

# HACKNEY CARRIAGES

**A guide for licence applications,  
drivers and owners**

This hackney carriage is  
licensed by



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# HACKNEY CARRIAGE VEHICLES

## A guide for license applicants, drivers and owners

The information in this booklet is for general guidance only and should not be treated as an authoritative statement of the law.

**PLEASE NOTE:- APPLICATION FEES ARE NOT REFUNDABLE IF YOUR LICENCE APPLICATION IS NOT GRANTED OR IS WITHDRAWN. THE FEES YOU HAVE PAID IS TO COVER ALL THE ADMINISTRATION CHARGES ASSOCIATED TO YOUR APPLICATION, HOWEVER YOU WILL BE ENTITLED TO HAVE YOUR BADGE DEPOSIT REFUNDED**

## Targets and standards

Dudley Council licensing section work to the targets and standards which are set out below. You have a right to these standards and any non-compliance should be reported immediately to the licensing officer.

- ✓ All applicants for licenses to be seen within five minutes of their appointment time.
- ✓ Applicants to be given an appointment within two days of requesting one.
- ✓ A request for a license application form will be met within two days.
- ✓ All correspondence will be replied to within seven working days.

## Hackney carriage vehicle guide

This booklet has been produced to give owners and drivers of hackney carriage vehicles guidance and help when making applications for licenses and in the day-to-use of such vehicles.

# INTRODUCTION

## Taxi law

In law, the word 'Taxi' refers to a hackney carriage and not to a private hire vehicle.

Acts of Parliament referred to in this booklet have been abbreviated as follows:-

LGMPA	Local Government (Miscellaneous Provisions) Act 1976
TPCA	Town Police Clauses Act 1847
RTA	Road Traffic Act 1972
MVCU	Motor Vehicle (Construction and Use) Regulations 1978
TA	Transport Acts of 1980 and 1985
HSA	Health & Safety (offences) Act 2009

The use of hackney carriages is governed by the local bye-laws, a copy of which will be found in appendix 'a' at the back of this booklet. In addition, other legislation such as LGMPA, TA and TPCA makes specific reference to such vehicles.

The essential difference between a hackney carriage vehicle (taxi) and a private hire vehicle is that a hackney carriage is legally entitled to ply for hire but a private hire vehicle is not. (A guide to obtaining a private hire vehicle, driver and operators licence is detailed in a separate booklet available from the council's licensing office)

Dudley Council (also known as the local authority for Dudley Metropolitan Borough) license the following:

- Hackney carriage vehicles and drivers
- Private hire vehicles and drivers
- Operators of private hire vehicles

The authority for this can be found under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Transport Act 1985.

## **Data Protection Act 1998**

This authority is required by law to protect the public funds it administers. It may share information provided to it with other public bodies responsible for auditing or administering public funds and/or any third party organizations in order to prevent and detect fraud. We will **NOT** disclose information to anyone unless we have a lawful basis to do so.

Any information held by this authority will be used for the purposes of licensing hackney carriages and their drivers. Such information may be used, however, for other council purposes, where law permits.

The Council is the data controller for the purposes of the Data Protection Act 1998.

## **Hackney carriage vehicle and driver's licenses**

There is no fixed limit to the number of hackney carriage vehicle licenses which can be issued by Dudley Council (TA 1985).

An authorised officer, who acts under powers delegated by the council, considers each application for a new license individually. These powers enable the authorised officer to grant a hackney carriage vehicle or driver's license where the applicant fulfils the required criteria.

However, if the authorised officer is in any doubt as to whether the applicant is a fit and proper person to drive a hackney carriage, the application will be referred to the taxi licensing committee for consideration. The committee is made up of elected members of Dudley Council (local councillors).

The committee has the authority to refuse an application for the grant or renewal of a hackney carriage driver's license.

The committee also has the authority to grant the application for a period up to twelve or thirty six months depending on the application.

Whatever the period the committee have decided to grant the license when that license is due to expire you will be required to pay the appropriate renewal fee for the period granted by the committee. This fee covers the necessary administration costs to issue new driver's badges and licence.

The applicant may have with them a representative of their choice at that meeting.

Failure to attend the meeting without prior notice will be treated as a withdrawn application.

An applicant will be expected to demonstrate either to the appropriate officer or the committee their commitment and ability to provide a satisfactory service to the travelling public.

The driver and owner of a hackney carriage have a duty of care towards any person travelling in the vehicle.

# HACKNEY CARRIAGE VEHICLE LICENCES

## How to make your first application to licence a hackney carriage

You will need to make an appointment to take your completed application form to the Dudley Council licensing department. These are available from the council's Licensing Office or they may be downloaded from [www.dudley.gov.uk](http://www.dudley.gov.uk) (search under 'licence'). When submitting your application form you must also take with you your fee, your vehicle registration document (log book) and where appropriate, your MOT Certificate and the appropriate ministers certificate. On your application form you will have listed the details of the vehicle excise license.

**N.B. A hackney carriage requires an MOT certificate ONE YEAR after first registration**

## Registration documents (V5)

When an application is made for either the grant or renewal to license a private hire or hackney carriage vehicle, an original and full registration document (V5) will only be accepted by the licensing office.

Please note: From the 15<sup>th</sup> August 2010 all V5C's issued by the DVLA will have a new look the revised V5C is now red rather than blue.

DVLA will automatically send you a new V5C and by November 2012 DVLA will have replaced the 'old style' V5C with the new style (red) registration document therefore you should now be in receipt of the new style red registration document.

- **Dudley MBC will not accept the old style (blue) V5C registration document in support of an application to licence a vehicle that has not been previously licensed by this authority.**
- **If your vehicle is currently licensed with Dudley MBC then you can still use an old style V5C in support of the renewal application however you must replace that V5C with the new style (red) V5C registration document and present it to the licensing office within 28 days from the date of issue of the vehicle licence. Failure to produce the appropriate document may result in your vehicle being suspended.**
- **Please remember it is your responsibility to ensure that your supporting documentation is correct and meets the requirements of Dudley MBC.**

For further information about the V5C go to:

[www.direct.gov.uk/v5c](http://www.direct.gov.uk/v5c)

In relation to the grant of a licence for a new vehicle, you can submit a photocopy of the full registration document together with the completed new keepers supplement (V5C/2) in support of your application.

If the licensing office accepted a photocopy of your registration document, then the original document must be submitted to the licensing office within 28 days of the application.

**Please note: failure to submit the original registration document within 28 days of the application will result in the immediate suspension of your vehicle.**

It is also worth noting that the licensing office will not accept any registration documentation that has been altered or defaced in any way or by any means and the document must reflect the requirements of a hackney carriage vehicle.

A scale of fees accompanying this booklet is available from the licensing office and is also displayed at [www.dudley.gov.uk/business/licences-and-street-trading/hackney-and-private-hire](http://www.dudley.gov.uk/business/licences-and-street-trading/hackney-and-private-hire).

Providing all your documentation is in order, you will be given a date and time for your vehicle to be inspected at the council's taxi inspection facility. This is to determine that the vehicle is in a roadworthy condition in order to qualify for its pass certificate. This requirement applies to all vehicles. A list of items that will be inspected can be found in **Appendix B**.

When you present your vehicle for the test you must take with you the vehicle registration document and a current MOT certificate.

## **LOLER Certificates**

In addition, on the 5<sup>th</sup> July 2012 the Taxi Licensing Committee resolved that should your vehicle be equipped with a tail lift, the current LOLER examination and weight test certificate applicable to that vehicle **must be displayed in a clearly visible position on the vehicle**.

For this inspection the vehicle will need to have been steam cleaned.

## **Approved list**

The council licence vehicles that are custom built as hackney carriages. In addition, the council also license specific vehicles which meet the licensing criteria for hackney carriages. A list of vehicles already approved by Dudley Council is available from the licensing office and can also be found on the council's website.

If you wish to licence a vehicle of a make and type that does not appear on the 'approved' list you must first write to the licensing officer enclosing a description of the vehicle, its make, the model and its engine capacity.

Arrangements will then be made for a compliance check to take place at the taxi inspection facility. This check is free of charge.

- Following the check being made you will be advised of one of the following:
- The vehicle does not meet the criteria and cannot be licensed
- The vehicle meets most of the criteria but needs some modification
- The vehicle does not meet the seating criteria but it may be modified by the removal of a seat or seats
- The vehicle meets the licensing criteria

Should your vehicle be deemed suitable for licensing, arrangements will be made by the licensing officer for the vehicle to be presented to the Dudley taxi committee for final approval. Should the vehicle be approved by the taxi committee you must then seek an appointment via the Dudley Council licensing office for the vehicle to be tested at the taxi inspection facility.

**It is strongly recommended that applicants wishing to license a vehicle that does not appear on the 'approved' list contact both the licensing office and also the taxi inspection facility for advice as to what documentation needs to be produced at each stage of the above licensing process.**

## **Vehicles must be 'fit for purpose'**

As previously mentioned, all vehicles that are licensed must be constructed or adapted for use as a hackney carriage and must meet the licensing criteria stipulated by Dudley Council.

All vehicles must have at least two doors that can be used by passengers, one door of which must open to the nearside of the vehicle. That door must be capable of opening sufficiently wide enough to allow a wheelchair user access to the vehicle.

The driver must have a separate door to enter the vehicle.

The vehicle may be of any colour or combination of colours that does not include white.

## **Modified/adapted vehicles**

The Taxi Committee resolved at their meeting on the 28<sup>th</sup> April 2010, the following policy in relation to the licensing of modified/adapted vehicles as hackney carriage vehicles.

### **The policy commenced on the 1<sup>st</sup> June 2010**

All new applications to license a modified / adapted vehicle for nine seats including the driver or for less than nine seats as a hackney carriage vehicle will submit a registration document (V5) which must show in Section J (vehicle category) that it is M1 category and supply a Ministers Approval Certificate or equivalent.

Any modified / adapted vehicle currently licensed with the council shall change the designation of the vehicle with DVLA and supply a Ministers Approval Certificate or equivalent before the date of the next mechanical test at Narrow Boat Way.

**This policy was also further considered on the 17<sup>th</sup> October 2013 by the Taxis Committee who resolved that the existing policy in respect of modified adapted vehicles, be retained, clarified and reinforced that Dudley MBC will only consider new applications to licence vehicles that can confirm on the vehicles registration document V5(C) the following details:-**

- (a) Section 1 – Vehicle Category M1;
- (b) Section K – Type approval number; and,
- (c) Production of a minister’s type approval certificate or equivalent’ the type approval number should match the type approval number on the V5(C) and the documentation should also relate to the vehicle in question. **(Refer to the Supplementary Information Section for a list of acceptable documents).**

**Please Note:- It is your responsibility to ensure that before purchasing any vehicle you wish to be considered to be licensed as a private hire vehicle that it meets the current requirements of Dudley Council, this also includes all the relevant vehicle documentation.**

- ❖ The type approval number shown on the Ministers Approval Certificate or equivalent certificate must correspond to the type approval number shown on the V5 registration document.
- ❖ It is worth noting that the registration document must reflect the requirements of a hackney carriage vehicle.

## Amendment to the Entrance and Exits Guidelines

On the 17<sup>th</sup> October 2013 the Taxis Committee resolved that the Council's policy in respect of 'Entrances and Exits' guidelines contained in the taxi testing manual be amended.

**N.B.THIS AMENDMENT DOES NOT APPLY TO  
HACKNEY CARRIAGE VEHICLES**

### Alternative options to normal size spare wheels

On the 7<sup>th</sup> February 2013 the Taxi Licensing Committee resolved that this authority will allow vehicles manufactured after **01.01.2006** that have part of the manufacturers' original specification and equipment, an alternative method of repair to a puncture other than a normal size spare wheel. The alternative option includes either a 'space saver' spare tyre, pre/post puncture sealant, or a run flat' tyre system

For further information it is important that you read the information in **Appendix F**

### **NB:-For vehicles manufactured prior to 01.01.2006**

Any vehicle fitted with a space saver tyre must attend Narrow Boat Way for a free inspection to determine the suitability of the space saver tyre.

If the tyre is suitable the matter will be referred to the Taxis Committee for consideration to individually approve the use of the tyre subject to specific conditions of licence.

**Vehicles that are fitted with a run flat system or pre / post puncture sealants will not be accepted.**

**Any vehicle fitted with these systems will automatically fail the mechanical test at Lister Road.**

Whatever the method of puncture repair is in use on the vehicle, the driver must make them self conversant with the manufacturer's guidance in its use and strictly adhere to the restrictions placed on the use of alternative substitutes to normal size spare wheels.

### Adaptations for disabled passengers

Each vehicle must have serviceable ramps to assist the ingress and egress of persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle must be equipped with wheelchair securing devices and, where necessary, a seat belt extension for the wheelchair user. Dependent upon the make of hackney carriage, the vehicle may also need a door stop (this prevents the door from being blown shut when a wheelchair user is being assisted into or out of the vehicle during windy weather).

## Issue of license plate

Once your vehicle has passed its inspection you will be given a pass certificate which you will need to take to the licensing office. You, where appropriate also need to produce a certificate of insurance.

The certificate of insurance must state that the vehicle is insured for 'public hire' and all named drivers on that certificate must currently hold a hackney carriage driver's license issued by Dudley Council (**also see the following section entitled 'production of insurance'**).

The meter installed in your vehicle will be tested to ensure that it is in good working order and that it is correctly calibrated. It will be tested at twelve monthly intervals thereafter, unless re-calibration is necessary following an official change in 'the table of fares' (**see by law 17 in Appendix A**).

Providing that all documentation is in order and your meter is working correctly a hackney carriage license and license plate will be issued to you for that vehicle.

The license plate once it is issued must be displayed on the vehicle at all times and remains the property of the council.

The license will normally last for a period of no longer than 12 months. The length of the license will depend upon the expiry date of insurance or the date that the pass certificate for that vehicle expires, whichever period is the shortest.

**Please note that the licence expiry date, the date that the licence was issued and the date that the vehicle test period and your insurance period expires is displayed on your licence.**

## Production of insurance

There are charges for the re-licensing of vehicles, which are as follows:-

- No charge is made when you submit a three, six or twelve month insurance policy or a 90-day cover note.
- No charge is made on your first 28 day cover note. No charge is made on your second 28 day cover note which is accompanied by a letter from your insurance broker confirming that you have paid in full for your policy and that the certificate is to follow.
- If you bring a second 28 day cover note or a 60 day cover note, without a letter from your insurance broker as previously mentioned, you will have to pay a fee. This is to cover the cost of the paperwork involved in re-licensing your vehicle.
- A third 28-day or 60 day cover note with or without a letter from your broker will incur a fee.
- If you have not made an appointment before your vehicle licence expires you will have to pay a fee for re-licensing your vehicle plus an extra charge for the solicitor's letter which will have been sent to you.
- If you cannot have an appointment before the expiry of your insurance certificate or cover note, to avoid paying any fees you must hand your licence plate to the licensing office before the expiry of your vehicle licence.
- If your cover note is for less than 28 days, you will have to pay a fee to cover the cost of re-licensing your vehicle.

When you receive your cover note or insurance certificate from your broker, please check the document carefully for the following points prior to visiting the licensing office, as only those cover notes or insurance certificates that are correct can be accepted:

- ✓ Your full name is shown on the document and is spelt correctly
- ✓ The registered number of the insured vehicle is correct
- ✓ The correct definition regarding 'limitations as to use' is included on the document
- ✓ The cover note or insurance certificate has been printed on paper bearing an insurance company's security device (e.g. water marked paper)

OR

- ✓ The cover note or insurance certificate has been certified as an original document with the inclusion of an official company stamp and an original signature from a member of the company's staff

If you submit a fleet insurance policy, you must make sure that you bring the following documents to the licensing office:

- From your insurance company a list of all the vehicles which are insured under your fleet policy.
- From your insurance company a list of all named drivers who can drive the vehicles under your fleet policy.
- The schedule must clearly define the use for which each vehicle is covered.

**This policy is to make sure that your licensed vehicle has proper insurance cover at all times. This is for your safety and the safety of your passengers. The licensing section's duty is to make sure that the travelling public is safe.**

A full list of fees can be obtained from Dudley Council's licensing office.

## **Accident management / credit hire companies**

### **Insurance production**

- You can produce continuous cover notes, which clearly show the named driver who will be using the vehicle during the period of hire. (Please note if you chose this method of insurance production then you will be charged in accordance with Council policy regarding cover note production)

OR

- You can produce a full 12 month insurance policy in advance stating 'any driver', however every time you wish to place a client into a vehicle for a hire period you must produce a cover note clearly showing the client as a named driver.

Please refer to the full details of the Council policy regarding insurance production.

In addition to the above conditions, you are still required to adhere to other conditions which apply to 'accident management' style companies, they are:

- When completing an application form to license a private hire or hackney carriage vehicle you must include a named person in the appropriate box. This named person must be the same as the person who signs and dates the application form

- A letter of authority from yourselves giving permission for the hirer to drive your vehicle and collect the vehicle's license plate on your behalf. (The authority must state the full name of the hirer and should be addressed to the Council)
- At an agreed appointment time a representative from your company, must attend the licensing office with the hirer, the vehicle and the appropriate documentation
- The hirer must be in receipt of a private hire or hackney carriage driver's badge – depending on the type of vehicle being hired and their full driving licence. If the vehicle is private hire they must also be in receipt of their roof sign in order that new roof labels can be issued
- The hackney carriage or private hire license plate relating to the damaged vehicle licensed to the hirer must be surrendered to the licensing office
- If the vehicle is a hackney carriage then each time a new hirer is placed into the vehicle it will be required to undergo a meter test
- Once the vehicle has been licensed the hirer can produce continuous insurance documentation on your behalf

Please be aware that failure to adhere to the above requirements may result in a delay for your client and licensing your vehicle.

## Renewal of vehicle licence

**If your vehicle's fitness test is due to expire, you would be well advised to make your application at least two months before the licence expiry date to ensure that an appointment is available that is convenient to you.**

Your new licence will not be issued until your vehicle has passed the fitness test.

To renew your vehicle licence, you will need to make an appointment to take your application form, the licence fee to the licensing office. You will also be required to produce your registration document (log book).and if appropriate a current valid MOT certificate. If your vehicle requires a vehicle fitness test, arrangements will be made for your vehicle to be tested.

You must take with you the MOT certificate, the vehicle registration document, and if the vehicle is fitted with a tail lift a current valid LOLER test certificate which must be clearly displayed, when you present your vehicle for testing.

The vehicle must have been steam cleaned.

When the vehicle passes the test, the test centre will issue a pass certificate which you should return to the licensing office, together with your insurance certificate.(if applicable).

### **Important - please note:**

**All applications for renewal must be made BEFORE the expiry of the current licence. If the application is only one day late, it will be treated as a fresh application and not a renewal.**

Dudley Council now have a policy where you can have your vehicle tested prior to the expiry of your vehicle test date which is similar to the VOSA MoT scheme – for further information refer to the highlighted panel on the next page.

You can take your vehicle for a vehicle test up to 28 days prior to the expiry of the current vehicle test date without any loss of days on the existing vehicle licence. The new vehicle licence commencement date will run consecutively to the expiring licence.

**PLEASE NOTE:** If the vehicle fails the vehicle examination the vehicle will be suspended until the vehicle passes its vehicle examination test, the vehicle licence will then commence from the date the vehicle test was passed.

However, if your vehicle passes its re-test examination within 72 hours from the date of failure your vehicle licence will be able to run consecutively from your current expiring vehicle licence.

## Re-tests

Should your vehicle fail its initial test you will need to make an appointment for a re-test when the required repairs have been completed. Appointments for re-tests can only be booked through the licensing office.

If the re-test is arranged within one month of the original test date, it will not be necessary for the vehicle to be steam cleaned again.

- **N.B. If the vehicle is not re-tested within 14 days of the original test date and before the vehicle has travelled a further two hundred miles, a full test will be required at the appropriate fee.**

## Revocation of vehicle licence

The local authority (Dudley Council) may suspend, revoke or refuse to renew a vehicle licence on the following grounds:

1. The vehicle is unfit for use as a hackney carriage
2. Any offence of non-compliance with the provisions of TPA and LGMPA by the driver or owner
3. Any other reasonable cause

If the vehicle license is revoked or suspended the license plate **must be returned** to the licensing office within seven days of notice being given to that effect. **Failure to do so may make you liable to prosecution** (Section 58 LGMPA).

## Changing the vehicle

If you acquire a replacement vehicle, you can apply to transfer the licence plate from the old vehicle to the new one. Application must be made to the licensing office for this to be done.

## Transfer of ownership

If you wish to transfer the ownership of your licensed vehicle to someone who wishes the Dudley Council hackney carriage license to continue, you will need to complete and submit a 'change of ownership' form to the licensing office which must be accompanied by a valid certificate of insurance, the registration document and if necessary, the vehicle's MOT certificate.

It will be necessary for both the seller and the buyer, together and in person, to attend the licensing office when those documents are submitted.

**N.B. The council cannot advise upon the suitability of vehicles offered for sale or for transfer.**

## Vehicle damage

The proprietor of any hackney carriage must report to the council as soon as reasonably practicable and in any case, within seventy two hours, the occurrence of any accident involving that hackney carriage, which affects the safety, performance or appearance of the vehicle.

**Failure to do so may make you liable to prosecution** (section 50 LGMPA).

The licensing officer has discretion as to whether the vehicle license is suspended until such time that appropriate repairs have been made. If the license is suspended a request will be made for the license plate to be surrendered.

The vehicle must be repaired to the satisfaction of a vehicle inspector at the taxi testing facility before the plate will be returned.

Drivers are reminded that should they be involved in a road traffic accident whilst carrying passengers they **MUST** comply with section 170 of the Road Traffic Act 1988, by supplying such requested information that the passenger is entitled to under that legislation. This applies whether or not the driver is at fault for the accident.

It is the duty of the driver to stop, report the accident and give information and, if appropriate, details of vehicle insurance to any person having reasonable grounds to make the request. This includes persons travelling in or upon that vehicle at the time of the accident. **A person who fails to comply commits a criminal offence** (section 170 RTA 1988).

## Maintenance and appearance of vehicle

The vehicle and its fittings **MUST** at all times, when available for hire or when being used as a Hackney Carriage:

1. Be safe
2. Be tidy
3. Be clean
4. Comply with all the relevant statutory requirements applicable to the class of vehicle; this will include the Motor Vehicle Construction and use Regulations 1978
5. The vehicle throughout its licensing period **MUST** be of a high standard in appearance and mechanical condition to the satisfaction of the council

## Vehicle fitness spot-checks

The council employs a number of enforcement officers whose job it is to ensure that vehicles licensed by the authority are roadworthy and that they comply with all the conditions upon which the license was issued. **This means that from time to time your vehicle may be subject to a spot check.**

The check will be carried out either by one of the council's enforcement officers, or by one of the council's authorised vehicle inspectors in the presence of the enforcement officer. These tests are normally carried out at the roadside.

In addition, an authorised officer (includes local authority officers and inspectors employed by the Vehicle and Operators Services Agency) or a police constable may inspect and test any licensed vehicle at any reasonable time (section 68 LGMPA).

If your vehicle does not pass the spot check, your vehicle license will be suspended (see below).

## Immediate suspension

This means that your vehicle cannot be used under any circumstances as a licensed vehicle. Re-examination is by a full test being carried out at the test centre stipulated by the officer concerned. The officer will hand you a notice which will explain the reason(s) for the suspension and a request will be made for the vehicle license plate to be surrendered.

Should acceptable repairs not be completed within two months of the suspension notice being issued, the vehicle license will be deemed to be revoked. (section 68 LGMPA).

The roadside test carried out on a vehicle cannot, for practical reasons, cover all items normally examined on a full test. The list of defects given to you will only contain those defects which were apparent at the time the spot check was carried out. A full test may bring to light other defects not listed on the suspension notice but which will have to be remedied before the suspension notice can be removed.

Prior to any re-examination when a full test is required, the vehicle must be steam cleaned.

Where the officer has indicated that the re-examination is to be carried out at the council's taxi testing facility, an appointment must be made via the licensing office for the examination to take place. The test will be subject to the normal scale of charges.

When a vehicle passes the test, the examiner will issue a pass certificate which must be taken to the licensing office before the suspension can be removed.

## Accident damage

When a vehicle has passed a full test during the currency of its present license, the license holder may choose to have the license extended to the end of the period covered by the new test. If you wish to do this, you should complete the standard form of renewal and make an appointment to take it to the licensing office.

## Identification plate on vehicle

**A licensed hackney carriage must display the licence plate issued by the council at all times (section 51 TPCA).**

On revocation, suspension or expiry of the license, the plate must be returned to the council within seven days of a notice being served upon the vehicle proprietor to that effect. **Failure to comply with the notice may make you liable to prosecution** (section 58 LGMPA).

## Testing of vehicles

All vehicles (whatever their age) must be tested and inspected to ensure that they are mechanically fit and of good appearance before a license can be issued (section 37 TPCA, section 50 LGMPA).

It is the policy of Dudley Council to carry out routine full fitness tests as listed below:

- ❖ Vehicles from 'new' and less than six years old – every 12 months
- ❖ Vehicles six years old but less than eight years old – every 6 months
- ❖ Vehicles eight years old and above – every 4 months

## Vehicle testing arrangements

Vehicles that require testing must be tested at the council's taxi testing facility. The vehicle **must** be booked in for the test through the licensing office and under **no** circumstances will the vehicle be examined at the testing facility without a prior appointment.

**Once an appointment has been accepted, it can only be changed if the following circumstances apply:**

The vehicle is undergoing repairs which cannot be completed before the test appointment and an explanatory letter from a bona-fide vehicle repairer has been presented to the licensing office prior to the scheduled appointment.

If an appointment is missed a further fee will become payable.

If an appointment is missed a further fee will become payable.

## Advertisements on hackney carriage vehicles

- i. Suitable advertisements may be allowed on the inside and outside of the vehicle, subject to the approval of the council;
- ii. Inside advertisements may be displayed only on the base of the occasional seats or along the bulkhead on top of the passenger/driver partition. All such advertisements must be encapsulated in clear, non-flammable plastic;
- iii. Except as provided for below (badges/emblems), all outside advertisements must be correctly affixed to a continuous flat surface;
- iv. Advertisements must be of such a form as not to become easily soiled or detached;
- v. All materials and adhesives used in the manufacture of and for the purpose of the fixing of advertising displays to hackney carriages must be approved by Dudley Council;
- vi. Applications for approval of advertisements must be made in writing to the chief legal officer, legal services department, Dudley Council.

## Badges and emblems

- i. In addition to advertisements displayed in accordance with the above paragraph, the official badge or emblem of a motoring organisation, which provides genuine round the clock emergency vehicle repair and recovery services in the Dudley borough may be affixed to the radiator grill. Only one such badge or emblem may be so displayed.

- ii. No advertisement, badge or emblem, including the stick-on type, is to be exhibited other than is provided for in the directions contained in this paragraph or the paragraph above except for a badge, approved by the council, which denotes that the vehicle driver has attended an approved disability awareness training course.

## Bye-laws

All owners and drivers of hackney carriages should study and be conversant with Dudley bye-laws governing the use of such vehicles. The bye-laws concerned are reproduced, in full in **Appendix A**.

# HACKNEY CARRIAGE DRIVER'S LICENCES

## How to make your first application for a hackney carriage driver's licence

The law requires **ALL** drivers of hackney carriages to be licensed by the local authority that licensed the vehicle being driven. An application pack is available from the licensing office. The pack will contain a driver's licence application form. The application form can also be downloaded from the council's website, [www.dudley.gov.uk](http://www.dudley.gov.uk) (search under 'license'). You must read this form very carefully and answer all the questions it contains. You must ensure you have all the correct documentation and comply with the requirements of the form.

**It is important that all information requested on the application form is supplied in full. It is a criminal offence to withhold any information that the council requires (as outlined on the application form) or to make a false statement. Should you knowingly or recklessly withhold such information or make a false statement you may be liable to prosecution.**

Part of the application procedure will require you to supply details of your general practitioner (with whom you must have been registered for a period of not less than twelve months) – this is in order that the council can contact them to ensure that you are fit and able to carry out the work as a driver. You can, however, elect to have a medical examination by the council's approved doctor, for which there is a charge. It is also probable that your GP will make a charge if he/she is elected to carry out the examination.

If you have not been registered with your general practitioner for a period of twelve months or more, you will be examined by the council's approved doctor at your expense.

Before being licensed as a hackney carriage driver, you will need to have passed a 'standard' test for hackney carriage/private hire drivers with the Driving Standards Agency. You will need to produce the certificate issued by the agency when you submit your application form. Details of test centres used by the agency can be found on page 22 of this booklet..

When you have completed your application form you must make an appointment to submit it to the licensing office and you must take with you the following:

1. Your completed application form
2. The appropriate fee (refer to the separate list which was included in your application pack)
3. Two passport size photographs

4. Your full United Kingdom driving licence which you must have held for a period of not less than two years (for non UK driving licenses please refer to pages 14/15)
5. A completed Disclosure and Barring Service application form and the supporting documents. Please refer to page 23 of this booklet for acceptable supporting documentation. For further information please contact the licensing office or the Disclosure and Barring Service on 0870 90 90 811 or their website [www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs)
6. A valid and current DSA pass certificate.

## Non-UK applications

In addition to the normal application process for the grant of a private hire / hackney carriage drivers license, all applicants from elsewhere in the EU and other non EU countries will be required to provide:

- a certificate of good conduct authenticated by the relevant embassy which will accompany the application.

Non EU applicants will be required to submit any current relevant work / residence permits with their application.

Please note the licensing officer will make enquiries with the UK Border Agency to confirm as to whether you are:

- permitted to reside in the UK
- you are permitted to work in the UK
- if there are any work restrictions against you

Dudley Council will not accept Non UK driving licenses in support of an application for the grant of a hackney carriage drivers licence. This licensing authority accepts that non UK driving licences are valid in the UK subject to certain conditions. The council is unable to check with DVLA, or any other non UK agencies regarding the current status of non UK driving licences. **Therefore this authority is unable to complete the application process.**

A section of your application form asks for the details of three persons willing to provide a reference for you. You will need to enter their names and addresses on the form in order that we may contact them.

When the licensing office has received acceptable responses from the Disclosure and Barring Service, the medical practitioner that you have elected and your three nominated referees, you will be invited to make an appointment to take your driver knowledge test.

## Driver 'knowledge' test

If you fail the test or any part of it at the first attempt, you can take, at no extra charge, a maximum of two further tests at later dates providing the tests are taken within twelve months of your original application.

Should you fail to take or if you are unsuccessful in the three attempts available to you, your application will be submitted for consideration by the council's taxi committee.

The test is comprised as follows:

- A structured examination designed to assess an applicant's ability to communicate verbally in the English language to an acceptable standard.
- A series of questions (all of which must be answered correctly) designed to assess an applicant's knowledge of the law and procedures associated with hackney carriages.
- A series of questions designed to assess an applicant's knowledge of Dudley borough, locations adjacent to the borough, locations of major airports and a candidate's ability to plan routes to those locations.
- A series of questions designed to assess an applicant's ability to use an A to Z street guide effectively.

## Granting a driver's licence

When you have succeeded in passing your knowledge test and providing the licensing officer considers you to be a fit and proper person, a hackney carriage driver's licence will be issued to you.

## Driver's badges

When you are granted a driver's licence, two identical badges, each bearing your photograph, will be issued to you. You are required to wear one of those badges in a prominent position and display the other prominently within your vehicle whenever you are working. **Failure to wear the badge may make you liable to prosecution** (Dudley Council Bye-law 14).

## NVQ and VRQ passenger driving level 2

As a private hire / hackney carriage driver you have responsibilities under the Health & Safety (Offences) Act 2009.

To assist applicants in understanding their role and responsibilities all drivers will be required to complete a road passenger vehicle driving course NVQ (level 2) and a VRQ (Level 2) with Learning Skills Council approved course provider within 12 months of the grant of your hackney carriage drivers licence.

Please note: You will be required to submit to the licensing officer the original pass certificate within three months of the successful completion of the NVQ (level 2) and the VRQ (level 2).

## Renewal of a hackney carriage driver's licence

You must apply for renewal while the existing licence is still current. You can apply for renewal up to eight weeks before the current licence expires.

**It is important that all applications for renewal are made before the expiry of the current licence. Late submissions will be treated as fresh applications.**

If you are an existing driver and wish to renew your licence, you must arrange an appointment to submit your completed renewal application form, the appropriate fee, your UK driving licence and two passport size photographs to the licensing office.

If you are unable to make an application to renew your hackney carriage driver's licence because you are overseas at the time of your renewal, please contact the licensing office to discuss the most appropriate way to submit your application prior to your departure.

In all cases you can apply up to eight weeks before your current licence expires.

## Medical Examinations & Reports

All drivers will have to undergo a medical examination every three years with either their own GP or the council appointed doctor to assess your fitness to continue driving a licensed hackney carriage vehicle. In some cases drivers may be required to undertake this medical every twelve or 24 months.

**There have been important changes to the way your medical examination is conducted it is important that you acquaint yourself with these changes, details can be found on page 19.**

### Medical Examination Reports Important Changes

#### **IMPORTANT CHANGES**

To comply with DVLA medical standards of fitness your medical examination will now include a vision assessment that must be completed by a doctor, optometrist or optician. Some doctors will be able to complete both the vision and the medical assessment. If your doctor is unable to fully answer all the questions on your vision assessment then you must have this part of your medical examination completed by either an optometrist or optician.

If you do not wear glasses to meet the eyesight standard or if you have a minus (-) eyesight prescription, your doctor may be able to complete the vision assessment.

If you wear glasses (not contact lenses) to meet the required eyesight standard for the grant of a hackney carriage or private hire driver's licence you must take a copy of your current eyesight prescription clearly showing your dioptre measurement with you to your medical examination. Your eyesight prescription cannot be greater than 4 months before the date of your medical examination)

**It is your responsibility to check with your preferred doctor prior to your appointment if they can measure your visual acuity to the 6/7.5 line of a Snellen chart and can confirm the strength of your glasses (diopters) from your prescription.**

It is advisable that you read the guidance booklet INF4D which can be downloaded from the following link.

[www.gov.uk/government/publications/medical-examination-report-d4-information-and-useful-notes](http://www.gov.uk/government/publications/medical-examination-report-d4-information-and-useful-notes)

## Disclosure & Barring Service (DBS) reports

All drivers will be required to undertake a new DBS check every 3 years.

### Submission of Disclosure and Barring Service Reports (Formally the Criminal Records Bureau)

The taxis committee, in consultation with the taxi focus group, agreed on 20 October 2010 that the following changes would be made to the policy regarding the submission of DBS reports by current drivers, implemented on 1 December 2010.

All private hire and hackney carriage driver's licences will now expire when the DBS report expires. On submission of a satisfactory DBS report the licence(s) will be extended to full term.

The licensing office will send out reminder letters to all drivers **four months** before the expiry of their existing DBS report.

Applications for DBS reports are to be made by private hire and hackney carriage drivers **three months** before the expiry of their current report.

If the application for a DBS report **has been made three months before its expiry**, but the report has not been received, the private hire/hackney carriage drivers licence(s) will not be automatically suspended.

If the application for the DBS report **has not been made three months before its expiry** and the report has not been received **the private hire/hackney carriage driver's licence will be immediately suspended.**

When the DBS report has been received and it reveals caution(s)/conviction(s) of any description that have not been disclosed prior to receipt of the report, **the private hire/hackney carriage driver's licence will be suspended with immediate effect and consideration will be given to prosecution for the non-disclosure of any caution/conviction. The matter will be referred to the taxis committee with a view to revocation.**

**On the 11<sup>th</sup> December 2013 the Taxis Committee further resolved that a further condition of licence would be attached to all hackney carriage and private hire drivers' licences to the effect that following the receipt of a disclosure from the Disclosure and Barring Service the licence holder is required to produce the documentation to the Licensing Office within 7 days from the date of receipt of the documentation to avoid any delays in processing the application.**

If you require any more information or assistance in relation to this policy, or any other matter the licensing team on 01384 815101

## **Three year drivers licences**

On application for the grant, or at the time of renewal you have the choice of either applying for a one-year licence or a three-year licence.

For your information, a three-year licence will be issued subject to the following conditions:

the holder of a three year private hire / hackney carriage drivers licence must undertake a DVLA mandate annually on or before the date the private hire / hackney carriage drivers licence was issued,

the licensing office will issue a reminder to undertake a DVLA mandate, to the holders of a three year private hire / hackney carriage drivers licence.

failure to undertake a DVLA mandate on or before the date the private hire/hackney carriage drivers licence was issued **will mean the drivers licence is suspended with immediate effect.**

## **DVLA mandate**

In addition to submitting your current DVLA driving licence, all drivers will be required annually to complete a DVLA mandate when applying for the grant / renewal of their private hire and / or hackney carriage driver's licences. Drivers will be required to pay the appropriate fee.

## DVLA driving licences – photo card style

If you have a photo card style DVLA driving licence it is your responsibility to ensure that you renew your DVLA driving licence on its expiry. The expiry date can be found on section 4(b) on the photo card.

If you fail to renew your DVLA driving licence before its expiry or fail to provide proof that you have taken steps to renew your photo card driving licence **then your private hire / hackney carriage driver's licence will be suspended.**

## THE LAW RELATING TO HACKNEY CARRIAGES

It is important that owners and drivers of hackney carriages not only have a working knowledge of appropriate laws which relate to motor vehicles in general (examples being The Road Traffic Acts, The Motor Vehicle Construction and Use Regulations), but also have knowledge of other legislation which makes specific reference to hackney carriages (examples being The Town Police Clauses Act, Local Government Miscellaneous Provisions Act, Local Authority Bye-laws).

The following is not intended to be a full summary of taxi law. Each item is included to provide the holders of or the applicants for hackney carriage vehicle and driver's licences with a basic understanding of those parts of the legislation that regularly feature in the day to day use of such vehicles.

**N.B. Part of the hackney carriage driver knowledge test requires all applicants to be conversant with the law and procedures associated with the use of hackney carriages. That part of the test is based upon the contents of this booklet including the appropriate local bye-laws. Applicants are therefore strongly advised to read, understand and be fully conversant with those contents.**

### Drivers of licensed vehicles must be licensed

Once a vehicle is licensed as a hackney carriage, every driver of that vehicle, whether it be used for business or pleasure, must possess a current hackney carriage driver's licence which has been granted by the local authority that licensed the vehicle (section 46 TPCA).

### Obstruction of officers

It is an offence to:

- a) Wilfully obstruct an authorised officer or police constable;
- b) Fail to comply with any reasonable requirement of an authorised officer or police constable;
- c) Fail to give an authorised officer or police constable any assistance or information he may reasonably require. (section 33 LGMPA)

### Retention of drivers licences

A vehicle proprietor must retain in his possession the drivers' licences issued by the local authority for all drivers driving his vehicle(s) (section 48 TPCA)

## Suspension or revocation of a driver's licence

The council (local authority) may suspend, revoke or refuse to renew any licence on the following grounds:-

- a) The conviction of an offence involving dishonesty, indecency, possession of drugs, possession of drugs with intent to supply or violence;
- b) The conviction of an offence under the LGMPA;
- c) Any other reasonable cause (section 61 LGMPA)

On revocation or suspension of a hackney carriage driver's licence, the badge must be returned to the council on demand. It is a criminal offence to fail to comply with that demand (section 61 LGMPA).

## Prolongation of journeys

No driver of a hackney carriage licensed by the council shall without reasonable cause unnecessarily prolong in distance or in time the journey for which that vehicle has been hired (section 69 LGMPA).

## Fares

Each year a 'table of fares' is set by Dudley Council and is available for inspection at the licensing office (section 65 LGMPA).

## Booking fee

Included in the 'table of fares' is a provision which allows the driver of a hackney carriage to charge a set fee for prior booking of the vehicle. It should be noted that the booking fee is only chargeable if, and only if, the fee was agreed by the hirer at the time that the booking was made.

## Use of taxi meters

For every journey, the taxi meter must be engaged at the commencement of the journey and no more than is displayed on the meter at the end of the journey can be charged (section 58 TPCA and Dudley Council bye-law 6).

## Private hire

Taxis can be used as private hire vehicles, however, the taxi meter must be set at the point of pick-up until the point of drop-off and no greater amount than the fare displayed on the meter can be charged (section 67 LGPMA).

**NB: What must be noted is that for whatever type of journey, the taxi meter must be in operation during the hiring even if the fare has been negotiated.**

## Charging separate fares

The practice of 'doubling up' of passengers and charging separately is illegal, except in the following circumstances:

- a) The driver, proprietor or other person must not organise people to share a vehicle whilst the vehicle is plying for hire on the streets or standing for hire at a rank. Only

prospective passengers may agree amongst themselves to share and then approach the driver or proprietor with a request:

- i. If the journey begins and ends in the Dudley borough, the taxi meter must be used to determine the fare, and the fare charged in total must not exceed that finally displayed on the meter.
- ii. If the journey begins or ends outside of the Dudley borough, the charge is negotiable. If no negotiations take place, then the meter must be used and no more than that recorded on it must be charged in total.
- iii. The amount of each separate fare must not, in total, exceed that which would normally be charged for the total journey if it had been one fare. The driver is not in a position to decide what to charge each passenger. The passengers themselves must apportion the fare between themselves.(part 1 of schedule 1 TA 1980)

**OR**

b)

- i. All the passengers carried on the occasion in question book their journeys in advance.

**AND**

- ii. Each of them consented, when booking their journey, to sharing the use on that occasion with others on the basis that a separate fare would be payable by each passenger for their own journey on that occasion (section 11 TA 1985)

## **Plying and standing for hire**

Licensed taxis may ply for hire on any street within the Dudley borough area. They may only stand for hire on the appointed taxi stands situated throughout the borough (Section 38 TPCA).

**It is a criminal offence to ply for hire outside of the borough** (section 45 TPCA).

## **Taxi stands**

It is a criminal offence without reasonable excuse to cause or permit any vehicle other than a hackney carriage to wait on any stand during any period for which that stand has been appointed (section 64 LGMPA).

A list of locations of the taxi stands situated throughout Dudley Borough is available from the licensing office.

## **Refusing requests for hire**

Drivers of hackney carriages, unless they have reasonable excuse or cause, must undertake the hiring of their vehicle by any person (section 53 TPA).

## **Wearing seatbelts**

The requirement to wear seatbelts in a hackney carriage is explained in Hackney carriage conditions, **Appendix C, condition 4**, which can be found on Page 36.

Additionally, the driver of a licensed taxi (hackney carriage) while it is being used for:

- seeking hire
- answering a call for hire
- carrying a paying passenger

are exempt from wearing a seatbelt. Hackney carriage drivers must wear seatbelts whilst driving their vehicle at all other times [motor vehicles (wearing of seatbelts) regulations]

For further information regarding seatbelts please visit [www.dft.gov.uk/think/focusareas/invehiclesafety/seatbelts](http://www.dft.gov.uk/think/focusareas/invehiclesafety/seatbelts)

**N.B. Should the vehicle be equipped with an airbag in front of the front passenger seat, a child occupying an infant carrier should travel in the rear of the vehicle, as deployment of the airbag could cause fatal injuries.**

Similarly, passengers accompanied by an assistance dog should be advised that such an airbag is fitted and given the option to travel in the rear of the vehicle.

## Mobile phones

It is a criminal offence to drive a motor vehicle on a road whilst using a hand held mobile telephone (The Road Vehicles Construction and Use Amendment No.4 Regulations 2003).

**N.B. The use of two-way radios is permitted.**

## Two-way radios

Two way radios and other equipment must be securely fitted within the vehicle to comply with the provisions of the Motor Vehicles (construction and use) Regulations 1978.

## Smoking

All vehicles used for public transport (which include hackney carriages) must be smoke free at all times. This also applies to the use of the vehicle when the driver is not working (Public Health Act 2006).

**It is a criminal offence for anyone to smoke in the vehicle. It is also a criminal offence for the owner or driver to allow any person to smoke within that vehicle** (Public Health Act 2006).

A driver of a hackney carriage must display no smoking signs in prominent positions in each compartment of the vehicle (Public Health Act 2006).

## Equality Act 2010

The Equality Act 2010 imposes duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties apply to the driver of any wheelchair accessible taxi or private hire vehicle on the licensing authorities list of 'designated vehicles'.

Dudley Council maintains a list of all designated taxis and private hire vehicles that are wheelchair accessible.

**Unless exempt, Hackney Carriage drivers of designated vehicles must carry wheelchair using passengers, if requested to do so, at no extra charge. (Section 165 Equality Act 2010)**

**Unless exempt, Hackney Carriage drivers must carry passengers accompanied by assistance dogs, e.g. for hearing disability, mobility impairment, or visual impairment (often referred to as guide dogs) at no extra charge (Section 168 Equality Act 2010).**

For more information visit:

[http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100015\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1)

## **Additional legislation**

Readers are reminded that the council bye-laws that apply to hackney carriages are reproduced in full in **Appendix A** and the subject matter is included in the hackney carriage driver knowledge test. Applicants for a hackney carriage driver's licence are advised to make themselves fully conversant with these bye-laws.

# **SUPPLEMENTARY INFORMATION**

## **First aid kit**

Each first aid kit will consist of adhesive dressings, medium sterile dressings, a space blanket, medi wipes, vent-aid and protective latex gloves. The kit should be clearly marked first aid and kept in the vehicle.

## **Fire extinguisher**

Must be fully charged, 'in date' and approved by Dudley Council. It should be carried within the vehicle in such a position as to be readily available for use and in a place that will not hinder injure or damage clothing of the driver or passenger.

## **Ramps**

The ramps carried on a hackney carriage must have the registration number of that vehicle clearly displayed upon them.

## **Licence conditions**

Conditions attached to hackney carriage licences and hackney carriage driver's licences are reproduced in full in Appendices C and D respectively. The subject matter is included in the hackney carriage driver knowledge test and applicants for a hackney carriage driver's licence are advised to make themselves fully conversant with those conditions.

Condition 2 of your hackney carriage drivers licence requires you within seven days disclose to the council in writing, details of any conviction imposed by any Court during trh eperios of the licence, and any endorsements on the holders current driver's licence imposed under the provisions of the fixed penalty system.

**Please note that failure to comply with Condition 2 you will be required to appear before the Taxis Committee.**

**Accordingly if you receive notification that you are likely to be prosecuted for any motoring offence, or have been issued with an endorsable fixed penalty ticket you must bring that notification to the licensing office within seven days of receipt. This allows you to comply to Condition2 of your hackney carriage drivers licence.**

## Loss of badge(s) and vehicle plate

Should your badge(s) or vehicle licence plate get lost or stolen you must report the matter to the police and the licensing office immediately. Please note that a replacement badge or plate cannot be issued until you have confirmed the loss or damage in writing and have supplied the appropriate police reference number.

**N.B. If you cannot obtain a lost property number from the police, you must include in your written notification the date and which police station you attempted to report the loss of your badge(s) or plate to.**

For further help and guidance at any stage of your application for the grant or renewal of a driver or vehicle licence, or on any other matter in relation to the licensing process please contact any member of the licensing staff on 01384 815101. or you can email your query to [licensing.LDS@dudley.gov.uk](mailto:licensing.LDS@dudley.gov.uk).

## Driving Standards Agency

You can book the practical test by phone between 8am and 4pm Monday to Friday

<b>DSA TELEPHONE BOOKING SUPPORT</b>	<b>TELEPHONE NUMBER</b>
<b>General phone line (inc customer services)</b>	<b>0300 200 1122</b>
<b>Text Phone</b>	<b>0300 200 1144</b>
<b>Fax</b>	<b>0300 200 1155</b>

You can also book your practical test on-line between 06:00 and 23:40 by visiting: [www.gov.uk/book-practical-driving-test](http://www.gov.uk/book-practical-driving-test).

For further information about this test please contact the Driving Standards Agency customer service centre direct by telephone or by email: [customer.services@dsa.gov.uk](mailto:customer.services@dsa.gov.uk)

## Accident Damage Write-Off Vehicles

Dudley MBC will not accept any vehicle for licensing that has been classified under the ABI Salvage Code as either a **Category A or Category B** Insurance write-off. These vehicles have been so badly damaged that they should never reappear on the road again

Dudley MBC will consider vehicles that have been classified as either a **Category C or Category D** Insurance write-off under the ABI Salvage Code for licensing, providing the vehicle

has passed a Vehicle Identity Check with the DVLA – evidence of which is required at the time of application, and the repairs to the vehicle must have been correctly rectified.

## **Taxi Advisor**

There is a taxi feedback scheme in place where customers can leave comments about how they rate their journey which will put the emphasis of good driver practice on the individual driver and the taxi base.

You will be able to view comments by visiting:-

Please go to [www.dudley.gov.uk](http://www.dudley.gov.uk), select the 'business' along the top bar, then select 'Taxi Feedback' in the drop down box.

## **LIST OF VALID VEHICLE DOCUMENTATION**

Please Note the individual certifications acceptable at the point of application to licence a vehicle will be:-

- ❖ Voluntary Single Vehicle Approval (VSVA) confirmation of compliance
- ❖ Voluntary Individual Vehicle Approval (VIVA) confirmation of compliance
- ❖ Certificate of Initial Fitness (COIF)
- ❖ Ministers Approval Certificate (MAC)
- ❖ Vehicle Certification Agency (VCA), Low Volume National Type Approval Certificate
- ❖ European Whole Vehicle Type Approval Certificate (EWVTA)
- ❖ Where established vehicle converters have had independent testing carried out by an authorised authority (VCA) on specific areas of the adaptation, for example, seats, floor, tracking, seatbelts and anchorages to comply with M1 standards, evidence of such certification may be acceptable for licensing purposes.

# DBS - LIST OF VALID IDENTITY DOCUMENTS.

## Group 1 – Primary Trusted Identity Documents

DOCUMENT	NOTES
Passport	Any current and valid passport
Biometric residence permit	UK only
Current driving licence – photo card with paper counterpart	UK/Isle of Man/Channel Islands – (full and provisional)
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, e.g. Embassies, High Commissions, and HM Forces.

## Group 2a – Trusted Government and State Issued Documents

DOCUMENT	NOTES
Current driving licence – old style paper version	UK only
Current photo driving licence	Non-UK licences must be valid for up to 12 months from the date the applicant entered the UK
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
Adoption certificate	UK and Channel Islands
HM Forces ID card	UK only
Firearms licence	UK and Channel Islands

## Group 2b – Financial and Social History Documents

Document	Notes	Issue date and validity
Mortgage statement	UK and EEA	Issued in the last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in the last 3 months
Bank or building society account opening confirmation letter	UK only	Must still be valid
Credit Card statement	UK or EEA	Issued in last 3 months
Utility bill	UK	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK only	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or Visa	UK only	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or Non EEA only for applicants residing outside of the UK at time of application	Must still be valid
Benefit statement, e.g. Child Benefit, Pension	UK only	Issued in last 3 months
EU National ID card		Must still be valid
Cards carrying the PAS(Proof of Age Standards Scheme) accreditation logo	UK and Channel Islands	Must still be valid

**Please Note: All documents must be original, photocopies of any of the above documents will not be accepted.**

## Appendix A

# BYE-LAWS

These bye-laws are made under Section 68 of the town Police Clauses Act 1847 and Section 171 of the Public Health Act 1985, by the Council of the Metropolitan Borough of Dudley with respect to Hackney Carriages in the Borough of Dudley.

### Interpretation

1. Throughout these bye-laws, 'the Council' means the Council of the Borough of Dudley and 'the District' means the Borough of Dudley

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licenses shall be displayed.**

2. (a) the proprietor of a Hackney Carriage shall cause to be prominently affixed (a) to the rear thereof not less than eighteen inches above ground level, a plate of a size, colour, design and type prescribed by the Council; and (b) inside the Carriage a plate of such size, colour, design and type as aforesaid, in each case to indicate the number of the licence granted to him in respect of the Carriage.

**(N.B. the requirement to display a plate inside the carriage has not been adopted as policy by Dudley MBC)**

(b) proprietor or driver of a hackney carriage shall:-

- i. Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
- ii. Not to cause or permit the carriage to stand or ply for hire with any such paintings, markings 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 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 or provided as

- h) Provide a fully charged fire extinguisher of a size and type approved by the Council, which said fire extinguisher shall be carried in such a position as to be readily available for use;
  - i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
  - j) Cause the carriage to be provided with first aid equipment of such types and in such quantities as are approved by the Council;
  - k) Provide in the interior of the carriage an effective artificial light for use by the hirers during the hours of darkness as defined for the purposes of Part II of the Road Traffic Act 1972;
  - l) Cause the carriage to be maintained in good working order and in a clean condition;
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-
- 1). (a) The taximeter shall be fitted with a key 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 a key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - 2). When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures CLEARLY LEGIBLE and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.
  - 3). 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.
  - 4). The taximeter shall be so placed that all letters and figures on the face thereof may be 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.
  - 5). 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.
5. The proprietor of a Hackney Carriage shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
- a) The sign shall bear the words 'FOR HIRE' in plain letters at least one and a half inches in height and half an inch in breadth;
  - b) The sign shall be capable of being operated that it indicates by artificial illumination clearly and conveniently to persons outside the carriage whether or not the carriage is for hire;
  - c) The sign shall be artificially illuminated during the hours of darkness as defined for the purpose of Part II of the Road Traffic Act 1972.

**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.**

6. The driver of a Hackney Carriage shall:-
  - 1). When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 5 so that the words 'FOR HIRE' are clearly and conveniently legible by persons outside the carriage;
  - 2). As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words 'FOR HIRE' are not conveniently legible by persons outside the carriage;
  - 3). As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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;
  - 4). Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring, which is during the hours of darkness as defined for the purpose of Part II of the Road Traffic Act 1972, and also at any other time at the request of the hirer;
7. A proprietor or driver of a Hackney Carriage
  - (i) 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;
  - (ii) shall promptly and in any case within 48 hours notify the proper officer of the Council whenever it has become necessary to make any alteration, adjustment, repair or replacement of the whole or any part of the taximeter fitted to the carriage.
8. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-
  - a) Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) From time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
9. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
10. 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.
11. 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.
12. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest reasonable convenient route.
  13. 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.
  14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear the badge in such position and manner as to be plainly visible.
  15. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
    - a) Convey a reasonable quantity of luggage;
    - b) Afford reasonable assistance in loading and unloading;
    - c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
  16. The driver of a Hackney Carriage shall not at any time when driving on hire smoke tobacco or like substances, or play a radio or sound producing or reproducing equipment without the express consent of the hirer.

**N.B. Also see guidance on smoking contained earlier in this booklet.**

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.**

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

**N.B. Table of fares is available from the Dudley MBC Licensing Office.**

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

18. The proprietor of a Hackney Carriage shall cause a statement in clearly distinguishable letters and figures of the fares fixed by the byelaws in that behalf to be exhibited at all times inside the carriage, in a conspicuous position where it may conveniently be read by the hirer.

**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.**

19. 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.

20. 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 them:-
- 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 Council, and leave it in the custody of the proper officer on them giving a receipt for it;
  - b) Be entitled to receive from any person to whom the property shall be re-delivered by the Council, an amount to give pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council whichever be the greater) but not more than five pounds.

### **Penalties**

21. The maximum fine for a breach of the bye-laws is section two 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 therefore.

### **Repeal of bye-laws**

All existing bye-laws relating to hackney carriages in force within the area of the district are hereby repealed.

Dated 3rd October 1975.

## **Appendix B**

# **LISTED BELOW ARE THOSE ITEMS WHICH ARE TESTED AT THE COUNCIL'S VEHICLE TESTING CENTRE**

### **Cab & body**

- 1 Bumper bars
- 2 Condition of wings
- 3 Cab mountings
- 4 Cab doors
- 5 Cab floors and steps
- 6 Driving seat
- 7 Security of body
- 8 Condition of body
- 9 Mirrors
- 10 View to front
- 11 Condition of glass
- 12 Driving controls
- 13 Condition of chassis
- 14 Seat with belts and anchorages
- 15 Windows
- 16 Reflectors
- 17 Communication with driver

### **Wheels, hubs and tyres**

- 18 Road wheels and hubs
- 19 Size and type of tyres
- 20 Condition of tyres
- 21 Spare wheel carrier
- 22 Stub axles, wheel bearings

**NB: Please refer to Appendix G on Pages 46/47 for further information regarding the use of 'space saver', 'run flat' tyre system and per/post puncture sealant.**

### **Engine and transmission**

- 23 Smoke emission
- 24 Engine mountings
- 25 Oil leaks
- 26 Transmission
- 27 Gear box

### **Electrical system and instruments**

- 28 Windscreen wipers and windscreen wash
- 29 Speedometer
- 30 Electrical wiring and equipment
- 31 Obligatory rear lamps (position and function)
- 32 Functioning of direction indicators
- 33 Vertical aim of headlamps
- 34 Obligatory headlamps (position and function)
- 35 Obligatory stop lamps (position and function)

- 36 Play at steering wheel
- 37 Steering column
- 38 Steering linkage
- 39 Steering box
- 40 Steering geometry

## **Brakes**

- 41 Hand levers controlling mechanical brake system
- 42 Service brake pedal
- 43 Service brake operation
- 44 Mechanical brake components
- 45 Brake wheel units
- 46 Brake pipe, master cylinders, reservoirs, valves and connections

## **Fuel system**

- 47 Fuel tanks and pipes

## **Exhaust system**

- 48 Exhaust system

## **Springs and suspension**

- 49 Condition of spring pins and bushes
- 50 Condition of suspension units
- 51 Attachment of suspension units
- 52 Shock absorbers

## **Operations tests**

- 53 Maintenance of service brake
- 54 Maintenance of parking brake
- 55 Speedometer
- 56 Road test

## Appendix C

# HACKNEY CARRIAGE CONDITIONS

1). The holder for the time being of this licence shall forthwith notify the Borough Council of any change of abode.

2). This licence shall lapse immediately there shall cease to be in force in respect of the hackney carriage to which it applies such a policy of insurance or such a security in respect of third party risks as complies with the requirements of Part VI of the Road Traffic Act, 1972.

3). All advertising material shall be inspected by the Licensing Officer

(a) Hackney Carriages shall be permitted to display advertisements to the maximum cover of the front and rear doors;

(b) Any advertisement shall comply with the advertising code, particularly in connection with sex, drugs and drink;

(c) Advertisement shall be permitted to the rear screen subject to the driver being able to see through the bottom of the rear screen;

(d) Advertisement shall be permitted on the rear flip down seats.

			Front seat	Rear seat
4	(a)	Child under 3 years	Appropriate child restraint must be worn	Appropriate child restraint must be worn if available
4	(b)	Child aged 3 to 11 years and under 1.5 metres	Appropriate child restraint must be worn if available	Appropriate child restraint must be worn if available
4	(c)	Irrespective of height	If no appropriate restraint available then an adult seat belt must be worn	If no appropriate restraint available then an adult seat belt must be worn

If the front seat is available it must be used in preference to an unbelted rear seat.

4	(d)	Child aged 2 to 13 years	Adult seat belt must be worn if available.	Adult seat belt must be worn if available.
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**Passengers aged 12 years and upwards (or those below 12 years but taller than 1.5 m) must wear an adult seat belt if fitted.**

5) That all hackney carriages shall convey guide dogs for the blind and hearing dogs for the deaf.

- 6) Certificates granted by the Council on completion of the Council's training course on the Conveying of the Disabled shall be displayed and be clearly visible to the travelling public in the Hackney Carriage vehicle.
- 7) Any person driving this vehicle under the provisions of this licence shall complete a Road Passenger Vehicle Driving Course NVQ (level 2) and VRQ (level 2) with a course provider from the Learning Skills Council approved course provider list within 12 months of the grant of this licence.
- 8) Any person driving this vehicle under the provisions of this licence shall submit the original pass certificate to the Licensing Office within 3 months of successful completion of the Passenger Vehicle Driving Course NVQ (level 2) and the VRQ (Level 2) Course.

## Appendix D

# HACKNEY CARRIAGE DRIVER CONDITIONS

1. The holder of this licence shall forthwith notify the Borough Council of any change of abode.
2. The holder of this licence shall within seven days disclose to the Council in writing, details of any conviction imposed by any Court during the period of the licence, and any endorsements on the holder's current driver's licence imposed under the provisions of the fixed penalty system.

## Appendix E

# GUIDELINES TO THE TAXI COMMITTEE IN RESPECT OF NEW LICENCE APPLICATIONS AND EXISTING DRIVERS/OPERATORS WHO HAVE COMMITTED OFFENCES DURING THE CURRENCY OF THEIR LICENCES

1. **It is important to emphasise that these are general guidelines only. Each case must be considered on its own merits.** The indicated sanction is a **starting point** only and may be reduced in cases where there is considerable mitigation, or increased in cases where there are aggravating features.

Any reference to convictions also applies to cautions since an offender must have admitted the offence in question in order to receive a caution.

2. A person with a current conviction for a serious criminal offence need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 5 years, subject to the circumstances of each individual case, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. **However, the overriding consideration should be the protection of the public.**

3. Spent Convictions

All applicants for a private hire and hackney drivers licence are required to declare any convictions that have been recorded against them including any spent convictions.

This is by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, Schedule 1, part 3.

The disclosure of a criminal record or other information does not debar an applicant from the grant of a licence unless it is considered that the conviction(s) renders the applicant "not a fit and proper person" to hold a licence. In making the decision the Committee will take into account the nature of the offence(s), how long ago, what the age of the applicant was when the offence(s) were committed and any other factors that may be relevant. In particular, spent convictions will become relevant where they show a course of conduct on behalf of the applicant. For example, a number of convictions for violence, even where spent may indicate a propensity for violence and consequent risks to passengers as opposed to an isolated offence committed a number of years ago. The advice of the Legal Adviser is essential to ensure that the Committee attaches appropriate weight to convictions when determining applications.

Categories of Offences:

(a) **Minor Traffic Offences**

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street low level speeding etc, should not prevent a person from applying for a licence.

There is a delegated authority for officers to determine an application for the grant of a private hire and hackney carriage drivers licence, if the applicant has up to six penalty points on his DVLA licence.

However, if those six points are for one offence or if the points for one offence are over three points, the matter is referred to the Taxis Committee for determination.

If 12 penalty points have been accrued to require a period of disqualification of the applicant's driving licence then it is our policy that a hackney carriage or private hire drivers licence **may** be considered after the applicant has had his DVLA licence restored for the same amount of time as the disqualification period.

**Starting Point**

Existing Licence Holder

Grant of a New Licence

Strong warning

Strong warning

(b) **Major Traffic Offences**

Any conviction for this type of offence within the last two years should merit refusal in the case of a new application and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed depending on the seriousness of the offence(s). However, if it can be established that this is an isolated offence and the applicant has otherwise held a clean licence for a considerable period, then the Committee **may** consider a time limited grant.

Examples include:-

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours.

AC30 Undefined accident offence/Driving with due care and attention

IN10 Driving without insurance.

**Starting Point:**

Existing Licence Holder

Grant of a new Licence

Suspension two months

Refusal – may stipulate time to reapply (unless deemed isolated offence)

Examples, continued:-

BA10 Driving whilst disqualified

BA30 Attempting to drive whilst disqualified by Court

DD40 Dangerous Driving

DD60 Manslaughter

DD80 Causing death by dangerous driving

### **Starting Point**

#### Existing Licence

Revocation

#### Grant of Licence

Refusal

### (c) **Alcohol related offences**

A serious view should be taken of convictions for driving or being in charge of a vehicle while under the influence of alcohol.

Examples:-

DR10 Driving or attempting to drive with alcohol concentration above limit

DR20 Driving or attempting to drive when unfit through drink

DR30 Driving or attempting to drive, then refusing to provide a specimen for analysis

DR40 In charge of a vehicle with alcohol concentration above limit

DR50 In charge of a vehicle when unfit through drink

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR 70 Failing to provide a specimen for breath test.

A person who has been disqualified from driving as a result of a drink driving offence must show at least three years free from convictions after the restoration of their driving licence before their application will be considered.

More than one current conviction of this type will require a period of at least *five* years free from convictions before the application would be considered.

*NB: drink driving offences remain on a driving licence for a period of ten years and a second conviction within that period will result in a minimum disqualification of three years.*

Such an applicant would also be required to pass a medical examination and if the applicant was found to be an alcoholic a further period of *five* years should elapse after treatment is complete before an application is considered.

### **Starting Point**

#### Existing Licence Holder

Revocation (consideration to further application above)

#### Grant of Licence

Refusal (note comments above)

### (d) **Drug Offences**

A serious view should also be taken of offences involving misuse of drugs

Examples:-

DR80 Driving or attempting to *drive* when unfit through drugs

DR90 In charge of vehicle when unfit through drugs

*NB: variety of criminal offences covering possession and supply of ClassA/BIG drugs, all of which are imprisonable offences.*

### **Starting Point**

#### **New Applicant**

An applicant with a conviction for a drug related driving offence should be required to show a period of three years free of convictions before an application is considered, or five years if there is more than one current conviction or after detoxification treatment if the applicant is an addict.

An applicant with more than one current conviction would be required to pass a medical examination and if the applicant was found to be drug dependant, a further period of five years should elapse after treatment is complete.

#### **Existing Licence Holder**

Revocation – (consideration to further application as above).

In cases of possession – revocation.

In cases of supply – revocation.

### **(e) *Indecency Offences***

Given that drivers of private hire / hackney carriage vehicles will be in a position to convey lone females and children, some of whom will have special needs, any offences of a sexual nature are to be treated extremely seriously.

### **Starting Point**

#### **New Applicant**

Applicants with convictions for indecent exposure, indecent assault, importuning or any sexual offence, should be refused a licence. In exceptional circumstances, an application may be considered when the applicant can show a substantial period (of at least 7 years ) free of such convictions from either the date of conviction or 7 years from completion of any custodial sentence imposed, whichever is the later. However, grave care should be taken given the potential risks that the public may be exposed to, given the serious nature of such offending.

#### **Existing Licence Holder**

Revocation

*(NB: major aggravating feature if offence was committed on a passenger)*

### **(f) *Violence***

### **Starting Point**

#### **New Applicant**

Applicants with convictions for violence should be refused a licence.

Examples:-

- Possession of offensive weapon
- Common assault
- Actual bodily harm (S.47)
- Wounding (S.20)
- Grievous bodily harm with intent (S.18)

An application **may** be granted if the applicant can show at least 3 years free of such convictions from either the date of conviction or 3 years from completion of any custodial sentence imposed, whichever is the later. This will, however depend on the seriousness of the original offence. In cases of more than one current conviction, a period of at least five years should elapse before an application can be considered.

Existing Licence Holder

Revocation (consideration of further application as above)

*(NB: major aggravating feature if offence was committed on a passenger)*

(g) ***Dishonesty***

### **Starting Point**

#### **New Applicant**

Applicants with convictions for an offence involving dishonesty will normally be refused a licence.

Examples:-

- Theft
- Obtaining a pecuniary advantage by deception;
- Fraud

An application will be considered where the applicant can show at least 3 years free of such convictions from either the date of conviction or 3 years from completion of any custodial sentence imposed, whichever is the later.

In cases of more than one current conviction, a period of at least five years should elapse before an application can be considered.

(h) ***Public Order Offences***

Examples:-

- Riot (S.1)
- Violent disorder (S.2)
- Affray (S.3)
- Intentional harassment, alarm or distress (S.4A)
- Harassment, alarm or distress (S.5)

*(NB; all the above are punishable with imprisonment other than Section 5, which is a fine only)*

### **Starting Point**

## New Applicant

Applicants with a conviction involving a public order offence should be refused a licence. An application will be considered where the applicant can show at least 2 years free of such convictions from either the date of conviction or 2 years from completion of any custodial sentence imposed, whichever is the later.

## Existing Licence Holder

Suspension – two months (in respect of less serious public order offences).

### (i) **Offences Specific to Private Hire/Hackney Carriage Trade**

#### (1) Plying for Hire

(Private Hire driver picking up a passenger without a prior booking).

- The starting point for a first conviction for plying for hire is 4 months suspension.
- The starting point for a second conviction for plying for hire would be revocation where the time between the first and second conviction for plying for hire is less than 10 years.
- The starting point for a second conviction for plying for hire would be 6 months suspension where the time between the first and second conviction for plying for hire is more than 10 years.
- The starting point for a third conviction for plying for hire with 30 years is revocation.

#### (2) Non-Use of Taxi Meter

(Hackney Carriage driver failing to use meter).

- The starting point for a first conviction for non-use of a taxi meter is 2 months suspension.
- The starting point for a second conviction for non-use of a taxi meter would be revocation where the time between the first and second conviction for non-use of a taxi meter is less than 10 years.
- The starting point for a second conviction for non-use of a taxi meter would be 6 months suspension where the time between the first and second conviction for non-use of a taxi meter is more than 10 years.
- The starting point for a third conviction for non-use of a taxi meter within 30 years is revocation.

*(NB: if a driver appears before the Committee for either of the above offences and has a hackney carriage and private hire licence, both licenses should be treated equally for the purposes of suspension/revocation).*

#### (3) Non-disclosure of convictions by applicant/existing licence holder – requirement of application and condition of licence.

## Starting Point

Grant of a New Licence

Existing Licence Holder

Refusal

Suspension for two months

*(NB: any invitation to reapply subject to mitigating circumstances and nature of offence(s))*

- (4) Failure to wear badge

(Both Private Hire and Hackney Carriage)

**Starting Point**

- (5) Suspension for one month

Breach of Condition of Licence

Examples:

- Failure to report conviction
- No roof sign/plate

- (6) Failure to Keep Records

(Private Hire Operators)

**Starting Point**

Suspension of operators licence for two months

**Local Government (Miscellaneous) Provisions Act 1976 Section 61 (2A) and (2B) suspension and revocation of a drivers' licence.**

Under the above section the Committee is required to consider whether the interests of public safety demand that the suspension or revocation of a private hire/hackney carriage driver's licence should have immediate effect regardless of whether there is a subsequent appeal to the Magistrates Court against this decision.

The Committee will consider whether to exercise this power in each individual case taking into account all factors, both aggravating and mitigating, in reaching a decision.

The Committee's starting point is that where a decision is made to suspend or revoke a licence the issue of public safety will have been compromised.

**Starting Point**

Suspension or revocation of a private hire/hackney carriage driver's licence will take immediate effect unless the Committee determines that public safety will not be compromised by the driver continuing to drive during an appeal that is made to the Magistrates Court.

- (7) Misuse of a Mobile Telephone

(using a Mobile Telephone whilst Private Hire/Hackney Carriage |vehicle in motion).

**Starting Point**

Suspension of one month

- (8) Smoking in a Hackney Carriage/Private Hire vehicle under Section 7 Health Act  
(Smoking in a smoke free place)

Fixed penalty notice (**Not** a criminal conviction or caution)

**Starting Point**

Strong Warning

A second penalty notice – Suspension for one month.

## Appendix F

# TRAINING FOR ALL PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS IN THE CONVEYING OF THE DISABLED

On the 13<sup>th</sup> January 2005 the Taxis Committee resolved that all drivers of private hire cars and hackney carriages should undergo an in-house training course for the conveying of the disabled. They also resolved that there should be consultation with the Taxi Focus Group.

On the 7<sup>th</sup> March the Taxi Focus Group were consulted and made no adverse comments.

The course will contain the three following modules:-

- Module A – The role of the driver what the law says
- Module B - Dealing with wheelchair customers
- Module C - Dealing with persons who have visual impairments and working dogs

At the conclusion of the course all drivers will require a certificate which must be displayed in their vehicle.

The course will be comprise of three modules in the following way:-

1. All new drivers will be required to undergo training before determination of licence application.
2. Courses will be run from 5.00pm to 7.00pm.
3. Courses will be available once a week.
4. All existing drivers will be required to undergo training on application for renewal of licence.

To facilitate the above training in pursuance of section 51(2) & 57(1) of the Local Government (Miscellaneous Provisions) Act 1976 the following conditions will be attached to both hackney carriage and private hire drivers licences:-

- . **The holder of this licence shall within 28 days of the grant or renewal of this licence complete the councils training course for the conveying of the disabled.**

In pursuance of Section 47(1) and Section 48(2) of the Local Government (Miscellaneous) Provisions Act 1976 the following condition will be attached to all private hire vehicles and hackney carriages:-

- . **Certificates granted by the Council on completion of the Councils training course on the conveying of the disabled shall be displayed and be clearly visible to the travelling public in the hackney carriage/private hire.**

In pursuance of Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the hackney carriage and private hire vehicle condition of licence you have the right of appeal to the Magistrates Court within 21 days of the date of this letter.

In pursuance of Section 47(3) and 48(7) of the Local Government

(Miscellaneous Provisions) Act of 1976 you have the right of appeal in respect of the hackney carriage condition of licence and the private hire vehicle condition of licence within 21 days of the date of this letter.

Please note the Committee will give consideration as to whether the completion of the disabled training module contained in the proposed course for the Taxi/Private Hire Trade can be an exemption for the above requisite training.

## Appendix G

# ALTERNATIVE OPTIONS TO NORMAL SIZE SPARE WHEELS

### **Space Saver Spare Wheels**

- Space saver spare wheels must meet manufacturer's specifications and must be the type approved with the vehicle it is intended to be used on.
- The tyre must comply with current legislation.
- It must not be used on the vehicle when attending Lister Road for a vehicle examination; however the spare wheel must be with the vehicle for examination by the tester.

### **Run Flat Tyre System**

- All vehicles that have as part of the manufacturer's original specification a 'run flat' tyre system must have part of the original vehicle specification an on-board tyre pressure monitor which must be in full working order. (the purpose of this monitor is to alert the driver that one of the vehicle tyres has suffered a sudden loss of air pressure)
- Any vehicles 'on board tyre pressure monitor' that is not in full working order will fail the Lister Road vehicle test.
- Any vehicle attending Lister Road for a vehicle examination with a tyre that shows signs that it has been deflated due to a puncture and has not been replaced will fail the vehicle test.

### **Pre Puncture Sealants**

- Vehicles that have as part of the vehicle manufacturer's original specification tyres that have a pre puncture sealant must be examined on a regular basis for signs of the pre puncture sealant has been activated.
- Any vehicle that attends Lister Road for its vehicle examination will fail the vehicle test if any tyre shows signs of any leaking sealant.
- With this type of repair method, there is serious concern that where vehicles are not fitted with a tyre pressure monitor the driver will have no idea whether there has been a puncture or not. A large screw or nail in the tyre will cause further damage over a period of time which could lead to a more catastrophic failure of the tyre.
- This alternative method to a normal spare tyre will only be acceptable if the vehicle is fitted with a tyre pressure monitor which forms part of the manufacturer's specification.

### **Post Puncture Sealants**

- Vehicles that have part of the vehicle manufacturer's equipment a post puncture sealant kit as an alternative to a normal size spare wheel must have the sealant kit in the vehicle at all times. Failure to provide access to the sealant kit will result in the vehicle failing the test at Lister Road.
- The sealant kit must be in-date, full and be compatible as required by the vehicle manufacturer. The kit must also include a compressed cylinder of gas to re-inflate the tyre.

- Any sealant kits that have been tampered with, damaged or used will cause the vehicle to fail its test.
- Any vehicle that attends Lister Road for a vehicle test shows signs of tyre sealant being used in one or more of its tyres then the vehicle will fail the vehicle test.

# NOTES

# Notes