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

## APPLICATION PROCESS

Whilst the Authority may take steps to remind existing driver licence holders that their licences are due to be renewed, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Application forms, appropriate fees and supporting documentation must be submitted prior to the expiry date of the licence.

### STAGE ONE – APPLICATION FORM

Any person wishing to apply to renew their hackney carriage/private hire driver's licence must complete the relevant online application form; pay the appropriate fee and upload the required documents for inspection.

### STAGE TWO – DOCUMENT VERIFICATION

The applicant will be required to provide the required documents by uploading them via the on-line application form.

The required documents are:

- One colour passport type photograph
- DVLA photo card driving licence or old style paper driving licence in your current address
- Proof of current address which is less than 3 months old i.e. utility bill, bank statement
- Check code from DVLA for viewing driving licence details
- Overseas criminal record check/certificate of good conduct (if applicable)
- Medical Form (if applicable)
- Birth Certificate
- Certificate of Naturalisation issued by the Home Office (if applicable)
- Biometric Residence Permit (if applicable)
- Proof that the applicant is legally permitted to work in the UK - [Check what documents are acceptable.](#)
- Passport
- A DBS application form and identity documents required for the DBS Disclosure
- A Tax Check Code
- Any other documents that the Authority may reasonably request to help progress the application
- The correct fee



When the fee has been paid in full by the applicant and all required documents have been submitted the Licensing Authority will progress the application to the next stage of the application process. If the applicant submits an application but fails to provide the full fee or any of the required documents before the expiry of the licence, the licence will expire and the driver will be required to submit an application for a new licence. Where the driver submits a new application within 6 months of the expiry of his previous licence he will not be required to take the knowledge test; nor provide a DBS certificate or medical certificate unless they were due on expiry of the previous licence.

Where a new driver's licence is submitted more than 6 months after the previous licence expired all factors which are pre-requisites to the granting of a driver's licence will be mandatory, such as: DBS, Medical Report, Knowledge Test and Induction Training.

## DISCLOSURE & BARRING SERVICE APPLICATION

The driver is required to register with the DBS Update Service and maintain that registration throughout the currency of the licence. The Authority will check the status of the certificate every six months.

If on checking the status of the DBS certificate it is found that the driver has failed to maintain their subscription to the update service, the driver's licence will be suspended until a new certificate has been issued and the driver has registered the certificate with the update service.

Where a driver is registered with the update service but on checking there are changes recorded on the DBS certificate which the licence holder has failed to declare, the licence will be suspended until the licence holder provides a new Enhanced DBS certificate.

The Authority or its agent will process a DBS application on behalf of the applicant. The fee for this service is payable by the applicant to the Authority or its agent.

Please see details above on the process for submitting a DBS application.

The Disclosure and Barring Service will produce a DBS certificate for the applicant, which will be sent directly to the applicant's home address. The Authority will not receive a copy of the DBS certificate nor will it be notified that a certificate has been sent to the applicant. **It is the applicant's responsibility to ensure that they submit the DBS certificate to the Authority.**

## STAGE THREE – DETERMINATION OF THE APPLICATION

Once the above stages have been completed, and provided the Authority has all of the required documentation (or has agreed to progress the application without all the required documents) the Authority can assess the application in full.

In determining the application, the Licensing Authority will consider:

- The Application Form;
- All those items listed at stage two of the process, including the applicant's Medical Certificate and the applicant's DBS Certificate (if appropriate);
- Trafford Council's Policy

Where Trafford Council's policy and scheme of delegation dictates, the application may be referred to the Authority's Public Protection Sub Committee for its determination as to whether or not the applicant is a fit and proper person and also, whether a Driver Licence should be renewed.

The options available to the Sub-Committee are to either renew the licence or to refuse to renew the licence.

Where an applicant is aggrieved by a decision made by the Sub-Committee they may, within 21 days of receipt of the written decision, appeal against the decision to Manchester Magistrates' Court, Crown Square, Manchester, M60 1PR.

#### **STAGE FOUR- ISSUE OF THE LICENCE**

Once the application has been granted the applicant will be sent an electronic copy of the licence by email and a set of new badges in the post. If the badges do not reach the applicant before the expiry of the licence an appointment must be arranged to collect the licence and badges from Trafford Town Hall.

Hackney carriage and private hire driver licences are granted for a period of three years: except in certain circumstances, namely

- Where an applicant wishes to have a one year licence;
- Where the applicant is due to retire or cease being a licensed driver;
- Where an applicant's right to work visa is due to expire
- Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.

If there are restrictions on the length of time the applicant may work in the UK, the licence will not be issued for any longer than this period. In such circumstances an immigration check will be repeated each time the driver applies to renew the licence. If, during this period, the driver is disqualified from holding a licence because they have not complied with the UK's immigration laws, the licence will lapse and the driver must return it to the Council.

# APPENDIX H

## DRIVER APPLICATIONS PRACTICAL DRIVING TEST SPECIFICATION

The DVSA are no longer providing taxi driver practical driving assessments. A specification has been devised as to the standards required of an approved taxi practical driving test approved supplier. Any supplier who wishes to be approved by the Authority must confirm that they meet the specification detailed below

| Requirement                      | Standard to be attained   | Signature |
|----------------------------------|---|-----------|
| <p>A. Pre Driving Assessment</p> | <p>The supplier must be able to satisfy the Authority that it has the capability of administering the assessment process i.e.</p> <p>The supplier will be required to inform the driver in writing (email is acceptable) of the date/time/location of the assessment and the requirement to provide certain documents. The supplier must, therefore, provide details in their submission of the method by which bookings will be made and drivers advised of appointments etc.</p> <p>The supplier will be required to ask the driver to provide as a minimum a driving licence, vehicle insurance and a copy of recent photo ID at the assessment.</p> <p>The supplier must provide a copy of their complaints procedure.</p> <p>The supplier must provide a copy of their. cancellation, late arrival and failure to attend policy and procedure.</p> <p>The supplier must provide details of the payment methods available to drivers.</p> <p>The supplier must provide details of their procedure for dealing with drivers who provide vehicles that do not meet the vehicle standard in section C.</p> <p>The supplier must provide details of how they will assess the eyesight of drivers.</p> |           |

|                          |  |  |
|--------------------------|--|--|
|                          | The supplier must provide contact details of all approved assessors and their qualifications.  |  |
| B. The assessor          | All assessors must be ADI and DVSA fleet trained approved driving assessors  |  |
| C. The vehicle           | <p>Drivers will be requested to provide a vehicle for the test which is right hand drive, roadworthy, taxed and insured.</p> <p>The supplier must provide details of how they will check that the vehicle complies with these requirements and how this information will be recorded. If the applicant takes the driving assessment in an automatic car this should be noted on the assessment sheet and will relate to automatic private hire/ hackney carriage vehicles only.</p>  |  |
| D. Driving test standard | <p>The supplier must be able to provide an assessment to the following standard:</p> <p>The test standard must involve a minimum of 40 minute practical driving assessment on a variety of road types (ideally motorway, A roads and minor roads)</p> <p>The areas to be assessed are as per the DVSA standard</p> <p>A maximum of 9 driving faults are allowed. More than 9 driving faults or a serious/dangerous fault must constitute a fail (note this reflects the same standard as the DVSA taxi driver assessment )</p>   |  |
| E. Post administration   | <p>The supplier must be able to provide the candidate with the result of the assessment immediately upon completion of the practical assessment.</p> <p>The result must be provided to the candidate in writing and detail any specific faults.</p> <p>Applicants who pass the assessment must be provided with a uniquely referenced certificate that identifies the candidate, certificate number, assessor, and date of completion of the assessment. The pass certificate must be provided to candidates within 5 working days of the test.</p> <p>The approved supplier must keep a record of all certificates issued and upon request from the Authority validate the authenticity of a certificate.</p> |  |

|                            |  |  |
|----------------------------|--|--|
| <p>F Quality Assurance</p> | <p>Any supplier shall, prior to approval be required to provide the approving Authority with all the required information together with a quality framework that details how the competency of all assessors is maintained/assessed on an ongoing basis.</p> <p>Any approved supplier shall upon request meet with the Authority to discuss any issues relevant to the assessment process.</p> <p>The Authority shall be informed in writing no later than the 1 February of the number of complaints received by the approved supplier during the previous calendar year. The report must detail the nature of the complaints whether the complaints were upheld and any remedial action taken.</p> |  |
|----------------------------|--|--|

# Appendix I

## GUIDANCE NOTES FOR COMPLETION OF MEDICAL REPORTS

### GENERAL NOTES

- It is a requirement that new private hire/ hackney carriage driver applicants and existing licensed drivers (every 5 years until the age of 65 then annually), complete and submit a relevant medical report. For drivers who are approaching their 65<sup>th</sup> birthday, a medical report must be provided to the Authority in the period of 6 weeks prior to their 65<sup>th</sup> birthday and then in the 6 weeks period prior to their birthday annually.
- For the purpose of licensed private hire and hackney carriage drivers a relevant medical report is a report which meets the standards for a Driver Vehicle Licensing Agency (DVSA) group 2 medical report. This is the medical standard required of lorry and bus drivers.
- The medical has to be submitted on the DVSA D4 form titled “medical examination report for a Group 2 (lorry or bus) licence” which can be downloaded from the GOV.uk website.

### GUIDANCE NOTES FOR APPLICANTS – WHAT YOU HAVE TO DO?

- If you have doubts as to your ability to meet the medical or eyesight standards, please consult your GP/Optician before you arrange for the medical to be undertaken.
- The GP carrying out your medical will charge you for completion of the medical and the fee is not refundable by the Licensing Authority whether or not you are granted a licence.
- **You are not required** to complete the declaration on page 8 of the DVSA D4 form (this only applies when the medical is being submitted to the DVSA)
- You are required to take photographic ID (passport or driving licence) to the GP when going for your medical appointment this is to ensure the GP can verify your identification.
- The medical **must** be carried out by your own GP or a GP who has full access to all your medical history and records.
- Complete the first part of the form which asks for applicant details, once the form is fully completed it should be submitted to the Authority as part of your licence application.

### WHAT THE GP HAS TO DO

- The GP must be fully aware of the requirements of the DVSA Group 2 medical requirements. A medical guide is available on the DVSA website
- Satisfy him/herself as to the identity of the person being examined
- Ensure that applicants who are asymptomatic at the time of the examination are advised that if in future they develop symptoms of a condition that could affect safe driving and they hold either a hackney carriage / private hire drivers

licence, they must inform the Authority's licensing team at (licensing@trafford.gov.uk)

- Ensure that all sections of the form are fully completed and the applicants name and date of birth written at the end of each page of the report

# APPENDIX J

## LICENSED DRIVERS' DRESS CODE

This dress code forms part of the driver's code of conduct. The purpose of the dress code is to set a standard that provides a positive image of the licensed hackney carriage and private hire trade across Greater Manchester, and that the standard adopted seeks to promote public and driver safety.

### LICENSED DRIVERS DRESS STANDARD

- All clothing worn by the driver whilst working as private hire/hackney carriage driver must be in good condition and the driver must have good standards of personal hygiene.
- As a minimum standard whilst working as a licensed driver males should wear trousers and a shirt which has a full body and short/long sleeves. Knee length tailored shorts are also acceptable.
- As a minimum standard whilst working as a licensed driver females should wear trousers, knee length skirt or dress and a shirt/blouse which have a full body and short/long sleeves. Knee length tailored shorts are also acceptable.
- Footwear whilst working as a licensed driver shall fit i.e. be secure around the heel of both feet.

### EXAMPLES OF UNACCEPTABLE STANDARD OF DRESS

- Clothing that is not kept in clean condition, free from holes, rips or other damage.
- Words or graphics on any clothing that is of an offensive nature or suggestive nature which might offend.
- Sportswear e.g. football kits including shirts, track suits in whole or part beachwear.
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel.
- The wearing of any hood or any other type of clothing that may obscure the drivers' vision or their identity.

### UNIFORMS

The Authority recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The Authority acknowledges that many private hire and hackney carriage companies do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Authority would encourage licensed drivers to support.



# APPENDIX K

## HACKNEY CARRIAGE BYELAWS

The Authority has made byelaws in respect of hackney carriages under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875. The effect of these byelaws is to regulate the conduct of those hackney carriage proprietors and drivers licensed by Trafford. Proprietors and drivers must comply with these byelaws when the vehicle is standing, driving or plying for hire in the district.

### INTERPRETATION

1. Throughout these byelaws “the Authority” means Trafford Council Licensing Authority and “the district” means the Borough of Trafford.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed firmly thereto in accordance with the Authority’s Guidance Notes on Hackney Carriages in the Borough of Trafford.  
  
(b) A proprietor or driver of a hackney carriage shall:-
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

### PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Authority;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said

- key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands appointed by the Authority;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
- (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Authority and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

#### PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

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

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

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

#### PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Authority and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated

value (or the fare for the distance from the place of finding to the office of the Authority, whichever be the greater) but not more than five pounds.

#### DRIVER TO PRODUCE COPY OF BYELAWS

18. The driver of a hackney carriage who is standing, driving or plying for hire shall at any time when required by an authorised officer or any police constable or any person who is in or upon the carriage produce a copy of these Byelaws, clean and in good order, for perusal and inspection by that authorised officer, police constable or person.

#### PENALTIES

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

#### REPEAL OF BYELAWS

20. The byelaws relating to hackney carriages received The Common Seal of Trafford Council on 14 July 2003 and came into operation on 30 October 2003. A signed and sealed copy can be obtained from the Authority.

# Appendix L

## PRIVATE HIRE DRIVER CONDITIONS

The licensee shall at all times comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

### DEFINITIONS

In this licence:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"the Council" means xxx Council

"the Operator" means a person holding a licence to operate private hire vehicles issued

pursuant to Section 55 of the Act.

"private hire vehicle" has the same meaning as in Section 80 of the Act.

"the proprietor" has the same meaning as in Section 80 of the Act.

"the meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.

"authorised officer" has the same meaning as in section 80 of the Act.

"licensee" means the person who holds the private hire drivers' licence.

"hirer" means the customer that has made the booking, who could also be the passenger

"passenger" means the person(s) travelling in the booked vehicle. For the avoidance of doubt, all children (including babies) count as individual passengers.

'Sexual Activity' includes but not limited to touching, kissing, inappropriate comments or conversation or propositioning.

"Owner" means a person to whom any lost property belongs to

"Drivers badge" has the same meaning as in Section 80 of the Act.

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, all communication must be to the Council's Licensing Department unless otherwise

stated. Reference to the Council's email address means the email address of the Council's Licensing Department.

## 1. LICENCE ADMINISTRATION

- 1.1 The licensee shall notify the Council in writing of any change of their address and contact details during the period of the licence within 7 days of such change taking place.
- 1.2 The licensee shall notify the Council in writing within 7 days of commencing work with a private hire operator.
- 1.3 The licensee shall notify the Council in writing within 7 days of any subsequent change of operator.
- 1.4 The licensee shall provide a copy of his private hire driver's licence with the Operator through which the Private Hire Vehicle is being used.
- 1.5 The licensee shall ensure that relevant documentation (including DBS certificate/status, Medical Certificate, and right to work documentation) required by the Council to assess their fit and proper status, is kept up to date and remains 'valid' in line with the Council's policies.
- 1.6 For the duration of the licence, the licensee shall attend (as required) and pay the reasonable administration charge or fee attached to any requirement for training or to produce a relevant certificate (i.e. new medical certificate), assessment, validation check or other administration process.
- 1.7 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

## 2. CONVICTIONS AND SUITABILITY MATTERS

- 2.1 The licensee shall notify the Council immediately in writing (or in any case within 48 hours) if they are subject to any of the following:
  - arrest or criminal investigation,
  - summons,
  - charge,
  - conviction,
  - formal/simple caution,
  - fixed penalty or speed awareness course,
  - criminal court order,
  - criminal behaviour order or anti-social behaviour injunction,
  - domestic violence related order,
  - warning or bind over
  - any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

### 3 NOTIFICATIONS OF MEDICAL CONDITIONS

- 3.1 The licensee shall notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard. Notification must be sent to the Council's email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- 3.2 The licensee shall at any time (or at such intervals as the Council may reasonably require) produce a certificate in the form prescribed by the Council signed by an appropriate Doctor/Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

### 4 DRIVER BADGE

- 4.1 The licensee shall at all times when driving a private hire vehicle wear the driver's badge issued to them by the Council so that it is plainly and distinctly visible and show it to any passenger(s) if requested.
- 4.2 The badge shall be returned to the Council immediately upon request by an Authorised Officer (i.e. the licence is suspended, revoked or becomes invalid for any reason).
- 4.3 The licensee must wear any lanyard, clip or holder issued to them by the Council.

### 5 DRIVER CONDUCT AND DEALING WITH PASSENGERS

- 5.1 The licensee shall behave and drive in a civil, professional and responsible manner to passengers, other road users, members of the public Council officers and other agencies.
- 5.2 The licensee shall comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensee will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g. heating/ventilation).
- 5.3 The licensee shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at the appointed time and place as required by the operator booking or as instructed by an Authorised Officer.
- 5.4 The licensee shall stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off the engine if required to wait (no idling).
- 5.5 The licensee shall not use the vehicle's horn to attract customer attention. The horn must only be used in an emergency.
- 5.6 The licensee shall comply with the Council's Licensed Drivers Dress Code.



- 5.7 The licensee shall provide reasonable assistance to passengers as required by the hirer (e.g. mobility assistance and loading/unloading luggage). The licensee shall not provide mobility assistance to passengers by physically touching without consent to do so.
- 5.8 The licensee shall ensure that luggage (including shopping and other large objects) are safely and properly secured in the vehicle.
- 5.9 The licensee and passengers are not permitted to smoke in the vehicle. The licensee also must not:
- a) vape or use an e-cigarette in the vehicle
  - b) drink or eat whilst driving
  - c) use any hand held device whilst driving or allow themselves to be distracted in any other way
  - d) display any moving images or have any form of visual display screen fitted to the licensed vehicle other than satellite navigation
  - e) conduct lengthy telephone conversations whilst driving passengers
  - f) play a radio or sound reproducing instrument or equipment in the vehicle (other than for communicating with the operator) without the express permission of the passenger(s)
  - g) cause or permit the noise emitted from any radio or sound reproducing instrument or equipment in the private hire vehicle to cause nuisance or annoyance to any person
- 5.10 The licensee when hired shall, (subject to any directions given by the passenger), take the shortest route bearing in mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken.
- 5.11 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers within, entering or alighting from the vehicle.
- 5.12 The licensee shall report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.
- 5.13 The licensee shall be vigilant regarding vulnerable passengers and safeguarding concerns when carrying out his duties and shall report any concerns immediately or in any event within 24 hours in accordance with Council guidance.
- 5.14 The licensee shall report (on the conclusion of the booking) to the operator any complaints a passenger/member of the public has made to the licensee regarding their conduct or the conduct of other personnel/drivers.
- 5.15 The licensee shall not engage in any sexual related activity in a licensed vehicle, even if consensual.

- 5.16 The licensee shall not, except with the express consent of the hirer/passenger or approved ride share journey, carry any person (other than the hirer/passenger) in the private hire vehicle.
- 5.17 The licensee shall not carry a greater number of passengers than is prescribed on the vehicle licence and shall not allow any unaccompanied child to be carried in the front seat of the vehicle.
- 5.18 The licensee will ensure that the vehicle is clean for passengers and the plate clearly visible at all times he is on control of the vehicle.
- 5.19 The licensee will ensure that he is aware of all the workings and mechanics of the vehicles before undertaking bookings.
- 5.20 The licensee shall report any accidents involving a licensed vehicle they are driving within 72 hours to the Licensing Department and must comply with any requests thereafter by an Authorised Officer.
- 5.21 The licensee shall ensure that a daily vehicle check log has been completed (either by himself or the vehicle proprietor) at the beginning of each shift. The checks to be carried out are as follows:
- lights and indicators
  - tyre condition, pressures and tread
  - Wipers, washers and washer fluid levels
  - Cleanliness inside and out
  - Bodywork – no dents or sharp edges
  - Licence plates present and fixed in accordance with these conditions
  - Any internal discs on display and facing inwards so customers can see
  - Door and bonnet stickers on display
  - Tariff sheet on display
  - Horn in working order

The licensee shall ensure a record of the above information is kept in the vehicle at all times and will ensure the information is available to an Authorised Officer or Police Officer upon request.

## 6 ASSISTANCE DOGS

- 6.1 The Licensee shall carry a disabled passenger's assistance dog with the passenger. The licensee will follow the advice of the passenger as to the exact position and location for the assistance dog to travel, to best suit their needs.
- 6.2 Where the licensee has been granted a medical exemption so as to exempt them from any requirement under the Equality Act 2010; the notice of exemption must be displayed in the vehicle so that it is visible by fixing it in an easily accessible place (for example on the dashboard) or as prescribed by the Council.
- 6.3 The licensee must notify their operator of any medical exemption they hold in relation to the requirements under the Equality Act 2010.

## 7 FARES

- 7.1 If the vehicle is fitted with a meter the licensee shall ensure it is always visible. The licensee shall ensure it is not cancelled or concealed until the passenger has paid the fare.
- 7.2 The licensee shall ensure a copy of the current fare table is always displayed and visible in the vehicle.
- 7.3 The licensee shall not demand from any passenger a fare in excess of that previously agreed, displayed on a fare card, or if the vehicle is fitted with a meter the fare shown on the face of the taximeter.
- 7.4 The licensee shall, if requested by the passenger, provide a written receipt for the fare paid.

## 8 CONDUCTS RELATING TO ILLEGALLY PLYING OR STANDING FOR HIRE

- 8.1 The licensee shall ensure that the passenger(s) entering the vehicle is/are the correct person(s) for whom the vehicle has been pre-booked.
- 8.2 The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:
  - a) in high footfall /high visible locations
  - b) outside busy venues/businesses or in close proximity to events
  - c) at the front or back of designated hackney ranks
  - d) in groups or lines that present as a 'rank'
  - e) in contravention of road traffic orders
- 8.3 The licensee shall not while driving or in charge of a private hire vehicle:
  - (a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle.
  - (b) Cause or allow any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
  - (c) Offer any Private Hire vehicle for immediate public hire (whether the journey was undertaken or not)
  - (d) Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator's booking system. For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensee by the operator.

## 9. RESPONSIBILITY FOR LOST PROPERTY

- 9.1 The driver must immediately after the end of every hiring or as soon as is practical thereafter, search the vehicle for any property which may have been accidentally left there.
- 9.2 If any property accidentally left in a private hire vehicle is found by or handed to the licensee then all reasonable steps must be taken to return the property to its rightful owner. If the property cannot be returned to the owner, then the property should be reported to the Operator through whom the passenger booked the vehicle at the earliest opportunity and handed to the Operator as soon as is practical and in any case within 24 hours of the property being found.

# APPENDIX M

## PRIVATE HIRE OPERATOR LICENCES

### CRIMINAL RECORD CHECKS

An applicant for a private hire operator's licence must provide a current (no more than four weeks old) Basic Disclosure. The disclosure is valid for three years from the date of issue. A subsequent disclosure must be provided prior to the expiry of the existing certificate.

### INSURANCE

Before an application for a private hire operator's licence is granted, the applicant shall produce evidence that they have taken out public liability insurance of £5m for the premises to be licensed. In certain circumstances it is also a legal requirement to hold employer's liability insurance.

### PLANNING PERMISSION

An operator's licence will only be issued to premises situated within the Trafford area and where the applicant has demonstrated that the necessary planning permissions are in place for the operation of a private hire business from the address for which the licence is to be issued.

## APPLICATION PROCEDURE – PRIVATE HIRE OPERATORS

All applicants are required to read the Authority's Private Hire Operator conditions and be able to satisfy the Authority when they submit their application that they can comply with all the conditions of licence. The Authority will only grant licences to applicants that are considered fit and proper to hold a licence. Applicants are advised to contact the Licensing Office before they submit their application in order to discuss their proposals.

Applicants for a private hire operator's licence must complete the Authority's [online application form](#) and upload the required documents.

The required documents are:

- The appropriate fee.
- A basic DBS disclosure certificate. Where the application is made in a company name a basic disclosure for each director or partner must be provided.
- Current policies of insurance for Employer's Liability and Public Liability (if applicable).
- Valid planning permission or planning exemption. Please note the booking office must be located within Trafford.
- A current Tariff Card

- A copy of the operator's:
- Safeguarding Policy
- Customer Service and Complaints Policy
- Equality Policy (Equality Act 2010)
- Data Protection Policy
- Recruitment/Suitability

These requirements will apply on both grant and renewal of the private hire operator's licence.

Applications will be considered by Licensing Officers. If having reviewed the application; and if necessary discussed the application with the applicant, the officer is not satisfied as to the suitability of the applicant the application will be referred to the Public Protection Sub-Committee for consideration.

The application will be referred to the Public Protection Sub-Committee if the Licensing Officer is not satisfied that:

- the premises nominated has valid planning permission or proof that an exemption has been issued, or there has been a breach of planning conditions
- the nominated premises are not located within the area covered by Trafford Council
- the applicant is not in day to day control of the business
- the applicant is not suitable because they have previously held a private hire/hackney carriage licence that has been revoked or refused
- the applicant lacks knowledge of the private hire trade and is unaware of the licence conditions
- the applicant has not produced all documents/information requested by the Licensing Officer
- the applicant has exhibited behaviour which in the opinion of the officer is inconsistent with that expected of a licence holder
- the applicant has breached any of the conditions/regulations relating to the licence.

In respect of a renewal application, if the Licensing Officer is not satisfied as to the suitability of the applicant the application will be referred to the next Public Protection Sub-Committee meeting at which the Sub-Committee will determine if the applicant is fit and proper to continue to hold an operator's licence.

The options available to the Sub-Committee in respect of a new or existing licence are to either grant or renew a licence or to refuse to grant or renew a licence.

Where an applicant is aggrieved by a decision made by the Sub-Committee they may, within 21 days of receipt of the written decision, appeal against the decision to Manchester Magistrates' Court, Crown Square, Manchester, M60 1PR

# APPENDIX N

## PRIVATE HIRE OPERATOR CONDITIONS

The Operator shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

### 1. DEFINITIONS

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976. You can get a copy online.

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Trafford Council

"The Operator / PHO" a person who makes provisions for the invitation and acceptance of bookings/hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"District" means the area within the Licensing Authority boundary

Words importing the masculine or feminine gender such as 'his' and 'her' shall include a company and be construed accordingly.

Reference to the Council's email address means the email address for the Council's Licensing Department.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

### 2. PREMISES & EQUIPMENT

2.1 The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions imposed.

2.2 The Operator shall provide adequate communication facilities and staff to provide an efficient service to the public using the operator's facilities.

- 2.3 The Operator's premises shall be kept clean and tidy, and adequately heated, ventilated and lit.
- 2.4 The Operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate and comfortable seating.
- 2.5 The Operator's radio/electrical equipment where installed shall be regularly maintained in good working condition and any defects shall be repaired promptly.
- 2.6 The Operator shall at no time cause or permit any audio equipment to be a source of nuisance, annoyance or interference to any other person. In addition, all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.
- 2.7 The Operator shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises and produce the same to an Authorised Officer or Constable on request.
- 2.8 The Operator must display the following at all times, at any premises that the general public have access to and/or on online booking sites and applications:
  - a) A copy of the current Operator licence
  - b) A schedule of fares
  - c) A notice which provides information on how to complain to the Licensing Authority including email and phone number
  - d) A copy of the public liability insurance policy certificate

The above shall be displayed in a prominent position within the relevant premises where it can be easily read; or clearly marked on the relevant online site/app where it can be easily accessed.

- 2.9 If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed at 2.8 above must also be available to view on the relevant web pages or application menu.
- 2.10 The Operator shall not allow their Licensed Operator Premises to be used to conduct business relating to licensees of other non-Greater Manchester local authorities.

### 3. BOOKING FARES

- 3.1 When accepting the hiring, the Operator shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.
- 3.2 When accepting the hiring, the Operator shall, if requested by the person making the booking, specify the fare or the rate of the fare for the journey to be undertaken and, in every case, the Operator shall immediately enter all the details of the hiring legibly as required, by Condition 3.3.



3.3 The records of hiring accepted by the Operator as required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976, shall contain the following detail:

- Time and date booking received (using 24-hour clock)
- Name and contact details (phone number or address) of person making the booking
- How the booking was made e.g. Telephone/Online etc
- Time and detailed pick up location
- Specific destination (the use of the term 'as directed' or similar term should only be used exceptionally).
- ID of dispatched driver (i.e. name and call sign)
- ID of dispatched vehicle (Licence/fleet number)
- ID of person taking booking (excludes electronic bookings)
- Any special requirements e.g. wheelchair accessible or disability assistance
- Details of any subcontracting to or from another PHO (Inc. any other Operator owned by the Operator subject to these conditions)
- Any fare quoted at time of booking, if requested by the person making the booking.

3.4 The Operator shall not allow drivers to pass a booking on to the Operator on the passenger's behalf and will take all reasonable steps to ensure their drivers are aware that such practice is illegal.

3.5 Where a booking is sub-contracted the customer must be so advised and informed as to the sub-contracted Operator who will be undertaking the booking.

3.6 If a non - Trafford licensed driver and vehicle are being dispatched to fulfil the booking, the Operator must communicate the following message to the person making the booking (whether via telephone, automated booking or booking App) before the booking is made (allowing the requester the opportunity to confirm the booking or not):

*The driver and vehicle you are about to book are not licensed by (insert name of Council) to (insert name of Council) standards and (insert name of Council) Council are not empowered to take licensing action in the event of a complaint. Your driver and vehicles are licensed by {insert name of Council} and customers will have to deal with that authority in the event of a complaint.*

3.7 The despatch, by an Operator, of a passenger carrying vehicle (PCV) and the use of a public service vehicle (PSV), such as a minibus, is not permitted without the express consent of the hirer.

3.8 Where the hirer is being given the option of one of the above mentioned vehicles being despatched, they should be notified that the driver is subject to different checks than a private hire driver and are not required to have an enhanced DBS check.

3.9 The Operator must advise the authority of the booking system it uses, and advise in writing when the booking system is changed. The operator must demonstrate

the operation of the system to an authorised officer upon request. Only the confirmed booking system (whether that be an electronic or manual system) can be used to record journeys taken for and carried out by vehicles licensed by Trafford Council (or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency).

#### 4. RECORD KEEPING & RESPONSIBILITY

4.1 The Operator must keep detailed, up to date, records of every driver and vehicle operated by him (whether licensed as private hire or hackney carriage) and no matter which Council licensed the driver/vehicle. The records must include:

- a) Name and home address of the driver
- b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
- c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence and that Licensing Authority that issued it.
- d) Name and home address of the proprietor of every vehicle
- e) A copy of the current vehicle licence including expiry date, the licensing authority that issued it.
- f) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
- g) The vehicle registration number
- h) A list of unique radio/call sign allocated to the driver and vehicle
- i) A copy of the valid insurance in place for the driver and vehicle

4.2 The Operator must ensure that booking records are:

- a) Kept electronically
- b) Are available for immediate inspection by an Authorised Officer or Police Officer
- c) Able to be printed onto paper or downloaded in an electronic format
- d) Continuous and chronological
- e) Not capable of retrospective alteration or amendment
- f) Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records. The name of the person compiling the records must be detailed on the records.

- g) Are clear, intelligible, kept in English and retained for a minimum of 12 months from the date of the last entry or for such other period as required by an Authorised Officer.
- 4.3 The Operator must retain records for a minimum period of 12 months and make available any GPS data and any voice recording system for inspection upon request by an Authorised Officer or Police Officer.
- 4.4 The Operator must implement a robust system to ensure that drivers and/or vehicles do not operate when their licence or insurance has expired. This must be documented and approved by an Authorised Officer.
- 4.5 The Operator must conduct a check of the Council's public register (where it exists) when contracting a driver to carry out bookings.
- 4.6 The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:
  - a) in high footfall / high visible locations
  - b) outside busy venues/businesses or in close proximity to large events
  - c) at the front or back of designated hackney ranks
  - d) in groups or lines that present as a 'rank'
  - e) in contravention of road traffic orders

Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.

- 4.7 The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.
- 4.8 The Operator will ensure registration with the Information Commissioner's Office for Data Controller, CCTV and other relevant purposes. Where the Operator is exempt from registration with the Information Commissioner's Office, they will notify the Council within 7 days of the commencement of these conditions.
- 4.9 Where the Operator agrees sub-contracting arrangements with other non-Trafford Council licensed Operators, it must have due regard for the comparative licensing policies and standards of the relevant licensing authority their partner Operator is subject to, and take steps not to undermine the Council's licensing standards which have been set in the interests of promoting high levels of public safety.

## 5. COMPLAINTS

- 5.1 The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse.

The Operator must notify the Council within 72hrs of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters involving dishonesty or equality.

The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.

- 5.2 The Operator must record every complaint received against its service (against any driver operated by him, including those licensed by other authorities carrying out a sub-contracted booking on the Operator's behalf) and, if unable to resolve the complaint within 7 days (from the date of the complaint) the Operator must provide the complainant with the relevant Licensing Authority contact details within 10 days (from the date of complaint).
- 5.3 Where a complaint not covered by section 5.1 above is received against a driver and it remains unresolved after 7 days (from the date of complaint), the operator must notify the Council within 10 days (from the date of complaint). The Operator is required to provide at the time of notification, the identity of the driver involved, the nature of the complaint/enquiry including the complainant's details.
- 5.4 The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.

## 6. CONVICTIONS AND STAFF VETTING

6.1 The licensee shall notify the Council immediately in writing (or in any case within 48 hours) if they are subject to any of the following:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,

- warning or bind over
- any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

6.2 The Operator must keep up to date records of all individuals working in any capacity (paid or unpaid) and who have access to booking records for the business as follows:

- Full Name
- Address
- Date of Birth
- Contact details (phone and email)
- DBS issue date and certificate number
- Start and finish dates of employment
- Job Title

6.3 The Operator must ensure that all individuals (non-drivers) working in any capacity and have access to booking records (paid or unpaid) have obtained a basic DBS Certificate from the Disclosure and Baring Service before commencing employment. The DBS certificate must be dated within one month before the commencement of employment.

6.4 The Operator must ensure that DBS checks are carried out for all existing relevant staff (as per condition 6.3) within one month of the commencement of these conditions.

6.5 The Operator should carry out DBS checks on relevant staff every three years as a minimum.

6.6 The Operator must have a policy compatible with the Council's suitability policy or adopt the Council's suitability policy and implement this policy in relation to the recruitment of all staff (paid or unpaid) and the recruitment of ex-offenders. This must be produced upon request.

6.7 The Operator must be able to evidence that they have had sight of a basic DBS by maintaining a register. The register should be a 'living document' that maintains records of all those employed for at least 12 months, being the duration of how long booking records are to be kept and allows cross referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

- 6.8 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

## 7. ADVERTISEMENTS

- 7.1 The Operator shall not cause or permit to be displayed in, on or from his/her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or includes the words "Taxi" whether in the singular or plural or the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle operated by him/her is a hackney carriage.
- 7.2 The Operator must not dispatch any vehicle that has been licensed by another Authority, which uses, displays or exhibits any literature, documentation, advertising or which displays any signage associated to the Private Hire Operator or the Council which suggests, indicates, misleads or might lead to a misunderstanding that the vehicle is licensed by this Council.

## 8. NOTIFICATIONS AND LICENCE ADMINISTRATION

- 8.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 8.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the business. The notice will include the name, address and contact details of the new owner.
- 8.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

## 9. DUTY TO CO-OPERATE

- 9.1 The Operator and his/her staff shall co-operate fully with any Local Authority Authorised Officer or Police Officer in respect of any enquiries or investigations carried out relating to drivers or vehicles currently connected to the business or formerly connected to the business.
- 9.2 The operator will provide the Council with details of appropriate members of staff (whether at the base or via telephone) to be contactable during the times of operation (day or night) in relation to compliance/enforcement related matters. Where the aforementioned contact details change, the Operator shall inform the Council of the new contact details within 24 hours.

9.3 The Operator shall grant access to the licensed premises to any Local Authority Authorised Officer or Police Officer upon request.

## 10. LOST PROPERTY

10.1 The Operator must keep a record of lost property that is handed to him by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description of the property. The log must always be available for inspection by an Authorised Officer or Police Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry.

10.2 Any lost property held by the Operator must be stored securely by him for 6 months after it was found.

## 11. OPERATOR POLICIES

11.1 Operators are required to adopt, implement, review, update as is necessary and submit to the Council the following policies:

- Safeguarding Policy
- Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints
- Equality Policy (Equality Act 2010) including disability awareness and the carrying of assistance animals.
- Data Protection Policy
- Recruitment / Suitability Policy

## 12 TRAINING

12.1 Operators should ensure that they have attended any licensing training required by the Council within one month of a licence being granted or as otherwise directed by the Council.

12.2 The Operator must ensure that training is provided to relevant staff (paid or unpaid) on licensing law, Licensing policy, the policies listed at paragraph 11.1 and how and when to accept bookings. This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a record of the aforementioned training which has been signed by the operator and the member of staff.

# APPENDIX O

## PENALTY POINTS SCHEME

The Penalty Points Scheme (approved 15/09/2022) will operate as follows:  
The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a licence holder will be assessed in terms of the 'fit and proper person' test. The points system is predominantly an internal management tool for ensuring that licence holders who repeatedly contravene regulation and/or this policy are assessed.

The aim is to encourage licence holders to comply with all legislation, licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the licensed vehicle trade. The points system operates in addition to all existing enforcement options open to the Authority. Points issued to a licence holder will be confirmed in writing within 10 working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

When issued, the penalty points will remain "live" for a period of three years from the date they were imposed so that only points accumulated in a rolling thirty-six month period will be taken into account.

If a licence holder accumulates 150 or more points within a three years period from the date they were imposed, he will be required to attend a Sub-Committee hearing which will decide if the driver remains 'fit and proper' to continue to hold a hackney carriage or private hire driver's badge.

Where the licence holder is brought before the Sub-Committee the options available to it will include suspension or revocation of the licence, where appropriate. If the Sub-Committee does not feel that the matter warrants suspension or revocation of the licence, other options may include, but are not limited to, extending the period for which the points are to remain "live" or the issue of a written warning to the licence holder as to his future conduct.

The length of the period of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this policy and the compliance history of the licence holder.

Where a licence holder accumulates 150 penalty points within any three year period and then accumulates another 150 penalty points within the same period; this will normally result in the Sub-committee revoking a licence where they believe the person not to be 'fit and proper'.

Once the matter has been dealt with:



- Points will be removed if a suspension or revocation is imposed;
- If a written warning is given the points will remain live for the normal three year period;
- If the live period is extended the points will remain live for the time determined by the Sub-Committee.

If a licence holder receives a Penalty Points Notice which he feels was not warranted, he may appeal. In such a case, the licence holder may, within 21 days of the date of receipt of the points, write to the Licensing Authority stating why he considers the points are not appropriate. The matter will then be put to a senior officer for a decision. An administration fee applies to this process, however, should the Senior Officer take a decision to not endorse the penalty points – the administration fee will be refunded to the driver as is appropriate to do so.

A licence holder retains the normal right of appeal to the courts when a licence is revoked.

Following a revocation due to the accumulation of penalty points, should the driver wish to make an application for a new drivers licence, then they must register their interest to do so. The Public Protection Sub-Committee would usually refuse to grant an application for a minimum of 12 months following revocation of a licence.

## PENALTY POINTS – OPERATORS

|  | Breach   |  | Points     |
|--|--|--|------------|
|  | Failure to provide 6 months complaints report  |  | <b>100</b> |
|  | Failure to keep accurate records of all individuals working for the business   |  | <b>100</b> |
|  | Failure to comply with any conditions relating to the premises and equipment used by the operator in accordance with section 2 of the conditions |  | <b>75</b>  |
|  | Failure to keep accurate records of hiring in accordance with the conditions   |  | <b>75</b>  |
|  | Failure to keep accurate driver and vehicle records in accordance with the conditions  |  | <b>75</b>  |
|  | Failure to ensure that drivers and vehicles are not operated when their licence or insurance has expired   |  | <b>75</b>  |
|  | Failure to notify the Authority of any complaints of a serious nature in accordance with the conditions  |  | <b>75</b>  |
|  | Failure to obtain a standard DBS certificate before employing any individual in the business   |  | <b>75</b>  |
|  | Failure to check DBS compliance with the Authority's Suitability Policy before employing an individual   |  | <b>75</b>  |
|  | Failure to renew DBS certificates every three years  |  | <b>75</b>  |
|  | Failure to assist and Authorised Officer or Police officer in the investigation involving current or former drivers and vehicles                 |  | <b>75</b>  |
|  | Failure to provide records upon the request of an Authorised Officer or police officer   |  | <b>50</b>  |
|  | Failure to notify the Authority of any general unresolved complaints against a driver in accordance with the conditions                          |  | <b>50</b>  |
|  | Failure to provide contact at the operator in relation to enforcement /compliance matters  |  | <b>50</b>  |
|  | Failure to notify the Authority of offences against the operator in accordance with the conditions   |  | <b>50</b>  |
|  | Use of the words 'Taxi' or 'Cab' or the words 'For Hire' in breach of the licence conditions   |  | <b>50</b>  |
|  | Failure to notify change of address  |  | <b>50</b>  |
|  | Failure to provide any of the operator policies in accordance with the conditions of licence   |  | <b>50</b>  |
|  | Failure of the operator or their staff to attend the Authority's licensing training  |  | <b>50</b>  |
|  | Failure to notify the hirer when the booking will be sub-contracted to another operator  |  | <b>25</b>  |
|  | Failure to provide documentary evidence of staff training in accordance with the conditions of licence   |  | <b>25</b>  |
|  | Failure to inform the hirer when the vehicle dispatched is not licensed by Trafford Authority  |  | <b>25</b>  |

## Penalty Points - Drivers

|  | Breach  |  | Points     |
|--|---|--|------------|
|  | Failure to comply with the statutory duties of S165 of the Equality Act 2010 concerning providing reasonable assistance to a passenger who is a wheelchair user |  | <b>150</b> |
|  | Conveying a greater number of passengers than permitted   |  | <b>150</b> |
|  | Refusal to carry a guide, hearing or other assistance animal in a licensed vehicle without a valid exemption certificate  |  | <b>150</b> |
|  | Charging an additional cost for the carrying of an assistance animal in a licensed vehicle  |  | <b>150</b> |
|  | Private Hire Driver standing or plying for hire   |  | <b>150</b> |
|  | Use of mobile phone or other electronic device whilst driving   |  | <b>100</b> |
|  | Failure to notify name of operator/change of operator   |  | <b>100</b> |
|  | Failure to ensure the safety of passengers  |  | <b>150</b> |
|  | Smoking or use of an e-cigarette in vehicle   |  | <b>75</b>  |
|  | Eating or drinking whilst driving   |  | <b>75</b>  |
|  | Failure to notify convictions, cautions etc.  |  | <b>75</b>  |
|  | Failure to notify arrest as per conditions  |  | <b>75</b>  |
|  | Failure to notify fixed penalty(ies)  |  | <b>75</b>  |
|  | Failure to notify of change of medical condition  |  | <b>75</b>  |
|  | Smoking in a licensed vehicle at any time   |  | <b>75</b>  |
|  | Failure to ensure vehicle is used lawfully and in accordance with the policies and conditions of the Authority  |  | <b>75</b>  |
|  | Failure to give information or assistance to an authorised officer or police officer  |  | <b>75</b>  |
|  | Failure to wear driver's badge as per condition   |  | <b>50</b>  |
|  | Failure to behave in a civil, professional and responsible manner to an authorised officer or police officer  |  | <b>75</b>  |
|  | Failure to behave in a civil, professional and responsible manner to passengers, members of the public and other private hire or hackney carriage drivers.      |  | <b>50</b>  |
|  | Failure to drive with due care to passengers and other road users   |  | <b>50</b>  |
|  | Failure to take the shortest route without reasonable cause   |  | <b>50</b>  |
|  | Failure to report any incident of concern to the operator   |  | <b>50</b>  |
|  | Concealing or defacing a vehicle licence plate and/or signage   |  | <b>50</b>  |
|  | Conveying another person without the consent of the hirer   |  | <b>50</b>  |
|  | Cancelling or concealing the taxi meter before passenger has seen the fare  |  | <b>50</b>  |
|  | Charging more than the agreed fare  |  | <b>50</b>  |
|  | Failure to report an accident as per conditions   |  | <b>50</b>  |
|  | Failure to comply with a requirement of an authorised officer or police officer   |  | <b>50</b>  |
|  | Failure to present vehicle for inspection by an authorised officer at a required time/location  |  | <b>50</b>  |
|  | Failure to notify change of address as per conditions   |  | <b>75</b>  |
|  | Failure to return driver's badge  |  | <b>25</b>  |
|  | Failure to attend on time for a pre-arranged booking without reasonable cause   |  | <b>25</b>  |
|  | Parking/stopping/waiting or picking up or dropping passengers on zig zags of a pedestrian crossing or school crossing   |  | <b>75</b>  |
|  | Failure to park considerately and legally   |  | <b>25</b>  |
|  | Failure to adhere to the Authority's standards on appearance, personal hygiene and dress code   |  | <b>25</b>  |
|  | Sounding horn to attract customer attention   |  | <b>25</b>  |
|  | Failure to give reasonable assistance with passenger's luggage  |  | <b>25</b>  |

|  |   |  |           |
|--|---|--|-----------|
|  | Failure to secure luggage securely  |  | <b>25</b> |
|  | Failing to comply with a reasonable request of the passenger about the radio/air condition/heating etc.   |  | <b>25</b> |
|  | Causing a nuisance from the playing of the radio in or from the vehicle   |  | <b>25</b> |
|  | Failure to keep the vehicle clean inside and out  |  | <b>25</b> |
|  | Failure to keep a daily vehicle check log   |  | <b>25</b> |
|  | Failure to display a fare table   |  | <b>25</b> |
|  | Failure to provide a receipt for the fare when requested  |  | <b>25</b> |
|  | Failure to keep a copy driver and vehicle conditions in the vehicle   |  | <b>25</b> |
|  | Hackney Carriage Driver failure to comply with the byelaw to proceed with reasonable speed to one of the taxi ranks appointed by the Authority. |  | <b>25</b> |

## PENALTY POINTS - VEHICLES

|  | <b>Breach</b>   |  | <b>Points</b> |
|--|---|--|---------------|
|  | Failure to notify name of operator/change of operator   |  | <b>100</b>    |
|  | Failure to maintain the vehicle in good mechanical and structural condition at all times              |  | <b>75</b>     |
|  | Varying the mechanical and structural specification of the vehicle without the Authority's consent    |  | <b>100</b>    |
|  | Failure to notify the Authority of convictions etc. in accordance with the conditions                 |  | <b>75</b>     |
|  | Failure to display the plate in accordance with the conditions  |  | <b>50</b>     |
|  | Failure to maintain the vehicle plate   |  | <b>50</b>     |
|  | Failure to keep the vehicle wind and watertight   |  | <b>50</b>     |
|  | Failure to provide the necessary windows and window openings  |  | <b>50</b>     |
|  | Failure to maintain the interior of the vehicle to a suitable and comfortable standard                |  | <b>50</b>     |
|  | Failure to provide two doors for the use of passengers  |  | <b>50</b>     |
|  | Failure to notify the Authority of accident damage in accordance with the conditions                  |  | <b>50</b>     |
|  | Failure to display the mandatory bonnet sign and/or rear door signs in accordance with the conditions |  | <b>50</b>     |
|  | Failure to comply with conditions in respect of the use and maintenance of the taxi meter             |  | <b>50</b>     |
|  | Failure to comply with the Authority's Compellable Area policy  |  | <b>50</b>     |
|  | Failure to provide the insurance certificate upon request   |  | <b>50</b>     |
|  | Failure to notify transfer of ownership   |  | <b>50</b>     |
|  | Defective tyres (each)  |  | <b>100</b>    |
|  | Failure to keep the vehicle clean   |  | <b>25</b>     |
|  | Failure to provide facilities for the safe conveyance of luggage                                      |  | <b>25</b>     |
|  | Displaying an advertisement/sign/notice without the consent of the Authority                          |  | <b>25</b>     |
|  | Failure to display a Fare Table in accordance with the conditions                                     |  | <b>25</b>     |
|  | Failure to deposit a copy of the vehicle licence with the operator                                    |  | <b>25</b>     |
|  | Failure to notify change of address   |  | <b>75</b>     |
|  | Failure to notify who is driving the vehicle  |  | <b>25</b>     |
|  | Failure to display compliance card  |  | <b>25</b>     |
|  | Failure to display interior badge   |  | <b>25</b>     |
|  | Failure to display No Smoking signs   |  | <b>25</b>     |
|  | Defective lights  |  | <b>50</b>     |

# APPENDIX P

## EXECUTIVE HIRE POLICY

### APPLICATIONS FOR AN EXECUTIVE PRIVATE HIRE OPERATORS LICENCE

The Application process for an Executive Private Hire Operators licence is the same as for a standard Private Hire Operators licence but with the following additional requirements

- Each application for an executive Private Hire Operators licence must include a business plan detailing the business operational model that the applicant intends to adopt, including details of how bookings are made, how payments will be made, the type of vehicle to be used to provide the service, any additional requirements to be imposed on licensed drivers (e.g. advanced driving test requirements, provision of uniforms, other qualifications etc.)
- If the applicant currently holds a private hire operator's licence (in any local authority area). The applicants business plan will be expected to demonstrate how the two businesses will be kept completely separate and that vehicles will only be used for Executive or standard work.

The fees for an Executive Private Hire Operator's licence are the same as for a standard Private Hire Operator Licence.

### EXECUTIVE PRIVATE HIRE VEHICLES

#### TYPE OF VEHICLE:

Executive private hire vehicles are expected to meet the same criteria as standard licensed hire vehicles with the following exceptions:

- The vehicle must be an executive/ prestige type vehicle, examples of makes and models would include BMW series 7, Mercedes S and E classes, Lexus GS and LS, Jaguar XJ and Audi A8.
- The vehicle must be in pristine condition.
- As an executive hire vehicle the vehicle would not normally be licensed beyond 6 years of age. (The vehicle would normally be expected to be less than 3 years of age when first licensed as an executive private hire vehicle)
- Manufacturers tints on windows are permitted but tinted film is not permitted to be added after manufacture
- The vehicle cannot be fitted with a data head, taxi meter or radio
- All bookings must take place in a formal manner with a written contract in place between both parties
- A licensed executive private hire vehicle will be exempted from displaying licensed plates, a small disc will be required to be displayed in the

windscreen and the vehicle licence must be available for inspection in the vehicle at all times

- A licensed executive hire vehicle will not be permitted to display any form of advertising including company or private hire operator details. Business cards in respect of the Executive Private Hire Operator details will be permitted.

## APPLICATIONS FOR EXECUTIVE PRIVATE HIRE VEHICLES

The application process for an executive private hire vehicle is the same as for a standard private hire vehicle with the additional requirements:

- The applicant must provide documented evidence of the vehicle's initial value at the point of first registration (current copy of Glasses guide or equivalent)
- The vehicle must be less than 3 years old at the time the initial licence is granted

The fees for Executive Private Hire Vehicle Licences are the same as for standard private hire vehicle licences.

Executive private hire vehicles will normally be exempted from displaying licence plates in accordance with the LGMPA 1976 section 75(3).

## DRIVERS OF EXECUTIVE PRIVATE HIRE VEHICLES

Drivers of Executive Private Hire Vehicles must hold a valid private hire drivers licence issued by the same local authority that issued the Executive Vehicle and Operator Licence. The legislation requires that all licenced drivers (private hire and hackney carriage) are fit and proper to hold such a licence. The standards required by the Licensing Authority in terms of driving skills, medical fitness, criminal/motoring convictions, knowledge of licensing requirements, safeguarding and regional topography knowledge is deemed to be the same for both standard and executive private hire drivers. A driver who holds a private hire driver's licence can drive standard or executive hire vehicles.

# APPENDIX Q

## HACKNEY CARRIAGE COMPELLABLE AREA

The boundary of the compellable area is created by plotting a distance of four miles from the nearest point from the Trafford boundary. These plotted points are then joined to create the outer boundary of the compellable area. The only exception to this rule is in the south of the borough where a border is shared with Cheshire East. The compellable area at this point follows the border between the authorities – this is because the legislation states another county (in this case Cheshire East) cannot be in our compellable area.

Any taxi in Trafford that is available for hire must take passengers to any destination within the compellable area if requested. The driver **must** also use the meter for these journeys and charge the passenger the fare shown on the meter at the end of the journey.

A driver has complete discretion whether to undertake a journey where the destination falls outside the compellable area. This means the driver does not have to take passengers and can refuse if he/she wishes.

If a job is accepted, the driver may charge as he/she wishes, although it is a requirement that the driver must come to an agreement with the passenger regarding the fare before the start of the journey.

To avoid confusion and disagreement, and to reduce the likelihood of a complaint being made, it is strongly advised that drivers explain clearly why a fare is being negotiated for out-of-area journeys. Good practice dictates that where a destination falls on the border of the compellable area, drivers give the benefit of any doubt to the customer and treat the fare as a compellable area journey.

## FREQUENTLY ASKED QUESTIONS

### **Can I agree with the passenger a fixed fare within the compellable area?**

Technically yes, but the meter must always be on for these journeys, as showing the passenger the price on your meter would be the only way to show you have not overcharged. If you get to the destination and the agreed fare is the same or less than is shown on the meter, that is okay. If the agreed fare is more than is shown on the meter and you demand it, you will commit the offence of overcharging. In this case, receipt of a complaint would lead to prosecution and a review of your licence.

**A passenger asks to go to a destination outside the compellable area. He tells me he wants me to put the meter on – do I have to?**



No. Any destination outside the compellable area is completely negotiable and you must come to an agreement of the fare with the passenger before you start the journey. This agreement may be a fixed fare or using the meter with or without percentage additions for going out of the area.

**A passenger asks to go to a destination outside the compellable area. I would rather put the meter on and charge the passenger what is on the meter – can I do this?**

Yes. However, it is important to communicate with your passenger and agree the fare charge and how it will be calculated before commencing the journey.

**A passenger asks to go to a destination outside the compellable area. I would rather put the meter on and charge the passenger what is on the meter, plus a percentage or surcharge on top – can I do this?**

Yes, as long as you tell the passenger you are going to do this, what the percentage or surcharge will be, and they agree to this before the journey starts.

**A passenger gives me a destination and I am not sure if it is out of the compellable area – what should I do?**

You should use the meter if there is any doubt, and you should tell the passenger that if it is outside the compellable area, there will be an additional percentage or surcharge added. You should tell them what the percentage or surcharge will be, and they must agree to this before the start of the journey.

**I have passengers who need dropping off at different locations. One of them is outside the compellable area and one is in the compellable area – what do I do?**

Deal with this as a job outside the compellable area and negotiate, agree and charge accordingly.

**I get a job with a destination within the compellable area. When I get to the destination, one of the passengers says they want to continue and go outside the compellable area – what do I do?**

You should explain the compellable area rules and that they are now going outside the compellable area. You do not have to take them, but if you do, at this point you should take the fare on the meter and negotiate a fare with the other passenger(s).

**A passenger gives me a destination within the compellable area, but I have to go out of the compellable area and come back in to get there – how do the rules affect this?**

Even though you have gone outside the compellable area, if the destination is within the compellable area you can only charge meter fare.

**I agree to take a job outside the compellable area and when I get to the destination I was given, one of the passengers tells me they want to go several miles further. They insist that I put the meter on – can I do this?**

No. You would need to come to a fare agreement to continue the journey. Starting your meter could technically be seen as starting a new journey. Doing this could be illegally plying for hire as you are out of your area.

**Can I pick up a passenger who hails or flags me outside Trafford, but within the compellable area?**

No. This would be illegally plying for hire.

**Can I put my 'for hire' light on outside Trafford, but within the compellable area?**

No. This would also be illegally plying for hire.

If you have further questions you want to ask about the compellable area, email these to [licensing@trafford.gov.uk](mailto:licensing@trafford.gov.uk)

# APPENDIX R

## STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

In the Authority's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

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

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Licensing Officers
- Members of the Public Protection Sub-Committee/Panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Greater Manchester Police

Thereby providing transparency and consistency across the Greater Manchester region, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant licenses, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licenses will be referred to the Public Protection Sub-Committee. Whilst Officers and the Sub-Committee 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 Sub-Committee/Officer may depart from the guidelines.

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences.
3. Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Authority is satisfied that the individual is a fit and proper person to hold such a licence.
4. In this policy the word “issue” is used. This includes complaints made to the Authority, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action, will still be considered if Sub-Committee is satisfied that the incident occurred based on the balance of probabilities.
5. The 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 previous convictions and cautions.
6. The Authority is concerned to ensure:
  - a) That a person is a fit and proper person.
  - b) The public are not exposed to persons with a history of dishonesty, indecency or violence.
  - c) The safeguarding of children and young persons and vulnerable adults.
7. The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews as information may be disclosed about the licence holder’s personal or financial situation, however, in determining whether to grant a licence the committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operator’s licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

9. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Authority in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Authority should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).
10. Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Authority is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Greater Manchester Police. Information received from the Disclosure Barring Service or other agency 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 2018 and the General Data Protection Regulations and in accordance with good practice after the application is determined or any appeal against such determination is decided.
11. The disclosure of criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Authority that they are a fit and proper person to hold such a licence.
12. The Authority may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason.
8. Where an individual has been convicted of a criminal offence, the Authority cannot review the merits of the conviction. [*Nottingham City Council v. Mohammed Farooq (1998)*].
9. In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Authority will consider:
  - the nature of the offence/issue and penalty;
  - when it was committed/took place;
  - the date of conviction/issue and the length of time which has elapsed;
  - the individual's age;
  - when the offence was committed/issue took place;
  - whether or not it is part of a pattern of criminal behaviour;
  - the intent, the harm which was, or could have been caused; and
  - any other factors which might be relevant.

14. The Authority has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators' licences and when considering whether to take any action against an existing licence holder.
15. The guidelines do not deal with every type of offence, and do not prevent the Authority from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines regard will be given to the factors at paragraph 13 when deciding whether any action should be taken.

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

16. The guidelines are not an attempt to define what a "fit and proper person" is.
17. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Authority is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
18. Any individual who is refused an operator's licence on the ground that the Authority is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
19. It is common practice for individuals to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Trafford require separate applications for each type of licence. For dual applications the Public Protection Sub-Committee are asked to apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Sub-Committee, the fit and proper test will be applied individually to each Licence.

# GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS AND OTHER INFORMATION

## GENERAL POLICY

Each case will be decided on its own merits.

The Authority has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Authority recognises that restorative justice and other out of court disposals tend to be applied in many cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and
- Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). A person with a conviction for a single serious offence or a number of separate offences is not barred from applying for a private hire or hackney carriage driver licence, but would normally be expected to remain free from conviction for an appropriate period (which will depend on the nature of the offence).
- Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

Amongst situations where it may be appropriate to depart from the general policy, for example, there may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, 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 will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

The Authority, through the Sub-Committee, will convene to consider any information/representations received that a person is not/no longer a “fit and proper” person or a breach of a condition of a licence has been proved and they may refuse, revoke or suspend a licence for any specified period.

A hearing with notice is where a Sub-Committee is to be convened to consider whether or not a person is a “fit and proper” person, the person will be given notice of the time and date of the meeting in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.

- Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

The following examples afford a general guide on the action, which might be taken where convictions are disclosed:

## OFFENCE OF DISHONESTY

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Members of the public entrust themselves to the care of drivers both for their own safety and that they are being charged fairly ~~for fair dealing~~. Passengers may include especially vulnerable people and children. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied parcels ~~property~~ is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably and are to be referred to Sub-Committee for determination.

In particular, an application will normally be refused by the Sub-Committee where the individual has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3 years prior to the date of application

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail



## VIOLENCE

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.

Passengers often travel alone and are vulnerable to physical attack etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

## OFFENCES AGAINST CHILDREN (UNDER 14 YEARS) AND YOUNG PERSONS (AGED 14 TO 17 YEARS)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Authority seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

Where the commission of an offence involved loss of life of a child a licence/application will be referred to the Sub-Committee which will normally be minded to refuse or revoke a licence. In other cases the matter will be referred to the Sub-Committee for determination where the conviction is less than 10 years prior to the date of application and where the conviction is less than 5 years old the application will generally be refused.

## OFFENCES AGAINST OTHER PERSONS

Hackney carriage and private hire vehicle drivers maintain close contact with the public. Therefore, where the commission of an offence involved loss of life a licence/application will be referred to the Sub-Committee for consideration. The Sub-Committee will normally refuse or revoke a licence in these circumstances.

In this section, where the conviction occurred less than 10 years prior to the date of application, the application will be referred to the Sub-Committee for consideration:

An application will normally be refused by the Sub-Committee in the following circumstances:

- i. An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:
  - Murder

- Manslaughter
  - Manslaughter or culpable homicide while driving
- ii. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
- Arson
  - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
  - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
  - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
  - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
  - Violent disorder
  - Resisting arrest
- iii. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:
- 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.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)
  - Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- iv. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which

replace the below offences and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

## DRUGS

Where the commission of an offence was drug related and occurred less than 10 years prior to the date of application, the application will be referred to the Sub-Committee for consideration.

An application will normally be refused by the Sub-Committee where the individual has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.

An application will normally be refused by the Sub-Committee where the individual has an isolated conviction for an offence related to the possession of drugs and the conviction is less than 3 years prior to the date of application.

An application will normally be refused by the Sub-Committee where the individual has a conviction related to the supply of drugs and the conviction is less than 5 years prior to the date of the application.

If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Authority.

## SEXUAL AND INDECENCY OFFENCES

Where an applicant is currently on the sex offenders register the application will be referred to the Sub-Committee for consideration. The Sub-Committee would normally be minded to refuse the application in these circumstances.

## OFFENCES AGAINST CHILDREN (UNDER 14 YEARS) AND YOUNG PERSONS (AGED 14 TO 17 YEARS)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

Where the commission of a sexual offence involves a child the application will be referred to the Sub-Committee for consideration. The Sub-Committee would normally refuse the application in these circumstances.

#### INTELLIGENCE AND OTHER INFORMATION WHICH HAS NOT RESULTED IN A CRIMINAL CONVICTION

The Authority will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Any additional information gathered through this process may then be taken into account at any subsequent sub-committee.

#### OFFENCES AGAINST PERSONS OTHER THAN CHILDREN / YOUNG PERSONS

Where an applicant has a conviction for rape, indecent assault, or other similar offences or offences under the Sexual Offences Act 2003 the application will be referred to the Sub-Committee for consideration. The Sub-Committee would normally refuse the application in these circumstances.

Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Sub-Committee for determination where the conviction is less than 10 years prior to the date of the application. Applicants on the sex offenders register or with a conviction less than 5 years old will generally be refused by the Sub-Committee.

#### DRUNKENNESS

Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

#### WITH A MOTOR VEHICLE (NO DISQUALIFICATION)

Where an applicant has a conviction for drink driving which does not result in a disqualification, the application will be referred to the Sub-Committee for consideration. The Sub-Committee would normally refuse the application where the conviction was within the 2 years prior to the date of application.

Where the applicant has more than one conviction for drink driving which occurred within the last 5 years, the Sub-Committee would normally refuse the application.

### WITH A MOTOR VEHICLE (DISQUALIFICATION)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, an individual will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

### NOT IN A MOTOR VEHICLE

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and may lead to refusal by the Sub-Committee of a licence.

In addition, an individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

# MOTORING CONVICTIONS

## MAJOR TRAFFIC OFFENCES

New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Sub-Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

**For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':**

|      |   |
|------|---|
| AC10 | Failing to stop after an accident   |
| AC20 | Failing to give particulars or to report an accident within 24 hours                          |
| AC30 | Undefined accident offences   |
| BA10 | Driving while disqualified by order of Court  |
| BA30 | Attempting to drive while disqualified by order of Court                                      |
| CD40 | Causing death through careless driving when unfit through drink                               |
| CD50 | Causing death through careless driving when unfit through drugs                               |
| CD60 | Causing death through careless driving with alcohol level above the limit                     |
| CD70 | Causing death through careless driving then failing to supply a specimen for alcohol analysis |
| CD71 | Causing death through careless driving the failing to supply a specimen for drug analysis     |
| DD40 | Dangerous driving   |
| DD60 | Manslaughter or culpable homicide while driving a vehicle                                     |
| DD80 | Causing death by dangerous driving  |
| DR10 | Driving or attempting to drive with alcohol level above limit                                 |
| DR20 | Driving or attempting to drive while unfit through drink                                      |
| DR30 | Driving or attempting to drive then failing to supply a specimen for analysis                 |
| DR31 | Driving or attempting to drive when unfit through drugs                                       |

|      |   |
|------|---|
| DR40 | In charge of a vehicle while alcohol level above limit  |
| DR50 | In charge of a vehicle while unfit through drink  |
| DR60 | Failure to provide specimen for analysis in circumstances other than driving / attempting to drive      |
| DR61 | Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive |
| DR70 | Failing to provide specimen for breath test   |
| DR80 | Driving or attempting to drive when unfit through drugs   |
| DR90 | In charge of a vehicle when unfit through drugs   |
| IN10 | Using a vehicle uninsured against third party risks   |
| LC20 | Driving otherwise than in accordance with a licence   |
| LC30 | Driving after making a false declaration about fitness when applying for a licence                      |
| LC40 | Driving a vehicle having failed to notify a disability  |
| LC50 | Driving after a licence has been revoked or refused on medical grounds                                  |
| MS50 | Motor racing on the highway   |
| MS60 | Offences not covered by other codes   |
| MS90 | Failure to give information as to identity of driver, etc.  |
| UT50 | Aggravated taking of a vehicle  |

### **Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

### **Causing or Permitting**

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16).

Or similar offences or offences which replace the above offences.

## INTERMEDIATE TRAFFIC OFFENCES

New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/ Fixed Penalty Points for an offence which falls under the headings of 'Minor' or 'Intermediate' Traffic Offences and where the total number of accumulated points on their drivers licence is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Sub-Committee. A disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.

**For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':**

|      |  |
|------|--|
| CU10 | Using vehicle with defective brakes  |
| CU20 | Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition |
| CU30 | Using a vehicle with defective tyres   |
| CU40 | Using a vehicle with defective steering  |
| CU50 | Causing or likely to cause danger by reason of load or passengers  |
| CU80 | Breach of requirements as to control of the vehicle mobile phones etc.   |
| CD10 | Driving without due care and attention   |
| CD20 | Driving without reasonable consideration for other road users  |
| CD30 | Driving without due care and attention or without reasonable consideration of other road users   |
| SP10 | Exceeding goods vehicle speed limit  |
| SP20 | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  |
| SP30 | Exceeding statutory speed limit on a public road – not resulting in a fixed penalty  |
| SP40 | Exceeding passenger vehicle speed limit  |
| SP50 | Exceeding speed limit on a motorway  |
| SP60 | Exceeding speed limit offence  |

### **Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

### **Causing or Permitting**

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).



### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

Or similar offences or offences which replace the above offences.

## **MINOR TRAFFIC OFFENCES**

**For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':**

|      |   |
|------|---|
| MS10 | Leaving a vehicle in a dangerous position   |
| MS20 | Unlawful pillion riding   |
| MS30 | Play street offences  |
| MS70 | Driving with uncorrected defective eyesight   |
| MS80 | Refusing to submit to an eyesight test  |
| MW10 | Contravention of Special Road Regulations (excluding speed limits)                                |
| PC10 | Undefined contravention of Pedestrian Crossing Regulations  |
| PC20 | Contravention of Pedestrian Crossing Regulations with moving vehicle                              |
| PC30 | Contravention of Pedestrian Crossing Regulations with stationary vehicle                          |
| SP30 | Exceeding statutory speed limit on a public road resulting in a fixed penalty                     |
| TS10 | Failing to comply with traffic light signals  |
| TS20 | Failing to comply with double white lines   |
| TS30 | Failing to comply with a "Stop" sign  |
| TS40 | Failing to comply with direction of a constable or traffic warden                                 |
| TS50 | Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines) |
| TS60 | Failing to comply with school crossing patrol sign  |
| TS70 | Undefined failure to comply with a traffic direction sign   |

### **Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

### **Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Or similar offences or offences which replace the above offences.

## BREACH OF CONDITIONS, BYE-LAWS AND COMPLAINTS

Any breach of conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the Sub-Committee. A licence holder brought before the Sub-Committee will be dealt with by no further action, a formal warning, period of suspension or revocation.

## FURTHER ACTIONS WHICH MAY BE TAKEN IN RESPECT OF BREACH OF CONDITIONS, WARNINGS AND COMPLAINTS

Licence holders will be brought before the Sub-Committee in situations where it is clear that the holder's behaviour has not changed following verbal or written warnings administered by Licensing Officers. Any licence holder who receives a third warning [verbal or written] in respect of a breach or complaint occurring within a 12 month period [calculated by reference to the date of the breach/complaint] will be brought before the Sub-Committee.

All complaints are investigated. Some investigations and breaches will result in prosecution and in those cases the prosecution outcome will be the deciding factor in the decision to refer to Sub-Committee as will other prosecutions and cautions administered by other enforcing agencies.

Where this Authority administers a caution to a licence holder this does not preclude a referral to the Sub-Committee for the matter for which the licence holder has been cautioned.

In other cases an investigation may result in a warning, such warnings will be relevant to the rolling 12 month period.

In certain situations the breach or complaint may be deemed so serious that an immediate referral to the Sub-Committee is warranted. In those cases the reasoning for the decision for the immediate referral will be recorded within the formal report to the Sub-Committee.

## REAPPLICATION

Individuals are advised that Authority guidelines are that where an individual has had an application refused or a licence revoked, the Sub-Committee would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the individual's circumstances.

## SPENT CONVICTIONS

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

The Authority will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person. In determining this, the

Authority will consider the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

## FORMAL/SIMPLE CAUTIONS AND ENDORSABLE FIXED PENALTIES

For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.

## MULTIPLE CONVICTIONS FROM A SINGLE INCIDENT

Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

## OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.

In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

## EQUALITY ACT OFFENCES

Any offences under S160-170 of the Equality Act 2010 will normally be refused if (s)he has been convicted at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of application.

# APPENDIX S

## SCHEME OF DELEGATED AUTHORITY

### EMERGENCY DECISIONS

Circumstances can arise which require the Council to take emergency action, such as the receipt of an allegation of serious misconduct by a licence holder. In these circumstances the Council's constitution provides that in situations which arise between Committee or Executive meetings and require emergency action, which cannot reasonably await the next meeting, the Chief Executive, Corporate Director of Governance and Community Strategy or relevant Corporate Director, has authority to take such action in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee concerned (or with such of the latter as are available for consultation) or with the relevant Executive Portfolio Holder and subject to a subsequent report to the next meeting of the Committee.

### GENERAL

The Regulatory Services Manager (Trading Standards and Licensing); the Team Leader (Trading Standards); the Team Leader (Licensing); Licensing Officers and Enforcement Support Officers are delegated authority by Trafford Council and the Executive to:

1. In accordance with the Local Government (Miscellaneous Provisions) Act 1976 authority to grant, renew, vary and transfer applications for Hackney Carriage and Private Hire Drivers, Vehicles and Operators where the licence holder/applicant/vehicle meets all the Councils licensing standards.

2. To grant hackney carriage and private hire driver licences where the total number of accumulated points on the drivers DVSA licence is less than 12 or does not result in a period of disqualification.

3. To suspend (and lift where appropriate) hackney carriage or private hire vehicle licences:

a) where the vehicle owner has failed to renew the certificate of compliance; or failed to produce the certificate of compliance;

b) under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where officers are not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle.

4. To suspend (and lift when appropriate) hackney carriage or private hire driver licences where:

- a) the licence holder has failed to be correctly registered for tax;
- b) the licence holder refuses or has failed to submit a medical certificate;
- c) the licence holder has been declared unfit to drive by his doctor or other medical professional, or where the driver has declared circumstances where they may be unfit to drive;
- d) the licence holder does not have a current DBS certificate;
- e) the licence holder has not registered with or failed to remain registered with the DBS update service;
- f) a check on the DBS update service has disclosed a change in status which the licence holder has failed to declare;
- g) the licence holder has failed to provide the six-monthly manual DBS certificate.

5. To revoke the hackney carriage driver's licence, private hire driver's licence or private hire operator's licence where the licence holder is not permitted to hold any such licence because of their immigration status.

6. To revoke the hackney carriage driver's licence or private hire driver's licence where the licence holder has been disqualified under the Road Traffic Act 1988 and is no longer authorised to drive a motor vehicle in Great Britain.

7. To award penalty points (up to a maximum of 150 points) to hackney carriage/private hire drivers, proprietors and operators in accordance with the current penalty point system.

8. To refuse to grant or renew a hackney carriage or private hire driver's licence where the applicant has failed to provide all required documents and has not provided satisfactory evidence of exceptional circumstances.

9. To make entries to record decisions (whether new or historical) by the Licensing Authority to refuse, revoke or suspend a driver's licence in the licensing information database (NR3S).

# APPENDIX T

## THE NATIONAL REGISTER OF TAXI LICENCE REFUSALS, REVOCATIONS AND SUSPENSIONS(NR3S)

The licensing authority provides information to the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3S.
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3S itself will be limited to:

- Licensing Authority URN (Mandatory)
- Name of licence holder (Mandatory)
- Date of birth (Mandatory)
- Driving licence number (Mandatory)
- Taxi licence type (Mandatory)
- Address (Mandatory)
- Decision taken on refusal, revocation or suspension but not the reason for it (Mandatory)
- Date of decision (Mandatory)
- Date decision takes effect, if different to date of decision (Mandatory)
- Date of any subsequent change to the decision, and the date it takes effect, if different (Mandatory)

- National Insurance Number (Mandatory)
- Licence holder contact details (Optional)
- If a suspension, the date on which the suspension is to end (Mandatory)

Information will be retained on NR3S for a period of 11 years.

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3S, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3S are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3S data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## TRAFFORD COUNCIL'S POLICY IN RESPECT OF REQUESTS FOR INFORMATION, DISCLOSURE OF INFORMATION, AND USE OF INFORMATION AS A RESULT OF AN ENTRY ON NR3S

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

## I. OVERARCHING PRINCIPLES

This policy covers the use that Trafford Council will make of the ability to access and use information contained on the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S). The NR3S contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence<sup>1</sup>. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Trafford Council has signed up to the NR3S. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

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

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>2</sup>.

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<sup>1</sup> Throughout this policy reference is made to 'taxi drivers licence.' This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

<sup>2</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.



Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>3</sup>. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined<sup>4</sup>.

The data will be held secure in accordance with this authority's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data.

## II. MAKING A REQUEST FOR FURTHER INFORMATION REGARDING AN ENTRY ON NR3S<sup>5</sup>

When making an application to this authority for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3S.

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<sup>3</sup> Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court all the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

<sup>4</sup> Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

<sup>5</sup> This section of the template policy relates to the submission of a request by the second authority.

This authority will make and then retain a clear written record<sup>6</sup> of every search that is made of the register. This will detail:

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

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

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

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **III. RESPONDING TO A REQUEST MADE FOR FURTHER INFORMATION REGARDING AN ENTRY ON NR3S<sup>7</sup>**

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years<sup>8</sup>.

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

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<sup>6</sup> This can be electronic, rather than "pen and paper" hard copy.

<sup>7</sup> This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

<sup>8</sup> This record can be combined with the written record of the action taken as a result of the request.

This authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed<sup>9</sup>. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3S register for a period of 11 years, but this authority (the 1<sup>st</sup> authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Institute of Licensing's "*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*"<sup>10</sup> [or own policy if this differs]. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IOL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection

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<sup>9</sup> If the 1<sup>st</sup> authority is not satisfied that the 2<sup>nd</sup> authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1<sup>st</sup> authority and the 2<sup>nd</sup> authority.

<sup>10</sup> Available at

<https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsID=11318&NewsOrJob=news>

<sup>18</sup> This can be electronic, rather than "pen and paper" hard copy.

with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record<sup>18</sup> of every decision that is made as a result of a request from another authority. This will detail:

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

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

#### IV. USING ANY INFORMATION OBTAINED AS A RESULT OF A REQUEST TO ANOTHER AUTHORITY

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications as detailed in this Policy document.

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

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

## APPENDIX 1 - INFORMATION DISCLOSURE FORM

This form is submitted following a search of the National Register of Refusals, Revocations and Suspensions (NR3S).

*(For completion by requestor authority)*

Name of licensing authority requesting information: .....

Requestor authority reference number: .....

Name of licensing authority from which information is sought: .....

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

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

Other details for this record: .....

Address: .....

Driving licence #: .....

NI #: .....

Reference number: .....

Declaration by requesting authority:

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

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

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

Signed:

Name: .....

Position: .....

Date.....

*(For completion by providing authority)*

Further information to support the decision recorded on NR3S in respect of the above named individual

Declaration by providing authority

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

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

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

Signed:

Name: .....

Position: .....

Date: .....

## CONTACT DETAILS

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