



# Walsall Council

---

---

## REPORT OF THE DIRECTOR OF PUBLIC HEALTH

### TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

#### CONSULTATION ON DRAFT NEW LICENSING CONDITIONS AND ASSOCIATED POLICIES FOR THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES

#### 1. PURPOSE OF REPORT

- 1.1 This report is to present to Licensing and Safety Committee the draft new licensing conditions and associated policies for the hackney carriage and private hire trades prior to the commencement of public consultation.

#### 2. RECOMMENDATION

- 2.1 The Committee is recommended to consider the report and either:

(1) Approve that formal public consultation can commence

or

(2) Not approve that formal public consultation can commence

#### 3. BACKGROUND

- 3.1 Walsall Council, as Licensing Authority, attaches conditions to every licence issued to drivers, proprietors and operators within the hackney carriage and private hire trades. In the last decade the current conditions have only been updated when individual issues have arisen rather than being reviewed comprehensively. A copy of the current conditions are attached as **Appendix 1** for reference.
- 3.2 Alongside and complementing the existing conditions, there are a number of policies which are applicable to the trade sectors. However, these are spread across a variety of different documents in an unstructured way that means it is difficult for staff, members of the Committee, applicants or licence holders to read.

- 3.3 There have been many changes in recent years in the demographic of the population, the needs of the travelling public, technology used by the public and trade and trading and business practices. It was considered timely, therefore that a comprehensive review of the conditions was undertaken.
- 3.4 During this review process, it was found that much of the content of the current conditions was unstructured and related to policy, repeated provisions already within the legislation or, in some cases, simply described a process.
- 3.5 The new framework has been structured in such a way, that it sets out law, policy and conditions in a distinct way that should make the whole framework easier to follow. The first document consists of the conditions which each type of licence holder must adhere to. It also references legal requirements that licence holders should be aware of in the course of their business. The other six documents are policies which apply to applicants prior to the grant of a licence and to licence holders once a licence has been issued.
- 3.6 The bye laws which are applicable to hackney carriages have not been changed as this requires a different more complex process.
- 3.7 The draft new conditions and policies are attached as **Appendix 2**.
- 3.8 The public consultation will take place with a range of stakeholders. These include:
- **Current holders of licences in the hackney carriage and private hire trades.** All licence holders will be contacted individually via the new texting service to inform them that the consultation has started; to advise where they can read the detailed proposals and to tell them how to respond to the consultation. In addition, there will be a briefing to the Private Hire and Hackney Carriage Liaison Group and drop in sessions where officers can explain the proposals in more detail to any members of the trade who wish to attend.
  - **The public.** General communications via the traditional press and social media will be issued to inform the public of the proposed amendments; how they can access more information on the proposals and how to respond. In addition, letters will be sent to groups who represent or support particular sectors of the public who may be more directly impacted by the proposed changes, eg people with disabilities, the elderly and other groups.
  - **Key stakeholders.** There are key stakeholders internal to and outside the Council who need to be consulted on the proposed changes. These include West Midlands Police, other council

departments, eg Adult Social Care, Children's Services, Highways and Transportation, Clean and Green and Public Health. Those services that have been identified will be contacted directly. In addition, there will be a briefing via the Chief Executive's Core Brief to ensure all services are aware of the process and how to participate.

- 3.9 If members approve the commencement of this consultation, this will start with a briefing at taxi liaison group on 27 June and end on 13 August 2018.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Within Budget: Yes.
- 4.2 Due to the comprehensive nature of the consultation it is anticipated that any concerns over conditions or policies will be resolved. Applicants or Licence holders do however always have recourse to a court of summary jurisdiction where they feel aggrieved at a condition or policy that affects them. The cost of any such appeal or judicial review would have to be met from within existing council resources.

#### **5. POLICY IMPLICATIONS**

- 5.1 Within Council Policy: Yes.

#### **6. LEGAL IMPLICATIONS**

- 6.1 Legal Services Consulted: Legal services have been involved in the writing of the draft new conditions and policies and will also be a formal consultee in the consultation process.

- 6.2 The Local Government (Miscellaneous Provisions) Act 1976 s47(1) *Licensing of hackney carriages* states that

A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary

- 6.3 The Local Government (Miscellaneous Provisions) Act 1976 s48(2) *Licensing of private hire vehicles* states that

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

- 6.4 The Local Government (Miscellaneous Provisions) Act 1976 s51(2) *Licensing of drivers of private hire vehicles* states that

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

- 6.5 The Local Government (Miscellaneous Provisions) Act 1976 s55(3)  
*Licensing of operators of private hire vehicles* states

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.  
Each provision allows for an aggrieved applicant to appeal against the refusal to grant or conditions attached to the grant of a licence.

## **7. EQUAL OPPORTUNITIES**

- 7.1 As part of the proposed consultation process, equalities issues will be captured and an Equalities Impact Assessment will be undertaken before the final proposed new conditions and policies are brought forward for adoption.

## **8. WARD(S) AFFECTED**

- 8.1 All

## **9. CONSULTEES**

- 9.1 This report is to launch public consultation on the draft new conditions and policies as outlined in the section 3 of the report.

## **10. CONTACT OFFICER:**

- 10.1 Lorraine Boothman Regulatory Services Manager x3065  
David Elrington Regulatory Services Manager x3023



**Walsall Council**

**Private Hire  
And  
Hackney Carriage**

**Information  
And  
Licence Conditions**

**Updated March 2017**

## **PREFACE**

It is an accepted fact that licensed Hackney Carriages and Private Hire Vehicles play an increasingly important part in the provision of an integrated public transport system within Walsall. Their role will become more important as new policies develop in the future.

It is the Council's vision and opinion that best practice outlining a common standard should apply both in the vehicles that are licensed and to all the drivers who operate them, no matter the frequency or level of participation.

The first contact many individuals have while visiting Walsall is a Hackney Carriage or Private Hire Vehicle. The Council's aim is that this should be a pleasant experience as it is considered an integral and important part of any visit to Walsall.

The Council advocates that best practice should be adopted as a norm and that Hackney Carriage and Private Hire Vehicles should be presented in a professional manner.

The following contains what in Walsall Metropolitan Borough Council's opinion would become best practice for both Hackney Carriage and Private Hire Vehicles and guidelines on the Code of Conduct for all personnel involved in operating or driving them.

This booklet also contains useful information, tips and guidance on driving licensed vehicles.

## **THE AIMS OF THE LICENSING SERVICE**

The Licensing Service has three main aims:

1. To provide our customers with the assistance and guidance they require to deliver an excellent service to the public
2. To improve the quality of the Private Hire and Hackney Carriage Service
3. To protect public safety

These aims form the basis upon which we make our decisions.

### **HOW TO CONTACT US**

The Licensing Office is situated at:

LICENSING UNIT  
WALSALL COUNCIL  
CIVIC CENTRE  
DARWALL STREET  
WALSALL  
WS1 1TP

**Tel:** 01922 653050  
**Fax:** 01922 653070  
**Email:** [licensing@walsall.gov.uk](mailto:licensing@walsall.gov.uk)

Our opening hours are:

Monday, Tuesday, Thursday	08:45 – 17:15
Wednesday	09:30 – 17:15
Friday	08:45 – 16:45

## QUICK REFERENCE GUIDE

General information/conditions



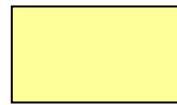
Hackney Carriage Vehicle  
Licence Conditions



Hackney Carriage  
Byelaws



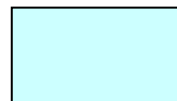
Private Hire Operator  
Licence Conditions



Private Hire Driver  
Licence Conditions



Private Hire Vehicle  
Licence Conditions



Limousines & Special Event Vehicle  
Licence Conditions





## **DRIVING A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE**

This section covers some of the key issues associated with driving a Hackney Carriage or Private Hire car. It looks at some of the skills you require to drive a Hackney Carriage or Private Hire Vehicle safely with passenger consideration.

### **SAFE DRIVING**

Driving a Hackney Carriage or Private Hire vehicle demands a sense of responsibility. You are responsible for the lives of your passengers in your vehicle as well as other road users and pedestrians.

It means driving with responsibility, care, consideration and courtesy. Other people may make mistakes so you should be aware of other road users and pedestrians.

Safe driving involves:-

1. Being aware of what is happening around you and anticipating the actions of other road users
2. Driving to take account of the unexpected
3. Staying in full control at all times

Driving safely relies on making effective observations and to do this you must look and assess your situation, decide on an appropriate course and act on that decision.

### **THE SAFETY GAP**

Try to maintain a safety gap around your vehicle at all times.

In slow moving or stationary traffic you should never get so close to the vehicle ahead of you that if it stalled or broke down you would have to use reverse gear or more than a moderate amount of steering to pass the vehicle.

In faster moving traffic you should keep a safe distance from the vehicle in front. If the vehicle behind is too close do not speed up; increase the distance from the vehicle in front. This allows the following vehicle a better chance to overtake, or if the vehicle in front stops suddenly, it gives you and the following vehicle a better chance to stop gradually.

### **MIRRORS AND BLIND SPOTS**

The mirrors must be clean and in the right position. You should use them frequently and always before signalling or changing speed or course.

All vehicles have blind spots and you should know where they are. You should never stay in another vehicle's blind spot for longer than is necessary.

### **REVERSING**

If reversing is unavoidable then carry out the manoeuvre slowly. Before reversing, you should always check that the way is clear and that the manoeuvre can be made safely. Take care when reversing near children.

## **SIGNALS AND SPEED**

Always give the signals illustrated in the Highway Code, and avoid giving confusing signals. Speed limits are a legal maximum and are not the same as safe driving speeds.

## **PASSENGER CONSIDERATION**

Drivers should be considerate to their passengers. Passengers with disabilities require special consideration, not only embarking or disembarking but also during the journey. Harsh cornering, stopping or braking could cause pain and distress.

## **VEHICLE SYMPATHY**

Vehicle sympathy involves being aware of your vehicle's capabilities and not trying to exceed them.

## **VEHICLE CHECKS**

Before you start your shift you should check that:-

1. there is no external damage to the bodywork
2. all doors and locks are operating correctly
3. all tyres are in an acceptable condition and at the correct pressure
4. oil, water, brake fluid and washer fluid levels are correct
5. all lights and indicators are working and clean
6. windscreen wipers and washers are in working order
7. mirrors are intact correctly positioned and clean
8. windows are clean
9. the horn is in working order
10. all the seats are fixed and secure and the seat belts are working
11. check the wheelchair ramp

## **ACCIDENTS**

If you are involved in an accident you are legally obliged to stop and exchange details with any other person involved in the accident. However, if the other person involved in the accident will not give their details, note the registration number, make and model of the other vehicle. You should take the names and addresses of any witnesses.

If someone is injured or if for any reason particulars cannot be exchanged, then you have a duty to report the collision to the Police as soon as possible but within 24 hours.

Remember that your passengers may panic and you may also experience some shock yourself. Remain clam, reassure your passengers and take control of the situation. When you have the situation as safe as possible, you should then concern yourself with collecting and exchanging the necessary details.

If the collision causes injury to any person or animal, or damage to any other vehicle or any property you should:

1. Stop! This may seem obvious, but it is a legal requirement
2. Do not move the vehicle unless it would be dangerous to leave it where it is
3. Immobilise the vehicle by applying the handbrake, putting the vehicle into a high gear or in the parked mode if the vehicle is automatic and switch off the engine. Turn off any electrical or fuel isolating switches that may be fitted.
4. Evacuate your passengers if there is a risk of fire or further accident
5. Check carefully for any injuries amongst passengers. If anyone is injured call the emergency services and administer first aid if you are a qualified first aider. Remember that shock symptoms may not be immediately obvious and shock can be life threatening.

### **IF THE VEHICLE IS ON FIRE**

In the event of a fire, the first priority is to evacuate the passengers, since a vehicle can burn out in 3 to 4 minutes. It is suggested that the following steps should be considered in the event of a fire:-

1. Take control of the situation
2. Stop the vehicle immediately if it has not already come to a halt. Engage the handbrake and a high gear
3. Switch off the engine
4. Operate the fuel cut-off switch (if fitted)
5. Assist the passengers to leave the vehicle
6. Under no circumstances return to the vehicle or permit any passengers to return to the vehicle to collect personal belongings

### **BASIC FIRST AID**

First Aid training is widely available and inexpensive. Certificated courses are organised by St. John Ambulance and the British Red Cross. If you are the first person on the scene of a road traffic collision then you will find the following information useful:-

1. If possible, position your vehicle so as to protect the scene of the accident
2. Engage the handbrake, switch off the engine and put on the hazard warning lights
3. Stay calm and assess the situation before taking any action
4. Call the emergency services using the 999 facility, or get someone else to do so

### **ALCOHOL AND DRUGS**

It is illegal to drive whilst under the influence of alcohol or drugs (this can include prescribed drugs). When you are taking prescribed medicines check with your doctor it is safe to drive. If you are taking other medication, a pharmacist can offer advice.

Drinking any amount of alcohol will impair your driving ability and may lead to a breach of the law. The effect of alcohol from the day before may impair your judgement and could still be detected by the Police.

## **ROADSIDE INSPECTION**

The Police can stop a Hackney Carriage or Private Hire Vehicle at any time. They have the right to inspect the vehicle for defects and can issue a prohibition on the vehicle.

## **PASSENGERS WITH DISABILITIES**

In order that all members of the public in Walsall receive a consistently high level of service from Private Hire/Hackney Carriage drivers/operators/vehicle owners within the Borough, the Authority would expect licence holders to comply with the following requirements:

- All Private Hire Operators should have the facility to carry guide dogs/working dogs, when required to do so by a member of the public at no extra charge.
- Private Hire Operators must ensure that at all times the level of service they provide to people with disabilities is identical to the service they provide to able bodied passengers, both in terms of price and level of service.
- Any discrimination in relation to less able passengers is unacceptable. Discrimination will be considered as behaviour that is inappropriate to a Walsall Licence holder and will be considered by the Licensing Committee or Magistrates Court.

Most people want to treat less able employees, job applicants and customers in the same way as everyone else, but are not always sure how to go about it.

The following suggestions may help:

- Disabled people are individuals, just like everybody else. Don't make assumptions about their disabilities or their needs. Don't forget that some disabilities are hidden for example epilepsy and diabetes.
- If you aren't sure how something might affect a disabled person, ask them for advice.

## **Communication**

- If a disabled person is with somebody else, talk to the disabled person directly, not to the person who is with them. This also applies to a hearing impaired person accompanied by a sign language interpreter.
- When talking to a hearing impaired person, find out if necessary in writing – whether they lip read. If they do, make sure your face is in the light, look directly at the person, speak clearly and naturally, remembering to keep your hands away from your face.

- When you first meet a visually impaired person, introduce yourself. When you are going to move away, tell them. Don't leave them in an empty space.
- When you are talking to someone with a speech impairment, concentrate on what is being said, be patient and don't try to guess what they want to say. If you don't understand, don't pretend you do.
- If someone has difficulty understanding you – perhaps because they have a learning disability – be patient and be prepared to explain something more than once.
- When talking to a wheelchair user, try to ensure that your eyes are at the same level as theirs, perhaps by sitting down.
- If you are talking to an adult, treat them like an adult.

### **Assistance**

- If someone looks as if they need assistance, offer it, but wait for them to accept before you help.
- When guiding a blind person do not push or pull them. Ask them if they would like to take hold of your arm. If there are any steps tell them whether the steps go up and down.
- Remember that working dogs are not pets. They should not be fed, patted or distracted when they are working.

### **Language**

Some of the words and phrases we use offend disabled people, because they suggest that the disabled person is dependant or helpless. Below are some common words to avoid with suggested alternatives.

<b>DO NOT SAY</b>	<b>USE</b>
The disabled	Disabled people/people with disabilities
Suffering from / crippled by / afflicted by / a victim of	A person who has / a person with
Deaf and dumb	Deaf without speech
An epileptic	A person with epilepsy
Mentally handicapped	A person with a learning disability
Wheelchair bound	Wheelchair user

## **Guide for loading and securing a Wheelchair and passenger into a vehicle**

Each time you pick up or drop off a wheelchair passenger you must follow the correct procedure, always use the ramps and secure the chair and passenger, using the correct equipment (i.e. clips and belts).

1. Park the vehicle in a suitable location.
2. Lift the back seat(s) into a vertical position.
3. Position the ramp(s) as recommended by the vehicle manufacturer and ensure the angle is not too steep.
4. Align the wheelchair with the ramp(s) and carefully push the wheelchair up and into the vehicle, if necessary reminding the passenger to lower their head as they pass under the door opening.
5. Push the wheelchair over towards the opposite door and put the wheelchair hand brakes on.
6. Prepare the wheelchair securing belts/shackles/clips and stow the ramp(s) securely.
7. Release the wheelchair hand brake and position the back of the wheelchair tightly against the vehicle's dividing partition. **PASSENGERS MUST BE TRANSPORTED REAR FACING NOT SIDEWAYS.**
8. Finally secure the wheelchair as recommended by the vehicle manufacturer and put the wheelchair hand brakes on.
9. NOTE: If the wheelchair is a powered chair, the passenger will need to drive the chair up the ramp and manoeuvre the chair into position.
10. Fit the wheelchair passenger seat belt, ensuring it is located correctly.
11. Lower the back seats if possible; ensuring the passenger's legs are clear. If the back seats cannot be lowered, ensure they are secure to prevent them from dropping onto the passenger.
12. Reverse the above procedure to remove the wheelchair and passenger safely from the vehicle.
13. When the wheelchair and passenger is clear of the vehicle, always ensure that the wheelchair brakes are ON and the passenger is OK before leaving.



**Walsall Council**

**Exceptional circumstances (set aside or amend standard conditions in particular cases without full amendment of conditions).**

**On a case by case basis and only in exceptional circumstances the Committee may resolve to set aside or amend the private hire and hackney carriage standard conditions where it is appropriate to do so. In any given case, it will be appropriate to set aside or amend the standard conditions only in exceptional circumstances where to impose the standard conditions will lead to a result which the Committee considers wholly unjust and wholly unfair in the circumstances of the particular case falling for consideration.**

**The setting aside or amendment of the condition will be specific to that case alone. The standard conditions will otherwise remain in place subject to the Committee's discretion to amend them in the usual manner.**

**CONDITIONS ATTACHED TO THE GRANT OF A LICENCE TO DRIVE A PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE**

**The licence to drive a Private Hire/Hackney Carriage Vehicle is granted, subject to the licensed driver complying with the following conditions and any law pertaining to the driving of Private Hire/Hackney Carriage Vehicles.**

**Failure to comply with any of the conditions or the law may lead to prosecution and revocation or suspension of the licence to drive Private Hire/Hackney Carriage Vehicles.**

**Private Hire/Hackney Carriage Driver is now an exempted profession under the Rehabilitation of Offenders Act, and therefore no conviction is considered as spent if relevant to the application. You may have to appear before the Licensing Committee if you have been convicted of any offence. In such cases you will be informed by the Licensing Office..**

**The licence holder will submit to a DBS check every three years (This disclosure must then be produced to the licensing unit upon receipt).**

**The licence holder will submit to a DVLA Mandate check every three years.**

**The licence holder will submit to prescribed medical assessment completed by their own G.P every 5 years. Licence holders 65 or over will have such an assessment on an annual basis**

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

Your application will normally be refused or action will be taken in relation to an existing licence if:-

- You have held a full UK driving licence for less than 2 years. Taken from the date of first issue by Swansea
- You have been convicted of any driving offences involving drink/drugs, dangerous driving or disqualification within the last 5 years
- You have been convicted of careless driving/reckless driving or driving without insurance within the last 3 years
- You have been convicted of a driving offence involving vehicle safety or moving traffic offences within the last 2 years
- You have received more than 2 motoring convictions within the last 3 years
- You have accrued 9 penalty points or more during the course of your private hire / hackney carriage drivers licence
- You have any convictions under the Local Government (Miscellaneous Provisions) Act 1976 or associated legislation i.e. taxi related offences
- You have previously been a licence holder in this or any other borough and that licence has been revoked, suspended or refused
- You have exhibited behaviour which is inconsistent with that expected of a Walsall licence holder
- You are in breach of any conditions/legislation relating to your licence.

### **Dress Code.**

All drivers shall be clean, presentable and smartly dressed. Clothing must be clean. Shoulders and upper arms must be covered. This could include for example salwar kameez, a shirt, polo shirt or t-shirt and single colour trousers, or for female drivers, a blouse or t-shirt and single colour trousers or skirt or alternatively a dress.

The wearing of mules or 'flip flops' is not permitted for safety reasons. All footwear to fit around the heel, by an enclosed or sling back.



### **C.C.T.V INSTALLED IN ANY LICENSED VEHICLE**

1. No CCTV system shall be installed in a vehicle unless it has previously been approved by the council.
2. No CCTV system shall be installed in a vehicle without the prior written consent of the council.
3. No cameras shall be installed in the vehicle without prior written consent from the council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the council.
4. An advisory notice must be displayed inside the vehicle positioned in a prominent position where it can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that any notices are maintained in a clean and legible condition.
5. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the council or a police officer.
6. Upon request for image retrieval by an officer of the council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.
7. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
8. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.
9. The proprietor shall not keep, use or attempt to use any equipment to access or attempt to access the data and images stored on the system. The proprietor of the vehicle shall take all reasonable steps to ensure that no other person keeps uses or attempts to use any equipment to access the data and images stored on the system.



## **HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

**This licence is granted subject to the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 and Public Health Act 1875 and in addition the following conditions.**

**Failure to comply with any of the conditions or the law may lead to prosecution and revocation or suspension of the licence in relation to Private Hire/Hackney Carriage Vehicles**

- 1.1 The licence holder shall not cause the Hackney Carriage Vehicle to be driven by any person who does not hold a valid Hackney Carriage Drivers licence issued by Walsall Metropolitan Borough Council.
- 1.2 The licence holder must ensure that the licensing bracket issued by Walsall MBC is permanently fixed to the rear exterior of the vehicle, not by magnetic means. The licence details provided by the Licensing Office must be displayed in the drivers compartment and be visible to all passengers. If the external plate becomes defaced or lost the vehicle should not be used until a replacement has been issued.
- 1.3 The Hackney Carriage Vehicle plates remain the property of Walsall MBC. The licence holder shall ensure that the licensing identification is returned to the Licensing Office on demand and in any event on expiry of the licence.
- 1.4 The grant of a Hackney Carriage Vehicle Licence is dependant on the vehicle being brand new and wheelchair accessible. Purpose built (London style LTI and TX1) vehicles may be any colour. Euro style conversions must be black. Existing Hackney Carriage Proprietors may replace their current licensed vehicle with a vehicle that is of newer age (taken from the date of first registration) provided that it complies with other specified conditions of licence as given.
  - 1.4(a) The Licence Holder shall ensure suitable straps for securing wheelchairs identifiable to that vehicle are carried and accessible at all times. The straps must be suitable for the wheelchair securing system employed within the vehicle.

- (b) For the avoidance of doubt, the straps must meet LOLER requirements and be marked or tagged with the Hackney Carriage Licence Plate number so that the straps are identifiable to that vehicle. The straps must be marked in a non-destructive manner. The fabric of the strap should not be marked with any sort of ink likely to damage the fabric of the strap as this will cause the strap to fail the test.
- (c) The straps must be stored in a bag or case to prevent the straps being damaged.
- 1.5 The licence holder shall permit the vehicle to be inspected by an Authorised Officer or Police Officer at any reasonable time.
- 1.6 When a vehicle licence is in force the licence holder shall maintain at all times a valid public hire insurance policy.
- 1.7 The licence holder shall provide the current, valid, original insurance document on demand, to an Authorised Officer or Police Officer. A current original Insurance certificate or cover note should be produced at the time of applying for a hackney carriage vehicle licence. However, faxed or emailed insurance documents/confirmation provided directly from the insurance company or broker will be accepted initially.
- 1.8 No licence holder shall part with or lend out the vehicle plate issued to them by Walsall MBC in respect of any Hackney Carriage Vehicle.
- 1.9 The licence holder shall have full responsibility for the renewal of all vehicle and driver licences required.
- 1.10 Each licence holder must ensure that a copy, to be supplied by the Local Authority of the Hackney carriage Byelaws is carried in the vehicle at all times and is available for inspection by an Authorised Officer.
- 1.11 The licence holder shall ensure that a copy of these conditions is available for inspection by a hirer at all times.
- 1.12 The following notices shall be displayed within public view within the vehicle at all times:
- Current fare table
  - Vehicle plate number
  - Contact details for Local Authority
  - A notice advertising complaints should be directed to the Licensing Authority
- 1.13 The licence holder shall ensure that the number of passengers carried in the vehicle does not exceed the number permitted by licence.
- 1.14 The licence holder shall notify the Licensing Office in writing of any change of address within 7 days of any change taking place. All documentation produced must show the same address.

- 1.15 The licence holder shall ensure that any conviction, fixed penalty or caution is reported to the Licensing Office in writing, within 7 days of the conviction, penalty or caution.
- 1.16 No vehicles that have been the subject of major conversion or modification will be accepted unless a voluntary SVA/IVA, issued by VOSA covering such conversion or modification, is presented at time of licensing the vehicle.
- 1.17 The licence holder shall ensure that the vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions.
- 1.18 The licence holder shall not fix or cause to be fixed to the vehicle any advertisement without approval from the Licensing Office. Hackney Carriage Vehicles must not display Private Hire Operator advertising.
- 1.19 The licence holder shall ensure that a suitable fire extinguisher and first aid kit, identifiable to that vehicle is carried and is accessible at all times.
- 1.20 The use of citizens band radio is prohibited.
- 1.21 The vehicle must be fitted with a fully operative calendar controlled meter, calibrated and sealed to the current Walsall MBC fare rates. A valid calibration certificate must be produced on application for a vehicle licence. The licence holder shall not operate the Hackney Carriage if the taximeter is defective in any way. If following the calibration of a meter, the tyres or wheel sizes are changed, the meter must be re-calibrated and a new certificate produced to the Licensing Office prior to the vehicle being operated.
- 1.22 A vehicle must not be used for Hackney Carriage purposes after testing until the licence has been issued. A vehicle must be licensed within 5 working days of successfully passing a vehicle test; otherwise the vehicle will not be accepted for licensing.
- 1.23 When the vehicle is presented for testing and fails such a test the Local Authority will suspend that licence immediately.
- 1.24 For vehicles fitted with passenger tail lifts, a valid Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), bi-annual certificate must be presented at time of licensing.
- 1.25 No Hackney Carriage Vehicle shall be used in the district under a contract for Private hire except at a rate of fares or charges not greater than that fixed by the Byelaws.

### **AGE RESTRICTION ON VEHICLES**

- 1.26 For the purposes of Hackney Carriage Vehicles, the London Style cab will not be licensed past 18 years from the registration date.

- 1.27 For the purposes of Hackney Carriage Vehicles, the Euro cab i.e. Mercedes, Peugeot and Fiat etc will not be licensed past 15 years from the registration date.
- 1.28 When a Hackney Carriage vehicle is presented for licensing and that vehicle has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, then in each case the vehicle shall be brand new.
- 1.29 Existing Hackney Proprietors may replace their current licensed hackney carriage with a vehicle of newer age (taken from the date of first registration)
- 1.30 Where an existing licensed hackney carriage is to be permanently replaced, providing there is at least a 3 month period left on the existing licence, a pro rata fee will be applied to the new vehicle licence. Only whole months of licence will be considered in respect of the pro rata fee.
- 1.31 All vehicles up to 3 years old shall be presented for testing by the Authority annually.
- 1.32 All vehicles over 3 years old shall be presented for testing by the Authority every 6 months.
- 1.33 Hackney Carriage Proprietor licences shall be issued for 12 months. If the proprietor of a Hackney Carriage vehicle transfers his interest in that vehicle, he shall within 14 days of the transfer, notify the Licensing Office in writing and complete the relevant transfer application form. Continuous valid hackney carriage insurance must be produced up to the transfer date, before any new proprietor licence will be issued.

#### **ACCIDENT DAMAGE**

- 1.34 If a Hackney Carriage Vehicle is damaged in a vehicular accident or by any other means, the licence holder shall report the damage to the Licensing Office as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof. The examination shall determine if the vehicle is roadworthy or in need of repair. An 'Accident Damage Form' will be issued and must be retained in the vehicle. If the vehicle is deemed unfit to be used as a Hackney Carriage Vehicle the licence will be suspended. If the vehicle is not repaired before the expiration of two months from the date of inspection the licence will automatically be revoked. Unless the Authority confirms otherwise, the vehicle shall not be used as a Hackney Carriage from the date of first examination until it has been re-examined and passed fit for use. If the vehicle has sustained major damage then the location of the vehicle must be given and it may be inspected by an Authorised Officer.
- 1.35 The licence holder shall not obstruct any Officer authorised by the Authority in the execution of her/his duties.
- 1.36 If a cheque is tendered that subsequently is not honoured the licence holder will be subject to a supplementary administration charge as detailed on

current fees scale and no further cheques will be accepted for a 12 month period.

- 1.37 Hackney Carriage Proprietor Licences shall be issued for 12 months. However, hackney carriage vehicles must comply with their vehicle testing requirements as specified by condition related to vehicle age.



**Walsall Council**

### **HACKNEY CARRIAGE BYELAWS**

**Byelaws with respect to Hackney Carriages made by The Walsall Metropolitan Borough Council, acting under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875**

#### INTERPRETATION

1. Throughout these byelaws 'the Council' means the Walsall Metropolitan Borough Council and 'the District' means the Walsall Metropolitan Borough.

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

2 (a) The proprietor of a hackney carriage shall cause plates to be supplied by the Council, stating the number of the licence granted to him in respect of the carriage and the number of seats for which it is licensed, to be affixed on the outside and inside of the carriage in positions to be approved by the Council.

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

- i) not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire;
- ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

**Provisions regulating how hackney carriages are to be furnished or provided.**

3. The Proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide satisfactory means for carrying luggage and protecting it from the weather;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

**Byelaws requiring the fitting of (a) a taximeter with a flag or (b) a taximeter without a flag, and a separate 'For Hire' sign.**

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,
- (i) If the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':-
    - (a) The words 'FOR HIRE' shall be exhibited on each side of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
    - (b) When the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible
    - (c) When the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter
  - (ii) If the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':-
    - (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
  - (iii) 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 on that behalf for the hire of the carriage by distance



- (iv) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as to clearly to apply to the fare recorded thereon
  - (v) 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
  - (vi) 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 provided with a taximeter not fitted with a flag or other device bearing the words 'FOR HIRE' 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
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire

**Provisions regulating the conduct if 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:-
- (i) if the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':-
    - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
    - (b) 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 flag or other device so that the words are not conveniently legible, and keep the machinery of the taximeter in action until the termination of the hiring
  - (ii) if the taximeter is not fitted with a flag or device bearing the words 'FOR HIRE':-
    - (a) 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

- (b) 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
  - (c) 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
- (iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act and also at any other time at the request of the hirer
- 7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, or with the fitting thereof.
- 8. Every driver of a hackney carriage when plying for hire in any street and not actually hired shall:-
  - (a) proceed with reasonable speed to and station the carriage on one of the stands appointed by the Council
  - (b) if such 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 the 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 driver of a hackney carriage shall not at any time smoke within the vehicle as this is prohibited by statute law.
- 12. The driver of the first hackney carriage upon any stand shall be in attendance with such carriage, and be ready to be hired by any person.

13. 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.
14. 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 available route.
15. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
16. If a badge has been provided by the Council and delivered to him either with a licence granted to him by the Council or afterwards, the driver of a hackney carriage shall, when standing, plying or driving for hire, wear that badge in such a position and manner as to be plainly and distinctly visible.
17. 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
18. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of a carriage the rate or fare prescribed by the under mentioned table, the rate or fare being calculated by the distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance 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 said table which may not be possible to record on the face of the taximeter.

19.
  - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures
  - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

**Provisions fixing the stands of hackney carriages:-**

20. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list.

	<b>Place</b>	<b>No. of Hackney Carriages</b>
1.	Bridge Street, Walsall	10
2.	High Street, Aldridge North side from a point opposite Croft Parade in a westerly direction for approximately 60 feet	4
3.	Upper Lichfield Street, Willenhall East side between its junctions with Lower Lichfield Street and John Street	4
4.	Church Road, Brownhills South side from a point 13 yards to the East of its junction with High Street in an Easterly direction for approximately 30 feet	2
5.	Bloxwich	2

**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.**

21. 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.
22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the council, and leave it in the custody of the Officer in charge of the office on giving a receipt for it
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

## PENALTIES

23. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereafter.
24. The following byelaws are hereby repealed:-
  - (a) The Byelaws relating to hackney carriages made by the Mayor, Aldermen and Burgesses of the County Borough of Walsall on the 5<sup>th</sup> day of January 1973 as amended by the byelaw made by the Walsall Metropolitan Borough Council on the 25th day of April 1975 and confirmed by the Secretary of State on the 10th day of May 1973 and the 6th day of June 1975, respectively
  - (b) The Byelaws relating to hackney carriages made by the Urban District of Aldridge on the 12th day of September 1963 and confirmed by one of Her Majesty's Principal Secretaries of State on the 9th day of March 1964.

The COMMON SEAL of the WALSALL METROPOLITAN BOROUGH COUNCIL was hereunto affixed the sixth day of February 1976, in the presence of:-

B.F. DALE Associate Town Clerk

The fore-going byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 26th day of March 1976.

Signed by authority of the Secretary of State

R. F. D SHUFFERY An Assistant Under Secretary of State, Home Office, Whitehall. 26th March 1976.

## **PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

The licence is granted, subject to all licensed operators and designated managers complying with the following conditions of Walsall Metropolitan Borough Council and the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

### **Failure to comply with any of the conditions or the law may lead to prosecution and revocation or suspension of the licence in relation to Private Hire/Hackney Carriage Vehicles**

- 1.1 No person licensed under the Local Government (Miscellaneous Provisions) Act 1976 shall operate any vehicle in the controlled district of Walsall MBC:
  - i) if the vehicle does not have a licence issued under section 48 of the Act, or
  - ii) the driver does not hold a licence issued by Walsall MBC to drive that vehicle.
- 1.2 Any change of home address or home telephone number must be reported to the Licensing Office in writing within 7 days following any such changes.
- 1.3 The licensee shall ensure that the following details are recorded for every Private Hire booking clearly and legibly into a register, to be approved by the Authority:-
  - Name of hirer
  - Time and point of pick up
  - Destination of passengers
  - Private Hire plate number or other identifying code/call sign of the vehicle during the driver's duty period must be clearly recorded in the base record
  - Call sign of the driver carrying out the booking
  - Any fare agreed
- 1.4 Licensee(s) must ensure that all records are made readily available and surrendered if so required to any Authorised Officer of the Local Authority or Police Officer at any time during operating hours.
- 1.5 The licence is specific to those persons named on the licence and cannot be transferred or sold to a third party.
- 1.6 Incoming telephone calls shall not be diverted to a telephone located anywhere other than in the controlled district of Walsall.
- 1.7 The licensee shall ensure that all conditions of planning permission and radio communication licences are fully complied with in every respect.
- 1.8 The licensee will ensure that a written record of complaints is kept along with any response or action taken.

- 1.9 The licence holder shall not advertise in any form anything other than the full trading name specified on the Operator's licence.
- 1.10 The Licensing Office shall have the right to refuse to register any trading name that is likely to cause confusion to the general public, or is similar to a trading name registered to another licensed operator. The trading name shall not incorporate the words 'taxi', 'hire' or 'cab'.
- 1.11 The Licensee shall maintain the following records for every vehicle and driver operating via the licensed base:-
- A copy of the current Private Hire Drivers Licence
  - A copy of the current Private Hire Vehicle Licence
  - A copy of a valid Certificate of Insurance
  - A copy of the current MOT Certificate
- 1.12 The licensee will ensure that all records are kept and be readily available for a minimum period of 6 months.
- 1.13 It is the responsibility of the licensee to ensure that:-
- Any driver employed holds a current Private Hire Drivers Licence
  - Any driver employed wears the Walsall Private Hire Drivers badge in the prescribed manner
  - Any driver employed conforms to all conditions in every respect
  - They return to the Licensing Office the 'Base Copy' of the Private Hire Drivers Licence within 7 days of a driver ceasing to work via the base
- 1.14 The licensee shall provide a prompt and efficient service and ensure that:-
- Vehicles are clean inside and out
  - Drivers are suitably dressed (vests and shorts or torn and dirty garments are not appropriate)
  - Drivers attend bookings punctually at the appointed time unless delayed by unforeseen circumstances
  - Any lost property handed in by the driver is either returned to the owner or handed in at the nearest Police Station and advised to the Licensing Office
- 1.15 Any fixed penalties, cautions or convictions of the licensee (s) must be reported to the Licensing Office in writing within 7 days of the notification of the penalty, caution or conviction.
- 1.16 The licensed premises must always have in force a policy of Public Liability Insurance - Premise risk only.
- 1.17 The licensee(s) must ensure that there is a valid Radio Communications Licence held for the operating base at all times (if applicable).
- 1.18 No licensee may use the words 'taxi', 'cab' or 'hackney carriage' or any combination thereof in any advertising manner or media.

- 1.19 Any advertising should use only the words licensed private hire.
- 1.20 If the licensee of a firm operates a hackney carriage vehicle from his/her base for which there is in force at all times a current and valid hackney carriage licence then a nominal proportion of the advertising may include such words.
- 1.21 If a cheque is tendered that subsequently is not honoured the licence holder will be subject to a supplementary administration charge as detailed on current fees scale and no further cheques will be accepted for a 12 month period.



## **PRIVATE HIRE DRIVER LICENCE CONDITIONS**

- 1.1 The licence holder must ensure that the vehicle he/she is driving is insured, licensed and complies with the conditions relating to the issue of the vehicle licence.
- 1.2 The licence holder must at all times when driving or being in charge of a Private Hire Vehicle wear the drivers Private hire identification badge as supplied by the Licensing Office. The badge must be worn in such a manner as to be plainly visible on the outer garment in the chest region.
- 1.3 The licence holder shall ensure that the Private Hire Driver badge is surrendered to the Licensing Office within 7 days of the expiry of the licence.
- 1.4 The licence holder must return the badge immediately to the Licensing Office upon the revocation or suspension of the licence.
- 1.5 The licence holder shall ensure that the 'base copy' of his/her Private Hire Driver licence is lodged with the base through which he/she is working.
- 1.6 The licence holder must notify the Licensing Office within 7 days in writing of any change of employer/base.
- 1.7 The licence holder must notify the Licensing Office within 7 days in writing following a change of address.
- 1.8 The licence holder shall ensure that the number of passengers carried in the vehicle does not exceed that stated in the licence.
- 1.9 The licence holder must take all reasonable precautions to ensure the safety of passengers. This includes while they are entering and alighting the vehicle, and requesting that passengers use safety belts.
- 1.10 The licence holder shall at all times drive in such a manner as to have a regard to the comfort and safety of the passengers and to show proper consideration for other road users, complying with the Highway Code at all times.
- 1.11 The licence holder must afford reasonable assistance with passenger luggage.
- 1.12 The licence holder shall provide a prompt and efficient service and ensure that the vehicle is clean. The licence holder should be clean and smartly dressed. (Vests, torn or dirty garments are not acceptable)
- 1.13 The licence holder shall not drink or eat in the vehicle for the duration of the booking. Smoking is prohibited at all times within the vehicle due to statute law.

- 1.14 The licence holder shall not play any radio/sound reproducing equipment in the vehicle for the duration of the booking without the express consent of the passenger.
- 1.15 The licence holder shall not ply for hire or solicit or tout under any circumstances.
- 1.16 The licence holder will not convey or permit to be conveyed any other person in the vehicle without the express consent of the hirer.
- 1.17 The licence holder shall not permit any child below the age of 10 years to be carried in the front of the Private Hire Vehicle.
- 1.18 The licence holder shall not demand from the hirer a fare in excess of any fare previously agreed at the base, and provide at the request of the hirer a written receipt for payment of the fare.

### **NEW CONVICTIONS**

- 1.19 The licence holder shall ensure that any conviction, fixed penalty or caution is reported to the Licensing Office in writing within 7 days of the conviction, caution or penalty with the following details:-
- Nature of offence
  - Date of offence
  - Date of conviction
  - Court where heard
  - Penalty imposed

### **MEDICAL EXAMINATION**

- 1.20 The licence holder will submit to a medical examination every 5 years. On attaining the age of 65 years the medical examination will be required annually. The licence holder on completion of the examination will submit to the Licensing Office the completed forms. The medical examination must be completed by the driver's own GP.
- 1.21 The licence holder must report any illness or medical condition which affects or prevents driving, to the Licensing Office as soon as is practical.

### **CARRIAGE OF ANIMALS**

- 1.22 The licence holder shall not convey in any Private Hire Vehicle any animal belonging to or in the custody of him/her.
- 1.23 The driver may at his/her discretion refuse to carry any animal belonging to, in the custody of, any passenger.

**HOWEVER, DRIVERS MUST CARRY GUIDE OR ASSISTANCE DOGS BELONGING TO PASSENGERS, FREE OF CHARGE.**

- 1.24 The licence holder may apply for a medical exemption for the carriage of animals. Please contact the Licensing Office for the appropriate application form and/or further information. Drivers have a responsibility to ensure that their company are aware of such a condition/exemption.
- 1.25 If a cheque is tendered that subsequently is not honoured the licence holder will be subject to a supplementary administration charge as detailed on current fees scale and no further cheques will be accepted for a period of 12 months.

## **PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

**A licence is granted to operate a Private Hire Vehicle subject to the holder of that licence complying with the Local Government (Miscellaneous Provisions) Act 1976 associated legislation and the following conditions.**

**Failure to comply with any of the conditions or the Law may lead to prosecution and revocation or suspension of the licence in relation to Private Hire/Hackney Carriage Vehicles**

- 1.1 Private Hire vehicles of a Euro Conversion Style design shall display a unique high visibility livery as prescribed. Any vehicle type which may give the appearance of being a hackney carriage through its design or appearance shall be any colour other than black or shades of.
- 1.2 The licence holder must ensure that the licensing bracket issued by Walsall MBC is fixed to the rear exterior of the vehicle, not by magnetic means. The side licensing identification stickers should be positioned centrally on the rear door panels immediately below the window and permanently fixed, not by magnetic means. If any of the licensing identification becomes defaced or lost the vehicle should not be used until replacements have been issued. An exemption may be granted by the Licensing Committee in certain circumstances.
- 1.3 The licence identification remains the property of Walsall MBC. The licence holder shall ensure that the licence identification is returned to the Licensing Office on demand and in any event on expiry of the licence.
- 1.4 The licence holder shall maintain, at all times when a vehicle licence is in force, valid Private Hire Insurance cover.
- 1.5 The licence holder shall provide the current, valid original insurance document on demand, to an Authorised Officer or Police Officer.
- 1.6 A current original Insurance certificate or cover note should be produced at the time of applying for a private hire vehicle licence. However, faxed or emailed insurance documents/confirmation provided directly from the insurance company or broker will be accepted initially.
- 1.7 The licence holder shall ensure that a copy of the current private hire vehicle licence, MOT and certificate of insurance are available for inspection at the private hire operators base through which the vehicle is being operated, at all times.
- 1.8 The licence holder shall ensure that the vehicle is only licensed as a Private Hire Vehicle in the controlled district of Walsall.
- 1.9 The licence holder shall not cause the vehicle to which this licence relates, to be driven by any person who does not hold a valid Private Hire Drivers licence issued by Walsall MBC.

- 1.10 The licence holder shall notify the Licensing Office in writing of any change of address within 7 days of any change taking place. All documentation produced must show the same address.
- 1.11 Where an existing licensed private hire vehicle is to be permanently replaced, providing there is at least a 3 month period left on the existing licence, a pro rata fee will be applied to the new vehicle licence. Only whole months of licence will be considered in respect of the pro rata fee.

### **AGE RESTRICTION ON VEHICLES**

- 1.12 When a saloon car/MPV is presented for licensing and that saloon car/MPV has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, then in each case the vehicle must be five years of age or under (from the date of first registration or manufacture) depending, on which is earlier, in order for that vehicle to be licensed.
- 1.13 Existing private hire vehicle licence holders may replace their currently licensed private hire vehicle, with a vehicle of newer age (taken from the date of first registration).
- 1.14 Once a saloon car/MPV has been licensed, it may continue to be licensed until it reaches 15 years of age providing:
- a) that during the licence period the vehicle conforms to the Conditions of Licence set by Committee.
  - b) that during the licence period, the licence is not allowed to lapse other than by prior arrangement with the Licensing Office.
- 1.15 All vehicles up to 3 years old shall be presented for testing by the Authority annually.
- 1.16 All vehicles over 3 years old shall be presented for testing by the Authority every 6 months.
- 1.17 A vehicle must not be used for Private Hire purposes after testing, until the licence has been issued. A vehicle must be licensed within 5 working days of successfully passing a vehicle test otherwise the vehicle will not be accepted for licensing.
- 1.18 When the vehicle is presented for testing and fails such a test the Local Authority will suspend that licence immediately.
- 1.19 The licence holder shall have full responsibility for the renewal of all vehicle and driver licences required.
- 1.20 Private Hire vehicle licences shall be issued for 12 months. However, private hire vehicles must comply with their vehicle testing requirements as specified by conditions related to vehicle age.

## **ACCIDENT DAMAGE**

- 1.21 If a Private Hire Vehicle is damaged in a vehicular accident or by any other means, the licence holder shall report the damage to the Licensing Office as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof. The examination shall determine if the vehicle is roadworthy or in need of repair. An 'Accident Damage Form' will be issued and must be retained in the vehicle. If the vehicle is deemed unfit to be used as a Private Hire Vehicle the licence will be suspended. If the vehicle is not repaired before the expiration of two months from the date of inspection the licence will automatically be revoked. Unless the Authority confirms otherwise, the vehicle shall not be used as a Private Hire Vehicle from the date of first examination until it has been re-examined and passed fit for use. If the vehicle has sustained major damage then the location of the vehicle must be given and it may be inspected by an Authorised Officer.
- 1.22 The licence holder shall permit the vehicle to be inspected by an Authorised Officer or Police Officer at any reasonable time.
- 1.23 The licence holder shall not fix or cause to be fixed any roof sign, advertisement or other stickers/lettering without the express consent of the Licensing Office.
- 1.24 The licence holder shall ensure that the number of passengers carried in the vehicle does not exceed that stated in the licence.
- 1.25 No Private hire Vehicle shall be fitted with a roof rack or use a trailer.
- 1.26 The licence holder shall ensure that a suitable fire extinguisher and first aid kit, identifiable to that vehicle are carried and are accessible at all times.
- 1.27 The use of citizens band radio is prohibited.
- 1.28 For vehicles fitted with passenger tail lifts, a valid Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), bi-annual certificate must be presented at time of licensing.
- 1.29 No vehicles that have been the subject of major conversion or modification will be accepted unless a Voluntary SVA/IVA, issued by the Vehicle Inspectorate (VOSA) covering such conversion or modification, is presented at time of inspection of the vehicle.
- 1.30 The licence holder shall ensure that the vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions.
- 1.31 No licence holder shall part with or lend out the vehicle plate issued to them by Walsall MBC in respect of any Private Hire Vehicle.

- 1.32 If the holder of a Private Hire Vehicle licence transfers his interest in that vehicle, he shall, within 14 days of the transfer, notify the Licensing Office in writing and complete the relevant Transfer Application Form. Continuous valid Private Hire insurance must be produced up to the transfer date, before any new vehicle licence will be issued.

Conditions for wheelchair accessible Private Hire Vehicles:-

- 1.32.1(a) The Licence Holder shall ensure suitable straps for securing wheelchairs identifiable to that vehicle are carried and accessible at all times. The straps must be suitable for the wheelchair securing system employed within the vehicle.
- (b) For the avoidance of doubt, the straps must meet LOLER requirements and be marked or tagged with the Private Hire Vehicle Plate number to establish that the straps are identifiable to that vehicle. The straps must be marked in a non-destructive manner. The fabric of the strap should not be marked with any sort of ink likely to damage the fabric of the strap as this will cause the strap to fail the test.
- (c) The straps must be stored in a bag or case to prevent the straps being damaged.

### **MINIBUS**

- 1.33 When a minibus is presented for licensing and that minibus has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, then in each case the vehicle must be six years of age or under (from the date of first registration or manufacture whichever is earlier) in order for that vehicle to be licensed.
- 1.34 Once a minibus has been licensed, it may continue to be licensed until it reaches 15 years of age providing:
- a) that during the licence period the vehicle conforms to the Conditions of Licence set by Committee.
- b) that during the licence period, the licence is not allowed to lapse other than by prior arrangement with the Licensing Office.
- 1.35 The licence holder shall ensure that any exit doors/signs are clearly identified / illuminated as required.
- 1.36 The seating arrangement in the vehicle shall not without prior approval be changed from the configuration in place when submitted for the initial test.
- 1.37 If the body style or appearance of a vehicle shall lead any person to believe that the vehicle is a Hackney Carriage, then that vehicle shall display a unique high visibility livery as prescribed.

- 1.38 A valid Calibration Certificate must be produced, if a meter is fitted. If following the calibration of a meter, the tyres or wheels of the vehicle are replaced, the meter must be re-calibrated and a new certificate produced to the Licensing Office prior to the vehicle being used as a Private Hire Vehicle.
- 1.39 If a cheque is tendered that is subsequently not honoured the licence holder will be subject to a supplementary administration charge as detailed on current fees scale and no further cheques will be accepted for a twelve month period.



## **LICENCE CONDITIONS APPLICABLE TO LIMOUSINES & SPECIAL EVENT VEHICLES**

**A licence is granted to operate a Private Hire Vehicle subject to the holder of that licence complying with the Local Government (Miscellaneous Provisions) Act 1976 associated legislation and the following conditions.**

### **Failure to comply with any of the conditions or the Law may lead to prosecution and revocation or suspension of the licence in relation to Private Hire/Hackney Carriage Vehicles**

The definition of a Limousine for the purposes of Licensing in Walsall is 'any vehicle manufactured as a stretch vehicle, such as a Ford Lincoln, Volvo, Mercedes or equivalent, or any other vehicle deemed to be a Limousine by the Licensing Office. The criteria for these vehicles are the same as for other private hire vehicles, in addition however:-

- 1.1 The vehicle will be presented for an MOT test at a test centre nominated by the Authority every 4 months.
- 1.2 The vehicle may be left or right hand drive.
- 1.3 No vehicle that has been the subject of major conversion or modification will be accepted unless a Voluntary SVA/IVA, issued by the Vehicle Inspectorate covering such conversion or modification, is presented at time of licensing.
- 1.4 Side facing and rear facing seats will be permitted, subject to adequate seat belt installations being in place.
- 1.5 The vehicle will be licensed for a maximum number of 8 passengers.
- 1.6 The vehicle will not be subject to any age restriction for the purposes of licensing.
- 1.7 If a cheque is tendered that subsequently is not honoured the licence holder will be subject to a supplementary administration charge as detailed on current fees scale and no further cheques will be accepted for a period of 12 months.
- 1.8 All applications for Chauffeur driven vehicles will be referred to the Licensing Committee on application.

## USEFUL CONTACTS

<p>Disclosure &amp; Barring Service (DBS) PO Box 110 Liverpool L3 6ZZ</p> <p>Disclosure Tel: 0870 9090 844</p>	<p>VOSA SVA Testing Facility Levens Drive Harlescott Shrewsbury SY1 3EG</p> <p>Tel: 01743 462621</p>
<p>Radiocommunications Agency Wyndham House 189 Marsh Wall London EC14 9SX</p> <p>24 hour enquiry service: 020 7211 0211 Fax: 020 7211 0507</p>	<p>Regional Office - Radiocommunications Agency PO Box 2500 Birmingham B23 1TA</p> <p>Tel: 0121 423 5200 Fax: 0121 423 5232 Email: <a href="mailto:birmingham@ra.gsi.gov.uk">birmingham@ra.gsi.gov.uk</a></p>
<p>Walsall MBC Planning Department 2<sup>nd</sup> Floor Civic Centre Darwall Street Walsall WS1 1DG</p> <p>Tel: 01922 652452</p>	<p>Walsall MBC MOT Facility 200 Pelsall Road Brownhills West Midlands WS8 7EN</p> <p>Tel: 01922 653753</p> <p>To cancel a vehicle test appointment - Tel: 07507 882542</p>
<p>Health &amp; Safety Executive 1 Hagley Road Birmingham B16 8HS</p> <p>Tel: 0121 607 6349 Email: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a></p>	



# Walsall Council

## Licensing

# Private Hire and Hackney Carriage Licence Conditions and Byelaws

This document should be read in conjunction with the suite of Licensing Policies, Information and Guidance Documents which include:

- Fit and Proper Person Policy
- Motoring and Criminal Convictions Guidelines
- Advertising Policy
- Vehicle Standards and Testing Policy
- Recording Devices in Vehicles Policy
- Customer Care Policy

This page has been intentionally left blank

Draft - For consultation

# Private Hire and Hackney Carriage Licensing – Conditions

## Contents

THE PURPOSE OF THIS DOCUMENT .....	4
HOW TO CONTACT US .....	6
1.0 PRIVATE HIRE VEHICLE DRIVER LICENCE CONDITIONS .....	7
2.0 PRIVATE HIRE VEHICLE LICENCE CONDITIONS (INCLUDING MINI BUSES, LIMOUSINES AND SPECIAL EVENT VEHICLES).....	11
3.0 PRIVATE HIRE VEHICLE OPERATOR LICENCE CONDITIONS .....	15
4.0 HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS .....	19
5.0 HACKNEY CARRIAGE BYELAWS .....	23

## THE PURPOSE OF THIS DOCUMENT

Throughout this document all references to Walsall Council are references to Walsall Metropolitan Borough Council. All references to the licence holder are references to the person who at the material time holds the licence relevant to that section of the conditions.

Where an organisation that is referenced in these conditions changes then the conditions should be read referring to the replacement responsible organisation.

This documents sets out the conditions that are attached to Licences issued by Walsall Council for:

- Private Hire Vehicle Drivers
- Private Hire Vehicle Operators
- Private Hire Vehicle Proprietor
- Hackney Carriage Vehicles

The document also sets out the Hackney Carriage Byelaws in force in this Authority.

Walsall Council has a duty to ensure that the public travel in safe, well maintained vehicles, driven by fit and proper persons. The Authority is also responsible for ensuring it provides a fair and reasonable service for the Hackney Carriage and Private Hire trade.

A local framework exists for the Hackney Carriage and Private Hire trade that includes policies and conditions relating to driver standards, vehicle standards, convictions and fares amongst others. These policies should be referenced in conjunction with these licence conditions.

Walsall Council is intent upon safeguarding the public and in considering applications will take all reasonable steps to ensure applicants or their vehicles meet the appropriate pre application requirements.

It is the responsibility of a licence holder to ensure that they make application for a renewal of any licence in a timely manner including ensuring all elements of the licence application are completed.

Compliance with licence conditions and policies will be monitored by analysing complaints and working with appropriate partners to undertake inspection and proactive and reactive enforcement activities.

Walsall Council will use information provided by applicants and licence holders to administer its function as local authority. The information may be manually and/or digitally processed through our systems by internal council staff or external staff via public authorities, contractors and other agencies. All people with access to the information will do so under strict adherence to Data Protection law, adequate safeguards and appropriate authorisation.

Licensed persons may be referred to the Licensing and Safety Committee or authorised officers of the council in certain circumstances. This may include where consideration needs to be given to action to be taken in respect of a licence. Action may include but is not limited to written warning, requirement to undertake further training and the suspension or revocation of the relevant licence in accordance with legal requirements, conditions and byelaws and the policy.

On a case by case basis and only in exceptional circumstances the Licensing and Safety Committee may resolve to set aside or amend the standard conditions or policies in circumstances where the Committee considers that not to do so would be unjust or unfair.

The setting aside or amendment of the conditions and policies will be specific to that case alone. The standard conditions and policies will otherwise remain in place subject to the committee's discretion to amend them in the usual manner.

Where it is considered appropriate, and in line with the Authority's Enforcement Policy, legal action may be taken against those who fail to comply with the law.

All licence conditions and policies will be subject to consultation and approved by the Council's Licensing and Safety Committee. For any person who feels the licence conditions are unfair, an appeal may be made against the imposition of the conditions in a Magistrates court.

All licences are granted subject to the holder of that licence complying with the Local Government (Miscellaneous Provisions) Act 1976 associated legislation including for Hackney Carriages the Town Police Clauses Act 1847 and Public Health Act 1875 and the following conditions. The licence holder will be responsible for the suitability and conduct of their employees or anyone acting on behalf of the licence holder.

## HOW TO CONTACT US

The Licensing Office is situated at:

Walsall Council  
Civic Centre, Darwall Street  
Walsall, WS1 1TP

**Tel:** 01922 653050  
**Email:** [taxilicensing@walsall.gov.uk](mailto:taxilicensing@walsall.gov.uk)  
**WWW:** <https://go.walsall.gov.uk/taxis>

Electronic copies of these Conditions are available on our website.

For **enforcement matters contact** the Community Protection Team.

Walsall Council  
Civic Centre, Darwall Street  
Walsall, WS1 1TP

**Tel:** 01922 653060  
**Email:** [communityprotection@walsall.gov.uk](mailto:communityprotection@walsall.gov.uk)

The Council opening hours are:

Monday, Tuesday, Wednesday Thursday	08:45 – 17:15
Friday	08:45 – 16:45

For **vehicle standards and testing matters contact** the Depot.

Walsall Council MOT Test Centre  
200 Pelsall Rd, Pelsall  
Walsall, WS8 7EN

**Tel:** 01922 653753  
**Email:** [MOTdepot@walsall.gov.uk](mailto:MOTdepot@walsall.gov.uk)

**Accidents:** You must report all accidents involving your vehicle to us within 72 hours. Please fill the form that is available on the website and bring it to the Civic Centre along with the vehicle for inspection or call the Community Protection Team

**Change of circumstances** (address, change of base, email, telephone number): You are required to notify the Licensing Team as soon as possible but no later than 7 calendar days after the change.

**Convictions, cautions, fixed penalties or other legal matters** (e.g. bail), must be reported to the Community Protection Team within 7 calendar days.





## 1.0 PRIVATE HIRE VEHICLE DRIVER LICENCE CONDITIONS

- 1 The licence holder must comply with all Walsall Council policies relating to the licensing of private hire drivers.

### Licensing Administration

- 2 The licence holder shall ensure that a copy of their Private Hire Driver licence is given to the base through which they are working.
- 3 The licence holder will provide all documentation that is required by the Walsall Council Licensing Service in the timescales stipulated. Each document must relate to the licence holder and bear the same name and address.
- 4 The licence holder must notify Walsall Council Licensing Service in writing within 7 days of any change of employer/base.
- 5 The licence holder must notify Walsall Council Licensing Service in writing within 7 days of a change of contact details, including home or business address, telephone numbers or email.
- 6 The licence holder must notify the licensing authority in writing within seven days of receiving a criminal conviction (including a caution), fixed penalty notice, driving licence endorsement, or a conviction for any offence relating to driving.  
  
The licence holder must notify the licensing authority in writing within seven days if they are questioned by the police and given a date to return to the police station, known as being on bail, charged with or reported for summons for any offence.
- 7 The licence holder shall ensure that the Private Hire Driver badge is surrendered to the Walsall Council Licensing Service within 7 days of the expiry of the licence.
- 8 The licence holder shall co-operate with, and not act in an aggressive, intimidatory or abusive way toward, any person employed or authorised by Walsall Council or any other official body carrying out their duties.
- 9 The licence holder will undergo a medical examination in accordance with the fit and proper person policy.
- 10 The licence holder must report any illness or medical condition which affects their ability to drive or prevents them from driving, to Walsall Council Licensing Service as soon as is practical.

## Carriage of passengers

- 11 The licence holder shall ensure that the number of passengers carried in the vehicle does not exceed that stated in the licence.
- 12 The licence holder must take all reasonable precautions to ensure the safety and comfort of passengers and give proper consideration to other road users. This includes while passengers are entering and exiting from the vehicle ensuring that wheelchairs and wheelchair users are properly positioned and secured and requesting that passengers use seat belts.
- 13 The licence holder must provide reasonable assistance with passenger luggage.
- 14 The licence holder shall not drink or eat in the vehicle for the duration of a booking.
- 15 The licence holder shall not smoke tobacco, e-cigarettes including vapes and 'heat-not-burn' devices at any time in the vehicle.
- 16 The licence holder shall not play any radio/sound reproducing equipment in the vehicle for the duration of a booking without the express consent of the passenger.
- 17 The licence holder will not convey or permit to be conveyed any other person in the vehicle without the express consent of the passenger.
- 18 The licence holder shall not demand from the passenger a fare in excess of any fare previously agreed by the licence holder or the base, and provide at the request of the passenger a written receipt for payment of the fare.
- 19 The licence holder shall not carry in any private hire vehicle any animal belonging to them or under their control.
- 20 The driver may, at their discretion, refuse to carry any animal belonging to, or under the control of, any passenger.

**HOWEVER, DRIVERS MUST CARRY ASSISTANCE DOGS BELONGING TO PASSENGERS, FREE OF CHARGE** unless the licence holder has a medical exemption certificate issued by Walsall Council Licensing Service.

## Legal Requirements relating to Private Hire Vehicle Driver

This section is a reminder of some of the principle legal requirements that relate to your licence. It is not an exhaustive list of all the requirements.

- a. Smoking is prohibited at all times within the vehicle.
- b. The licence holder shall not ply for hire or solicit or tout under any circumstances.
- c. The licence holder shall ensure that children are carried in the vehicle in compliance with current legal requirements.
- d. The licence holder shall not without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.
- e. The licence holder must at all times when driving or being in charge of a private hire vehicle wear the drivers private hire identification badge as supplied by Walsall Council Licensing Service. The badge must be worn in such a manner as to be plainly and distinctly visible.
- f. The licence holder must return the private hire identification badge on demand and immediately to the Licensing Office upon the revocation suspension or of the licence.

---

End of Private Hire Driver licence Conditions

This page has been intentionally left blank

Draft - For consultation



## 2.0 PRIVATE HIRE VEHICLE LICENCE CONDITIONS (including mini buses, limousines and special event vehicles)

- 1 The licence holder must comply with all Walsall Council policies relating to the licensing of private hire vehicles.

### Licensing Administration

- 2 The licence holder shall ensure that a copy of the current private hire vehicle licence, MOT certificate and certificate of insurance are given to the base through which the vehicle is being operated.
- 3 The licence holder must notify the licensing authority in writing within seven days of receiving a criminal conviction (including a caution), fixed penalty notice, driving licence endorsement, or a conviction for any offence relating to driving.

The licence holder must notify the licensing authority in writing within seven days if they are questioned by the police and given a date to return to the police station, know as being on bail, charged with or reported for summons for any offence.

- 4 The licence holder will provide all documentation that is required by the Walsall Council Licensing Service in the timescales stipulated. Each document, other than the vehicle insurance, must relate to the licence holder and bear the same name and address.
- 5 The licence holder shall ensure that the licensed vehicle is insured throughout the duration of their licence. A current original Insurance certificate must be produced:
  - o prior to the licence being issued
  - o on expiry of any previous certificate
  - o on demand by an authorised officer.
- 6 The licence holder shall ensure that when a vehicle is licensed as a private hire vehicle by Walsall Council, it is not also licensed as a private hire vehicle in any other area.
- 7 The licence holder must notify Walsall Council Licensing Service in writing within 7 days of a change of contact details, including home or business address, telephone numbers or email.
- 8 The licence holder shall co-operate with, and not act in an aggressive, intimidatory or abusive way toward, any person employed or authorised by Walsall Council or any other official body carrying out their duties.

## Vehicle Identification

- 9 Unless an exemption has been granted by the Licensing and Safety Committee, the licence holder must ensure that the vehicle displays the correct identification at all times as follows:
  - a) The vehicle licence plate must be affixed to the licensing bracket issued by the Authority with tamper proof fixings. The licensing bracket must be permanently and securely fixed to the rear exterior of the vehicle, not by magnetic means.
  - b) The side identification stickers must be positioned centrally on the rear passenger door panels immediately below the window. They must be permanently fixed, not by magnetic means.
  - c) The vehicle interior identification badge shall be displayed in the front nearside windscreen.
- 10 If any of the identification becomes defaced or lost the vehicle should not be used until replacements have been issued.
- 11 All licence identification remains the property of Walsall Council.
- 12 No licence holder shall part with or lend out the vehicle identification issued to them by Walsall Council in respect of any private hire vehicle.

## Vehicle Standards

- 13 The licence holder shall ensure that the vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition.
- 14 The licence holder shall ensure that any exit doors and signs are clearly identified or illuminated as required.
- 15 The licence holder shall ensure that the vehicle is tested in accordance with the vehicle testing policy.
- 16 If a Private Hire Vehicle is damaged, the licence holder shall report the damage to Walsall Council Licensing Service as soon as reasonably practicable and in any case within 72 hours of the damage occurring. Unless the vehicle has sustained major damage or is not fit to be driven on the road, the vehicle must be presented for examination by an authorised officer. If the vehicle is suspended, it must be presented to the Licensing Authority for examination together with an engineer's report (where specified) and new MOT certificate before the suspension can be lifted.
- 17 The licence holder shall ensure that the vehicle is not fitted with a roof rack nor use a trailer.
- 18 The licence holder shall ensure that a suitable first aid kit is available in the vehicle in accordance with the Vehicles Standards and Testing policy.

- 19 Where the vehicle proprietor chooses to install a fire extinguisher, this should comply with the Vehicle Standards and Testing policy.
- 20 The licence holder shall ensure that the licensed vehicle meets the requirements for the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and associated weight test throughout the duration of their licence. A current original LOLER and weight test certificate must be produced:
  - prior to the licence being issued
  - on expiry of any previous certificate
  - on demand by an authorised officer.
- 21 The licence holder shall ensure that any vehicle which is licensed by Walsall Council shall not be used as a private hire vehicle if it undergoes any modification or change which would require individual vehicle approval until that approval has been granted by the Driver and Vehicle Standards Agency and presented for test to Walsall Council.
- 22 If a private hire vehicle is fitted with a meter, a calibration certificate must be produced upon installation and at each compliance test.
- 23 The licence holder shall not smoke tobacco, e-cigarettes including vapes and 'heat-not-burn' devices at any time in the vehicle.

### **Legal Requirements relating to Private Hire Vehicles**

This section is a reminder of some of the principle legal requirements that relate to your licence. It is not an exhaustive list of all the requirements.

- a. The licence holder shall not obstruct any Officer authorised by Walsall Council in the execution of their duties.
- b. The licence holder shall permit the vehicle to be inspected by an authorised officer or Police officer at any reasonable time.
- c. The licence holder shall ensure that the licence identification is returned to Walsall Council Licensing Service within 7 days of being served with a notice requiring its return.
- d. If the holder of a Private Hire Vehicle licence sells or otherwise transfers his interest in that vehicle, they shall, within 14 days of the transfer, notify the Licensing Office in writing and complete the relevant transfer application form
- e. The licence holder shall not cause or permit the private hire vehicle to be driven by any person who does not hold a valid private hire driver licence issued by Walsall Council.
- f. The licence holder shall not smoke at any time in the vehicle and shall ensure that passengers do not smoke at any time in the vehicle.

This page has been intentionally left blank

Draft - For consultation





### 3.0 PRIVATE HIRE VEHICLE OPERATOR LICENCE CONDITIONS

- 1 The licence holder must comply with all Walsall Council policies relating to the licensing of private hire vehicle operators.
- 2 The licence holder must notify Walsall Council Licensing Service in writing within 7 days of a change of contact details, including telephone, email or home address.
- 3 Incoming telephone calls shall not be diverted to a telephone located anywhere other than in the controlled district of Walsall.
- 4 The licence holder will provide all documentation that is required by the Walsall Council Licensing Service in the timescales stipulated. Each document must relate to the licence holder and bear the same name and address.
- 5 a) The licence holder must notify Walsall Council Licensing Service in writing within seven days of receiving a criminal conviction (including a caution), fixed penalty notice, driving licence endorsement, or a conviction for any offence relating to driving.

The licence holder must notify the licensing authority in writing within seven days if they are questioned by the police and given a date to return to the police station, known as being on bail, charged with or reported for summons for any offence.

- b) The licence holder must notify Walsall Council Licensing Service in writing within seven days where they become aware that any driver or other person working for the base is subject to any convictions, cautions or charges etc as referred to above.
- 6 The licence holder shall ensure that the following details are recorded for every Private Hire booking clearly and legibly into a register, to be approved by the Authority:-
  - Name of passenger
  - Time and point of pick up
  - Destination of passengers
  - Information which identifies the vehicle which took the fare
  - Call sign of the driver carrying out the booking
  - Any fare agreed
- 7 The licence holder will ensure that a written record of complaints is kept along with any response or action taken.

- 8 The licence holder shall co-operate with, and not act in an aggressive, intimidatory or abusive way toward, any person employed or authorised by Walsall Council or any other official body carrying out their duties.
- 9 The licence holder shall not advertise in any form using any name other than the trading name or names specified on the Operator's licence.
- 10 The licence holder shall maintain the following records for every vehicle and driver operating via the licensed base:-
  - A copy of the current Private Hire or Hackney Carriage Drivers licence
  - A copy of the current Private Hire or Hackney Carriage Vehicle licence
  - A copy of a valid Certificate of Insurance
  - A copy of the current MOT Certificate
  - Any exemption certificate from the carriage of dogs issued by Walsall Council Licensing Service
- 11 The licence holder shall ensure that any driver operating through the base holds a current private hire drivers licence.
- 12 The licence holder shall ensure that a list of persons responsible for running the business, drivers, vehicles and persons operating the radio is supplied to the Council every 6 months using the form provided for that purpose.
- 13 The licence holder will ensure that all records are kept and be available for inspection for a minimum period of 12 months after the driver/vehicle has left the base.
- 14 The licence holder shall ensure that any lost property handed in by the driver is either returned to the owner or handed in at the nearest Police Station immediately and Walsall Council Licensing Service to be notified of the action taken within 3 days of the driver handing it in. A record is to be kept of all lost property.
- 15 The licence holder must always have in force a policy of Public Liability Insurance.
- 16 The licence holder shall ensure that at premises where the public and employees have access, no person working at the premises shall not smoke tobacco, e-cigarettes including vapes and 'heat-not-burn' devices at any time.

## Legal Requirements relating to Base Operator

This section is a reminder of some of the principle legal requirements that relate to your licence. It is not an exhaustive list of all the requirements.

- a. No person licensed under the Local Government (Miscellaneous Provisions) Act 1976 shall operate any vehicle in the controlled district of Walsall MBC:
  - i) if the vehicle does not have a licence issued under section 48 of the Act, or
  - ii) the driver does not hold a licence issued by Walsall MBC to drive that vehicle.
- b. The licence is specific to those persons named on the licence and cannot be transferred or sold to a third party.
- c. The licence holder must ensure that all records are made readily available and surrendered if so required to any Authorised Officer of the Local Authority or Police officer at any time during operating hours.
- d. The licence holder must ensure that there is the correct planning permission in place for the premises to be used for the business.
- e. The licence holder must ensure that other relevant licences are in place for the business, e.g. communications licence.

---

---

End of Base Operator: Private Hire licence Conditions

This page has been intentionally left blank

Draft - For consultation



## 4.0 HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

- 1 The licence holder must comply with all Walsall Council policies relating to the licensing of Hackney Carriage vehicles.

### Licensing Administration

- 2 If the vehicle is being operated through a private hire base, the licence holder shall ensure that a copy of their hackney carriage vehicle licence is lodged with the base through which they are working.
- 3 The licence holder will provide all documentation that is required by the Walsall Council Licensing Service in the timescales stipulated. Each document, other than the vehicle insurance, must relate to the licence holder and bear the same name and address.
- 4 The licence holder must notify the Licensing Office in writing within 7 days of a change of contact details, including home or business address, telephone numbers or email.
- 5 The licence holder must license the vehicle within 5 working days of successfully passing a vehicle test. If the vehicle licence expires in that period it should not be used.

### Vehicle ID

- 6 The vehicle licence plate must be affixed to the licensing bracket issued by the Authority with tamper proof fixings. The licensing bracket must be permanently and securely fixed to the rear exterior of the vehicle, not by magnetic means.
- 7 The licence details provided by the Licensing Office must be displayed in the driver's compartment so that it is visible to all passengers.
- 8 The licence holder shall co-operate with, and not act in an aggressive, intimidatory or abusive way toward, any person employed or authorised by Walsall Council or any other official body carrying out their duties.
- 9 If any of the vehicle identification becomes defaced or lost the vehicle should not be used for hire until a replacement has been issued at the licence holders' expense.
- 10 No licence holder shall part with or lend out the vehicle identification issued to them by Walsall Council in respect of any hackney carriage.

## Vehicle Standards

- 11 The licence holder shall ensure that the vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition.
- 12 The licence holder shall ensure that a suitable fire extinguisher and first aid kit is readily available for use and complies to the Vehicle Standards and Testing policy.
- 13 Any use of communications within the vehicle must be secure to prevent unauthorised interception.
- 14 The vehicle must be fitted with a fully operative calendar controlled meter, calibrated and sealed to the current Walsall Council fare rates. A valid calibration certificate must be produced on application for a vehicle licence. The licence holder shall not operate the Hackney Carriage if the taximeter is defective in any way. If following the calibration of a meter, the tyres or wheel sizes are changed, the meter must be re-calibrated and a new certificate produced to the Licensing Office prior to the vehicle being operated.
- 15 If a Hackney Carriage Vehicle is damaged, the licence holder shall report the damage to Walsall Council Licensing Service as soon as reasonably practicable and in any case within 72 hours of the damage occurring. Unless the vehicle has sustained major damage or is not fit to be driven on the road, the vehicle must be presented for examination by an authorised officer. If the vehicle is suspended, it must be presented to the Licensing Authority for examination together with an engineer's report and new MOT certificate before the suspension can be lifted.
- 16 The licence holder shall ensure that the licensed vehicle meets the requirements for the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and associated weight test throughout the duration of their licence. A current original LOLER and weight test certificate must be produced:
  - prior to the licence being issued
  - on expiry of any previous certificate
  - on demand by an authorised officer.
- 17 The licence holder shall ensure that any vehicle which is licensed by Walsall Council shall not be used as a hackney carriage vehicle if it undergoes any modification or change which would require individual vehicle approval until that approval has been granted by the Driver and Vehicle Standards Agency and presented for test to Walsall Council.

## Carriage of passengers

- 18 The licence holder shall not smoke tobacco, e-cigarettes including vapes and 'heat-not-burn' devices at any time in the vehicle.

## Legal Requirements relating to Hackney Carriage vehicles

This section is a reminder of some of the principle legal requirements that relate to your licence. It is not an exhaustive list of all the requirements.

- a. The licence holder shall not obstruct any Officer authorised by the Authority in the execution of her/his duties.
- b. The licence holder shall permit the vehicle to be inspected by an Authorised officer or Police officer at any reasonable time.
- c. The licence holder shall not smoke at any time in the vehicle and shall ensure that passengers do not smoke at any time in the vehicle.
- d. The licence holder shall ensure that children are carried in the vehicle in compliance with current legal requirements.
- e. The licence holder shall have full responsibility to ensure the vehicle is not used without a valid licence. Replicate across all?
- f. When a vehicle licence is in force the licence holder shall maintain at all times a valid public hire insurance policy.
- g. The licence holder shall ensure that the licence identification is returned to Walsall Council Licensing Service within 7 days of being served with a notice requiring its return.
- h. The licence holder must ensure that the vehicle they are driving is insured.
- i. The licence holder shall provide valid insurance documentation for any period for which a hackney carriage vehicle licence is in force as demanded, to an authorised officer or police officer.
- j. The licence holder shall not cause the vehicle to be driven by any person who does not hold a licence to drive hackney carriage vehicles issued by Walsall Council.

---

End of Hackney Carriage Vehicle licence Conditions

This page has been intentionally left blank

Draft - For consultation





## 5.0 HACKNEY CARRIAGE BYELAWS

**Byelaws with respect to Hackney Carriages made by The Walsall Metropolitan Borough Council, acting under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875**

### INTERPRETATION

1. Throughout these byelaws 'the Council' means the Walsall Metropolitan Borough Council and 'the District' means the Walsall Metropolitan Borough.

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

- 2 (a) The proprietor of a hackney carriage shall cause plates to be supplied by the Council, stating the number of the licence granted to him in respect of the carriage and the number of seats for which it is licenced, to be affixed on the outside and inside of the carriage in positions to be approved by the Council.
- (b) A proprietor or driver of a hackney carriage shall:-
  - i) not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire;
  - ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

**Provisions regulating how hackney carriages are to be furnished or provided.**

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

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide satisfactory means for carrying luggage and protecting it from the weather;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

**Byelaws requiring the fitting of (a) a taximeter with a flag or (b) a taximeter without a flag, and a separate 'For Hire' sign.**

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,
  - (i) If the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':-
    - (a) The words 'FOR HIRE' shall be exhibited on each side of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
    - (b) When the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible
    - (c) When the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter
  - (ii) If the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':-
    - (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
  - (iii) 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 on that behalf for the hire of the carriage by distance

- (iv) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as to clearly to apply to the fare recorded thereon
  - (v) 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
  - (vi) 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 provided with a taximeter not fitted with a flag or other device bearing the words 'FOR HIRE' 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
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire

**Provisions regulating the conduct if 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:-
- (i) if the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':-
    - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
    - (b) 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 flag or other device so that the words are not conveniently legible, and keep the machinery of the taximeter in action until the termination of the hiring
  - (ii) if the taximeter is not fitted with a flag or device bearing the words 'FOR HIRE':-
    - (a) 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
- (b) 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
  - (c) 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
- (iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act and also at any other time at the request of the passenger
7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, or with the fitting thereof.
8. Every driver of a hackney carriage when plying for hire in any street and not actually hired shall:-
- (a) proceed with reasonable speed to and station the carriage on one of the stands appointed by the Council
  - (b) if such 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 the 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 driver of a hackney carriage shall not at any time smoke within the vehicle as this is prohibited by statute law.

12. The driver of the first hackney carriage upon any stand shall be in attendance with such carriage, and be ready to be hired by any person.
13. 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.
14. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the passenger, proceed to that destination by the shortest available route.
15. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
16. If a badge has been provided by the Council and delivered to him either with a licence granted to him by the Council or afterwards, the driver of a hackney carriage shall, when standing, plying or driving for hire, wear that badge in such a position and manner as to be plainly and distinctly visible.
17. 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
18. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of a carriage the rate or fare prescribed by the under mentioned table, the rate or fare being calculated by the distance unless the passenger express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance 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 said table which may not be possible to record on the face of the taximeter.
19.
  - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures
  - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently

cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

**Provisions fixing the stands of hackney carriages:-**

20. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list.

	<b>Place</b>	<b>No. of Hackney Carriages</b>
1.	Bridge Street, Walsall	10
2.	High Street, Aldridge North side from a point opposite Croft Parade in a westerly direction for approximately 60 feet	4
3.	Upper Lichfield Street, Willenhall East side between its junctions with Lower Lichfield Street and John Street	4
4.	Church Road, Brownhills South side from a point 13 yards to the East of its junction with High Street in an Easterly direction for approximately 30 feet	2
5.	Bloxwich	2

**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.**

21. 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.
22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the council, and leave it in the custody of the Officer in charge of the office on giving a receipt for it
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its

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

## **PENALTIES**

23. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereafter.
24. The following byelaws are hereby repealed:-
  - (a) The Byelaws relating to hackney carriages made by the Mayor, Aldermen and Burgesses of the County Borough of Walsall on the 5<sup>th</sup> day of January 1973 as amended by the byelaw made by the Walsall Metropolitan Borough Council on the 25th day of April 1975 and confirmed by the Secretary of State on the 10th day of May 1973 and the 6th day of June 1975, respectively
  - (b) The Byelaws relating to hackney carriages made by the Urban District of Aldridge on the 12th day of September 1963 and confirmed by one of Her Majesty's Principal Secretaries of State on the 9th day of March 1964.

The COMMON SEAL of the WALSALL METROPOLITAN BOROUGH COUNCIL was hereunto affixed the sixth day of February 1976, in the presence of:-

B.F. DALE Associate Town Clerk

The fore-going byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 26th day of March 1976.

Signed by authority of the Secretary of State

R. F. D SHUFFERY An Assistant Under Secretary of State, Home Office, Whitehall. 26th March 1976.

---

End of Hackney Carriage Byelaws



**Walsall Council**

**Licensing**

**Private Hire and  
Hackney Carriage Licensing**

**FIT AND PROPER PERSON POLICY**



## Introduction

The overriding aim of Walsall Council when carrying out its functions as a Licensing Authority is the protection of the public and others who use (or can be affected by) hackney Carriage and private hire services.

This policy is intended to show which tests and checks Walsall Council will use to determine the suitability of an applicant to be granted a licence. If a licence holder falls short of the fit and proper standard at any time, Walsall Council will give consideration based on all the evidence available to it as to whether the licence will be, suspended, revoked or not renewed on application.

If an applicant or currently licensed driver is not satisfied with a decision made by the Licensing Authority they may appeal to the Magistrates Court.

Unless specified elsewhere all checks and tests are undertaken at the applicants own risk and must be paid for by the applicant.

### 1 Fit and Proper Person test at the Application process stage

- 1.1 Walsall Council requires applicants for all types of licence to complete the application process relevant to their specific application as described in this Policy.
- 1.2 An application will normally be refused or action will be taken in relation to an existing licence if the applicant:-
  - Fails any of the checks listed below
  - Are in breach of the *Taxi and PHV Licensing, Motoring and Criminal Convictions Guidelines* (otherwise referred to as the Convictions Guidelines)
  - Have previously been a licence holder in this or any other borough and that licence has been revoked, suspended or refused
  - Have exhibited behaviour which is inconsistent with that expected of a Walsall licence holder
  - Are in breach of any conditions/legislation relating to their licence.
- 1.3 Walsall Councils Convictions Guidelines assist in determining whether an applicant is fit and proper. While each application must be determined on its individual merits, the Convictions Guidelines set out a recommended minimum period free of conviction for offences falling into broad categories.
- 1.4 Where an applicant has previous convictions, cautions or other relevant matters held against their name and these are within scope of the Convictions Guidelines, Officers are delegated to determine whether to grant or refuse a licence.

- 1.5 Any applications that are not within Policy will normally be referred to the Licensing and Safety Committee or one of its sub committees. An applicant may appeal an Officer decision to the Licensing and Safety Committee. The manager may in certain circumstances determine that an application within Policy should be referred to the Licensing and Safety Committee.
- 1.6 On a case by case basis and only in exceptional circumstances the Licensing and Safety Committee may resolve to set aside or amend the standard conditions or policies in circumstances where the Committee considers that not to do so would be unjust or unfair.
- 1.7 Where an applicant has previously held a licence with Walsall Council and this has been revoked, the application will be placed before a Licensing and Safety Sub Committee to determine whether in light of all evidence placed before them the applicant is a fit and proper person and can be licensed.
- 1.8 The setting aside or amendment of the condition or policy will be specific to that case alone.
- 1.9 The applicant is free to carry out the various tests in any order they wish however long delays in undertaking tests or checks may result in other parts of the process expiring. If for example an Enhanced DBS, DVLA or medical is carried out at an early stage but the full application process itself is not completed within the timeframes set out within this policy, then these initial checks may have to be repeated before the licence is issued. If the Licence is ultimately not granted the applicant will not be entitled to a refund of the costs of the various tests and assessments carried out.
- 1.10 The Licensing Service will inform applicants of the approved contractor, individual or organisation that carries out the various tests on behalf of the Licensing Service. The Council has the authority to change the contractor, individual or agency it uses as long as the decision is constitutionally correct and provides a reasonable service and value for money for the trade. All costs will be borne by the applicant and they must pass the tests, assessments or checks prior to the decision relating to their application.
- 1.11 Applicants who have never been licensed by Walsall Council previously must have all valid documentation requested and undertake and pass all tests listed below.
  1. Have a Home Office entitlement to work.
  2. Have previously passed the most current version of the Driver Training Course.
  3. Have a current medical certificate signed within the month before the date of submission of the application i.e. if the application is made on the 1<sup>st</sup> November the medical must have been undertaken since the 1<sup>st</sup> October.
  4. Have previously passed the practical driving assessment.

5. Private Hire and Hackney Carriage Drivers must have had an Enhanced DBS completed within the preceding month before submission of the application i.e. if the application is made on the 1<sup>st</sup> November the medical must have been undertaken since the 1<sup>st</sup> October.
  6. Vehicle Proprietors and Base Operators must have had a Basic Disclosure from the Disclosure and Barring Service.
  7. Have a current DVLA code check/mandate from within the preceding month i.e. if the application is made on the 1<sup>st</sup> November the medical must have been undertaken since the 1<sup>st</sup> October.
  8. Have previously passed the English listening, reading and maths tests.
  9. Have previously passed the Hackney Carriage knowledge test where appropriate.
  10. The trading name of base operators must be approved by Walsall Council Licensing Service before a licence is issued.
  11. Walsall Council Licensing Service will check with other agencies not already listed to assess the suitability of an applicant to hold a licence.
  12. Have had all allegations, complaints or concerns raised by other persons, authorities or agencies suitably investigated.
- 1.12 An applicant who has previously been licensed by Walsall Council but who has allowed their licence to expire or have had their licence revoked will need to complete a new application and undertake and pass all tests listed above. That is unless an authorised officer of the Council is satisfied that the tests previously undertaken were suitable and sufficient to warrant waiving the requirement for them to be retaken upon this new application. This will only relate to:
1. The most current version of the Driver Training Course
  2. The practical driving assessment
  3. The English listening, reading and maths tests
  4. The Hackney Carriage knowledge test where appropriate
- 1.13 An appropriately delegated officer of the Licensing Service may waive some of the pre-licensing requirements.
- 1.14 The Licensing Service will use information obtained through the application process to send and communicate information relating to the Licence, including reminders and notifications on changes to policy or procedure.

## 2. Home Office Entitlement to Work

<b>This check is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers Base Operators</b>
----------------------------------	---

- 2.1 The Immigration Act 2016 was brought in to prevent illegal working and is directly relevant to the private hire and taxi sector. The provisions of the Act prohibit all licensing authorities across the UK from issuing licences to anyone who is disqualified by reason of their immigration status.
- 2.2 An applicants right to work in the UK will be checked as part of their licence application, this includes checking an applicants immigration status with the Home Office. Walsall Council may also share information with the Home Office. An applicant must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out in the Home Office document 'Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales' or any successive document.
- 2.3 An applicant will be asked to provide the original document(s), such as their passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by Walsall Council Licensing Service. The original document will be returned to the applicant. An application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant paid has been paid.
- 2.4 If there are restrictions on the length of time an applicant may work in the UK, their licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time they apply to renew or extend their licence, If, during this period, the applicant is disqualified from holding a licence because they have not complied with the UK's immigration laws, the licence will lapse and must be returned to Walsall Council Licensing Service. Failure to do so is a criminal offence.'

### 3. Driver Training Course

<b>This check will be carried out in relation to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers Base Operators</b>
--	---

3.1 This course aims to teach attendees about:

- Licence conditions and legislation that apply to the trade
- Enforcement issues and road safety
- Personal safety for drivers
- Customer care
- Safeguarding, disability awareness and protecting vulnerable people e.g. older people, children at risk of sexual exploitation and vulnerable adults
- Demonstration on how to load and secure a wheelchair and wheelchair user in a vehicle and otherwise assisting wheelchair users

3.2 The applicant must pass the examination at the end of this training in order to fulfil the fit and proper person test and continue with their application. From time to time existing or currently licensed drivers may be asked to take part in update or refresher training to satisfy the council they are fit and proper. A determination as to content, cost and location will be considered and consulted on prior to implementation.

3.3 As a consequence of any Committee resolution following a review of their licence or application a licence holder may be required to attend this training and pass the test at their own expense.

### 4. Medical Assessment

<b>This check is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers</b>
----------------------------------	--

4.1 It is important that those who choose to drive for a living are medically fit to drive so that they do not pose a hazard to themselves, passengers and other road users. The applicant/drivers medical history must be assessed as well as their current health status including their eye site.

4.2 At any medical assessment the driver or applicants medical history must be made available by the individuals GP.

4.3 The applicant/driver or approved medical assessor must provide satisfactory evidence to the Licensing Service of the outcome of the assessment prior to the application being processed (for example a signed certificate from an approved assessor).

- 4.4 Failure to supply the Council with an up to date copy of a medical assessment (or medical certificate where appropriate) or providing an incomplete or false medical assessment may also result in refusal to licence the individual or enforcement action being recommended or taken.
- 4.5 The medical assessment must have been carried out within 1 month prior to the grant of every licence (for example, if the Licence is granted on the 1<sup>st</sup> November the medical must have taken place during October). On attaining the age of 65 years the medical examination will be required annually

## 5. Practical Driving Assessment

<b>This check is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers</b>
----------------------------------	--

- 5.1 Applicants must have held a full UK driving licence for no less than 2 years taken from the date of first issue by the DVLA.
- 5.2 Walsall Council also requires that professional drivers who are spending a considerable amount of time driving themselves and passengers should have an additional practical assessment to ensure their driving is safe and suitable.
- 5.3 As a consequence of any Committee resolution following a review of their licence a driver may be required to attend this training and pass the test at their own expense.

## 6. Disclosure and Barring Service Checks

<b>ENHANCED DBS CHECK</b> <b>This check is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers</b>
<b>BASIC DBS CHECK</b> <b>This check is relevant to</b>	<b>All Vehicle Proprietors Base Operators Other workers at a private hire base</b>

- 6.1 A Criminal Record Check at Enhanced Disclosure level, often referred to as a Enhanced DBS, is the highest level required for positions of trust. Enhanced DBS will include details of all convictions on record, whether spent or unspent under the Rehabilitation of Offenders Act 1974 (ROA). This means that even old and minor convictions, may be included on the Disclosure. In addition to this information, all Enhanced DBS Disclosures involve an extra level of checking with the local police force records in addition to checks with the Police National Computer (PNC) and the government department lists held by the Department for Education and Skills and the Department of Health, where appropriate.
- 6.2 All **DRIVERS**, will be expected to complete their Enhanced DBS upon each application for a licence as part of the fit and proper person test. The Enhanced DBS must have been carried out within 1 month prior to the grant of every

licence (for example, if the Licence is granted on the 1<sup>st</sup> November the Enhanced DBS must have taken place during October).

- 6.3 Should there be relevant matters recorded on the Enhanced DBS a decision will be made by an authorised officer or the Taxi Licensing Sub Committee as to whether the application for a licence can proceed.
- 6.4 Where convictions are reported to the Licensing Service in relation to a currently licensed driver and these convictions have not previously been considered an authorised officer or the Taxi Licensing Sub Committee will determine whether action is necessary in relation to the continuance of that licence.
- 6.5 Once information on the Enhanced DBS has been considered by the Licensing Service or the Taxi Licensing Sub Committee it need not be reconsidered each time the licence is reapplied for unless it shows a pattern of offending that calls into question whether the person is fit and proper or breaches the Convictions Guidelines.
- 6.6 The Enhanced DBS must not be allowed to lapse whilst the individual is licensed and should this happen enforcement action may be taken or recommended against the individual involved.
- 6.7 **VEHICLE PROPRIETORS** have two principal responsibilities, to ensure their vehicle is maintained to an acceptable standard at all times and to ensure their vehicle is not used for illegal or illicit purposes. Applicants for a vehicle licence will therefore have to undertake a Basic Disclosure from the DBS prior to the issue of any licence. If the basic disclosure shows relevant convictions Walsall Council will give consideration as to whether the applicant should be granted a licence (see Convictions Guidelines for relevant convictions).
- 6.8 **BASE OPERATORS** are in a position whereby they have access to significant amounts of personal information regarding their customers. Therefore it is essential Base Operators are trustworthy and reliable. Base Operators will therefore have to undertake a Basic Disclosure from the DBS prior to the issue of any licence.
- 6.9 Certain **STAFF WORKING AT PRIVATE HIRE BASES** take calls and are in a position to collect personal information regarding customers. Therefore Walsall Council requires Base Operators to obtain a Basic Disclosure from the DBS for each person they employ that has access to personal information about customers. A record of these checks must be kept for 12 months. Failure by the Base Operator to carry out suitable checks will call into question their own suitability and may result in the refusal to licence or enforcement activity during the currency of an existing licence. Walsall Council Licensing Service will ask for evidence these checks have been carried out at least upon application and if necessary during the currency of the licence.

## 7. DVLA mandate/code check

<b>This check is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers</b>
----------------------------------	--

- 7.1 Driver licences issued by the DVLA will need to be checked to ascertain the date of the licences expiry, disqualification and any endorsements prior to the grant of a licence. This check must have been carried out within 1 month prior to the grant of every licence (for example, if the Licence is granted on the 1<sup>st</sup> November the driving licence check must have taken place during October).
- 7.2 For subsequent applications ('renewals'), the applicant will utilise the DVLA code-check system. Failure to supply the Council with an up to date DVLA mandate or code-check may result in enforcement action being recommended or taken. Where endorsements are recorded on the mandate or code-check a decision will be taken as to whether the driver is a fit and proper person and whether they can proceed in their application, further information is also contained in the Convictions Guidelines.
- 7.3 Where a currently licensed driver receives a motoring conviction during the currency of their licence a review will be undertaken of the conviction and the matter may be placed before the Licensing and Safety Sub Committee for a decision as to the continuance of the Licence.

## 8. English/Maths test

<b>This check is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers</b>
----------------------------------	--

- 8.1 All applicants must attain a satisfactory level of English Reading, English Listening and Mathematics as part of Walsall Councils pre licensing fit and proper person test. This ensures prospective drivers can communicate effectively with passengers in terms of their requirements and their fares. Existing drivers may be referred back through committee etc. (implications for long standing drivers).

## 9. Knowledge Test for Hackney Carriage Drivers

<b>This check is relevant to</b>	<b>Hackney Carriage Vehicle Drivers</b>
----------------------------------	---

- 9.1 It is important that Hackney Carriage drivers have a good knowledge of the Borough so that as they pick up customers they can effectively find their way around the Borough without undue delay and by taking the most appropriate direct route.



- 9.2 This test gives the Licensing Service the opportunity to ascertain the drivers knowledge of Hackney Carriage conditions and byelaws that are not covered in the Driver Training Course.

## 10. Base Operators – Trading Name

<b>This is relevant to</b>	<b>Base Operators</b>
----------------------------	-----------------------

- 10.1 The Licensing Office shall have the right to refuse to register any trading name that is likely to cause confusion to the general public, or is similar to a trading name registered to another licensed operator. The trading name shall not incorporate the words 'taxi', 'hire' or 'cab'.

## 11. Other Sources of Information

<b>This is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers Vehicle proprietors Base Operators</b>
----------------------------	---

- 11.1 Walsall Council is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence.
- 11.2 This may include information held by the Council, other licensing authorities, held on the National Licensing Database and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations. It should also be noted that the determination of whether an applicant is “fit and proper” includes consideration of conduct falling short of a criminal conviction.
- 11.3 Walsall Council may also be asked to share the information it holds in respect of those persons or companies licensed by it. The information will only be shared with those entitled to request it and in accordance with statutory guidelines. In terms of licence refusals, revocations or prosecutions information may be shared on national databases developed and implemented by national agencies or central government.

## 12. Complaints

<b>This is relevant to</b>	<b>Private Hire Vehicle Drivers Hackney Carriage Vehicle Drivers Vehicle proprietors Base Operators</b>
----------------------------	---

- 12.1 Walsall Council may become aware of a complaint from residents, businesses, partner agencies etc about the conduct of an applicant or licence holder. In this case the evidence submitted will be scrutinised and the matter fully investigated. Subsequently a determination about whether the licence holder or applicant is a fit

and proper person will be made by the relevant authorised officer or committee of elected members.

### 13 Legal Requirements

The law relating to 'Fit and Proper' persons is contained within

- The Local Government (Miscellaneous Provisions) Act 1976 s51(1) (private hire drivers)
- The Local Government (Miscellaneous Provisions) Act 1976 s55(1) (operators).
- The Local Government (Miscellaneous Provisions) Act 1976 s59(1) (hackney carriage drivers)

From time to time case law or guidance in relation to the Private Hire and Hackney Carriage licensing regime may change. Walsall Council will always take into consideration these changes when determining individual licences.

---



**Walsall Council**

**Licensing**

**Private Hire and  
Hackney Carriage Licensing**

**MOTORING and CRIMINAL CONVICTIONS  
GUIDELINES**

## **1 Introduction**

- 1.1 The purpose of these guidelines is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
  - That the person does not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - The safeguarding of children and young persons and vulnerable adults.
- 1.3 This document provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' licences.
  - Existing licensed drivers whose licences are being reviewed.
  - Licensing officers, enforcement officers and managers.
  - Members of the licensing committee/ panel (or other relevant decision making body).
  - Magistrates hearing appeals against local authority decisions.
- 1.4 Where powers to grant licences have been delegated to licensing officers or managers, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**
- 1.5 Where powers to suspend or revoke a licence have been delegated to officers and managers, they will utilise these guidelines when making a decision to suspend or revoke a licence. Consideration will also be given to the Regulatory Services Enforcement Policy and any other relevant guidance or legislation.

## **2 General guidelines**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

### **3 Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

### **4 Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served. In order to take account of the fact that a court may reduce the period of disqualification from driving, an applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

- 4.4 It should be noted that “any reasonable cause” includes conduct falling short of a criminal conviction(s).

## **5 Consideration of disclosed criminal history**

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers’ licence and/or private hire vehicle operator licence is a ‘fit and proper’ person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- Sentence imposed by the court.
- The applicant’s age at the time of conviction.
- Whether they form part of a pattern of offending.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

- 5.2 The licence holder must notify the licensing authority in writing within seven days of receiving a criminal conviction (including a caution), fixed penalty notice, driving licence endorsement, or a conviction for any offence relating to driving.

The licence holder must notify the licensing authority in writing within seven days if they are questioned by the police and given a date to return to the police station, known as being on bail, charged with or reported for summons for any offence.

- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office in confidence for advice.
- 5.4 The licensing authority carries out a Disclosure and Barring Service (DBS) check for any applicant for a driver’s or operators licence.
- 5.5 Applicants applying for the grant or a renewal of a drivers’ licence will be required to obtain an enhanced disclosure at their expense. The Council will expect that all applicants/existing drivers consent to full disclosure of the contents of the report.

- 5.6 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, National Register of Revocations and Refusals (NR3) and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.7 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.8 It should be noted that the determination of whether an applicant is “fit and proper” includes consideration of conduct falling short of a criminal conviction.

## **6 Offences involving violence, disorder and damage to property**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence, disorder or criminal damage. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 Anyone with a conviction for an offence involving violence, disorder or damage to property will normally be expected to remain free of such convictions for a period of at least 3 years. However, given the range of the offences, consideration must be given to the nature of the conviction. A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence involving violence or disorder.
- 6.3 In the most serious cases, an application will be refused unless there are exceptional circumstances. A licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder.
  - Manslaughter.
  - Manslaughter or culpable homicide while driving.
  - Terrorism offences.
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.4 An application will normally be refused if the applicant has a conviction for an offence or similar offence(s) and the conviction is less than 10 years prior to the date on which the application is determined by the authority:
- Arson.

- Malicious wounding or grievous bodily harm.
- Actual bodily harm.
- Grievous bodily harm with intent.
- Harassment including stalking
- Robbery.
- Possession of firearm.
- Riot.
- Violent disorder.
- Trafficking.
- Any racially aggravated offence or hate crime.
- Any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

6.5 An application will normally be refused if the applicant has a conviction for an offence or similar offence(s) and the conviction is less than 5 years prior to the date on which the application is determined by the authority:

- Common assault.
- Affray.
- Aggravated criminal damage.
- Any racially aggravated offence.
- Resisting arrest.
- Assault police.
- Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

6.6 An application will normally be refused if an applicant has a conviction for an offence or similar offences(s) and the conviction is less than 3 years prior to the date on which the application is determined by the authority:

- S.5 Public Order Act 1986 offence (harassment, alarm or distress).
- S.4 Public Order Act 1986 offence (fear of provocation of violence.)
- S.4A Public Order Act 1986 offence (intentional harassment, alarm or distress).
- Obstruction.
- Criminal damage.
- Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above..

6.7 A person bound over to keep the peace or be of good behaviour will not normally be granted a licence within the period of the recognizance e.g. where a person is bound over for 6 months, they will not normally be licensed within that 6 month period

6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.



## **7 Possession of a weapon**

- 7.1 A conviction for possession of a weapon or any other weapon related offence will raise serious concerns as to the fitness of the applicant to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **8 Sex and indecency offences**

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will normally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape.
  - Assault by penetration.
  - Offences involving children or vulnerable adults.
  - Or any similar offences (including attempted or conspiracy to commit) which replace the above.
- 8.3 An application will normally be refused if the applicant has a conviction for an offence listed below and the applicant has not been free of such conviction for at least 10 years or, at least 3 years have passed since the completion of any sentence, whichever is longer.
- Sexual assault.
  - Indecent assault.
  - Malicious communications including sending indecent images by any means.
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution.
  - Trafficking.
  - Exploitation of persons for sexual or other (criminal) purposes.
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

- 8.4 An application will normally be refused if the applicant has a conviction for an offence listed below and the applicant has not been free of such conviction for at least 3 years, or at least 1 year has passed since the completion of any sentence, whichever is longer.
- Indecent exposure.
  - Soliciting (kerb crawling).
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 8.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or has been barred by the DBS.
- 8.6 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

## **9 Dishonesty**

- 9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of a sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- Theft.
  - Burglary.
  - Fraud.
  - Benefit fraud.
  - Handling or receiving stolen goods.
  - Forgery.
  - Conspiracy to defraud.
  - Obtaining money or property by deception.
  - Other deception.
  - Taking a vehicle without consent.
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

## **10 Drugs**

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 An application will normally be refused where the applicant has a conviction for an offence related to the **supply of drugs** and has not been free of such conviction for 10 years.
- 10.3 An application will normally be refused where the applicant has more than one conviction for offences related to the **possession of drugs** and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11 Minor and Major Traffic Offences**

### Minor

- 11.1 Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted a hackney carriage or private hire drivers licence if they have received more than 2 motoring convictions within the last 2 years.
- 11.2 The accumulation of 9 or more penalty points will cast grave doubts on the suitability of the applicant and could lead to the refusal of the application.

### Major

- 11.3 A serious view will be taken of any conviction for a major traffic offence, this includes:
- Causing death by dangerous driving.
  - Dangerous driving.

- Causing death by careless driving whilst under the influence of drink or Drugs.
- Causing death by careless or inconsiderate driving.
- Careless and inconsiderate driving.
- Driving under the influence of drink or drugs etc.
- Driving whilst disqualified.
- Offences contrary to the taxi licensing legislation
- Using a vehicle without insurance..
- Or any similar offences (including attempted or conspiracy to commit) or an offence which replaces the above.

These guidelines make specific provision for certain types of major traffic offences and to reflect the seriousness of those convictions

In the case of major traffic offences where no such specific provision is made and paragraph 14 (Disqualification) does not apply, an application will normally be refused unless a period of at least 3 years free from conviction of such offences has elapsed

## **12 Driving offences involving the loss of life**

- 12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of sentence, whichever is longer) if he/she has a conviction for:

- Causing death by dangerous driving.
- Causing death by careless driving whilst under the influence of drink or drugs.
- Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

- 12.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for:

- Causing death by careless driving.
- Causing death by driving: unlicensed, disqualified or uninsured drivers.
- Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

## **13 Drink driving/driving under the influence of drugs**

- 13.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs.
- 13.2 An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending and he must comply with the rehabilitation period below.
- 13.3 More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.
- 13.4 At least 3 years free of conviction, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

#### **14 Disqualification**

- 14.1 Where an applicant has been disqualified from driving following a conviction for a major traffic offence and no specific provision is made above regarding the appropriate rehabilitation period, the application will generally be refused unless a period of between three and five years free from conviction has elapsed from the restoration of the DVLA licence.
- 14.2 Where convictions for a number of minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 14.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.
- 14.4 Any period of disqualification will lead to the suspension or revocation of a licence.

## **15 Insurance offences**

- 15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided he/she has been free of such conviction for 3 years; however a strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.
- 15.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and prevented from holding a licence for three years.

## **16 Cautions**

- 16.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 16.2 If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, action may be taken after consideration of this policy and the Regulatory Services Enforcement Policy.
- 16.3 Cautions for more serious offences could lead to refusal of an application or the suspension or revocation of a licence

## **17 Outstanding charges or summonses**

- 17.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.
- 17.2 If the outstanding charge or summons involves a serious offence, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 17.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or

revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

Draft - for consultation

## **18 Licensing offences**

- 18.1 Convictions for offences contrary to taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed unless the applicant has been free of such convictions for a period of at least 3 years. Where an existing licence holder receives such a conviction their licence may be revoked or suspended.

## **19 Licenses issued by other licensing authorities**

- 19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will always be decided on its own merits.

## **20 Summary**

- 20.1 To summarise, a motoring/criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public
- 
-





**Walsall Council**

**Licensing**

**Private Hire and  
Hackney Carriage Licensing**

**ADVERTISING POLICY**

## **Introduction**

The purpose of the Advertising policy is to provide a positive image of the hackney carriage and private hire trade in Walsall to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Hackney Carriage Vehicles must not display Private Hire Operator advertising. However where a vehicle operates through a private hire base, they may advertise the name and contact details of that base only.

The holder of a Private Hire vehicle or operator licence shall not use the words "taxi", "cab" or "hackney carriage" or any combination thereof in any advertising manner or media. If the holder of a private hire vehicle operator licence also operates a hackney carriage vehicle licensed with Walsall Council from their base, a nominal proportion of the advertising may include a reference to the hackney carriage.

## **A – PRINTED ADVERTISEMENT**

1. No advertisement shall be displayed upon the interior or exterior of a licensed vehicle which contains, promotes or involves drugs, alcoholic drinks, gambling, politics, nudity (partial or otherwise) violence or sexual activity.
2. No advertisement which has been prohibited by any regulatory organisation or which is in breach of any relevant regulations or codes of practice shall be displayed upon the exterior or interior of any licensed vehicle.
3. Any advertisement displayed upon the exterior of a licensed vehicle shall not obscure the driver's view through any window or mirror nor shall it obstruct the view into the vehicle from outside.
4. Only one advertisement is allowed in any one location on the vehicle. For this purpose, both doors on each side of the vehicle constitute one location.
5. The proprietor shall maintain the advertisement in a clean and tidy condition and shall remove any advertisement, which is damaged, defaced or out-dated.
6. No advertisement shall be displayed within the interior of the vehicle unless it is located on the underside of the tip-up seat within the vehicle or displayed via an electronic media system which complies with this policy.
7. Any advertisement which, in the absolute discretion of Walsall Council, is considered to contravene this Policy shall be removed immediately.

## **B ADVERTISING INTERNALLY WITHIN THE VEHICLE VIA TV SCREENS (DIGITAL MEDIA TECHNOLOGY)**

License holders may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material which has been approved by Walsall Council. To use this form of technology for advertising purposes and/or live feed material it must comply with the following criteria:

1. All advertising and broadcast material must comply with current regulations and codes of practice relevant to the subject matter.
2. All films/video material must be classified by the BBFC as U or exempt from classification.
3. The only live feed material that can be shown is national/local news and weather.
4. All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
5. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
6. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
7. The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter where applicable and the visibility of the screen to following vehicles should be minimal.
8. Any screen shall be no larger than 15".
9. All controls for the equipment must be installed in the driver's compartment and the viewing screen should not be visible from the driver position.
10. The viewing screen may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority. Where vehicles are fitted with rear facing seats the headrest of the rear facing seat must not contain a viewing screen.
11. The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
12. The design must be discreet and complement the interior furnishing of the vehicle.
13. The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
14. Wherever possible passengers must be able to control the volume level, including turning the sound off. Where controls are not fitted which allow the

passenger to adjust the volume, the driver must adjust the volume at the passengers request. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.

15. Wherever possible, passengers must be able to turn the screen off. Where controls are not fitted which allow the passenger to turn the screen off, the driver must do so at the passengers request.
  16. A notice should be permanently displayed within prominent view of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions. Where there are no passenger controls, the signage should clearly state that the driver is required to adjust the settings on request.
  17. All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.
  18. The system may be inspected at any reasonable time by an authorised officer and in particular at the time of the authority's vehicle compliance checks.
-



**Walsall Council**

**Licensing**

**Private Hire and  
Hackney Carriage Licensing**

**VEHICLE STANDARDS AND TESTING POLICY**

## Contents

VEHICLE REQUIREMENTS.....	3
TYPE APPROVAL .....	3
AGE LIMITS.....	3
WINDOW TINT .....	4
APPEARANCE.....	4
VEHICLE ACCESS.....	4
ELECTRIC VEHICLES .....	4
VEHICLE STRUCTURAL INTEGRITY.....	4
SPECIALIST VEHICLES .....	4
GETTING YOUR VEHICLE LICENSED .....	5
NEW VEHICLE APPLICATIONS.....	5
BEFORE TESTING – MOT and COMPLIANCE TESTS .....	5
THE MOT and COMPLIANCE TEST.....	6
PASSING THE MOT and COMPLIANCE TEST.....	7
CORRECTLY DISPLAYING THE VEHICLE IDENTIFICATION.....	7
ACCIDENT REPORTING .....	7
APPENDIX 1 – VEHICLE TEST CRITERIA.....	9
APPENDIX 2 GUIDANCE – Damaged vehicles.....	19
APPENDIX 3 GUIDANCE – Bodywork Standards.....	21
APPENDIX 4 – PHOTO GUIDANCE .....	23
VEHICLE IDENTIFICATION.....	33

# Vehicle Standards and Testing Policy

Walsall Council is determined to ensure its fleet of licensed taxis and private hire vehicles are safe and represent the council in a positive manner.

The Council has adopted criteria that all vehicles licensed in Walsall have to meet. Please refer to the contents of this document and related policies including the Licence Conditions to ensure your vehicle will be licensable within Walsall.

The Licensing Team can be contacted on [taxilicensing@walsall.gov.uk](mailto:taxilicensing@walsall.gov.uk) to provide you with guidance, however Walsall Council will not accept any liability in regards for any costs you may incur as a result of purchasing a vehicle that is unsuitable for use as a Hackney Carriage or Private Hire Vehicle.

Walsall Council requires any vehicle to comply with the following requirements.

## VEHICLE REQUIREMENTS

### TYPE APPROVAL

All vehicles must have standard EC type approval. Any vehicles that have undergone any modifications or change which would require individual vehicle approval will not be licensed until that approval has been granted by the Driver and Vehicle Standards Agency and presented for test to Walsall Council.

The licence holder shall ensure that any vehicle which is licensed by Walsall Council shall not be used as a private hire vehicle if it undergoes any modification or change which would require individual vehicle approval until that approval has been granted by the Driver and Vehicle Standards Agency and presented for test to Walsall Council.

### AGE LIMITS

**NEW:** All new applications for a Private Hire or Hackney Carriage vehicle licence must be for vehicles less than 5 years old from the date of first registration.

**EXISTING:** From January 2022, all existing private hire vehicles requiring licensing with Walsall Council must be less than 12 years from the date of first registration.

Occasionally events arise which will prevent the vehicle proprietor from relicensing their vehicle before the expiry of the previous licence, for example:

- serious mitigating circumstances, which understandably caused the driver not to attend to the licensing affairs as they usually would,
- a driver unable to re-licence their vehicle because it had been damaged and they were unable to repair the vehicle in time to licence it due to no fault of their own.

In such circumstances, the proprietor, or someone acting on their behalf, will make an application for an extension of the time period in writing to the Licensing Service before the expiry of the Licence. The Licensing Service will make a determination on the application. An appeal against such a decision can be made to Licensing and Safety Committee.

## **WINDOW TINT**

The vehicle must not have tinted windows or privacy glass windows which were fitted after manufacture. Only manufacturer fitted tinted and anti-glare windows are acceptable and all Hackney Carriage and Private Hire Vehicles must allow at least 75% of light transmitted through the windscreen and at least 70% of light to be transmitted through all other windows. Tint film must not be applied to any of the windows of the vehicle.

## **APPEARANCE**

No Private Hire Vehicle should be so similar in appearance to a Hackney Carriage that it may mislead the public.

## **VEHICLE ACCESS**

No Private Hire Vehicle can have more than 8 passenger seats.  
All passengers must be able to exit the vehicle without negotiating "tip-up" seats.

## **ELECTRIC VEHICLES**

Walsall Council also encourages the registration of electric vehicles to operate as either a Private Hire or Hackney Carriage in the borough of Walsall. These vehicles will be subject to the same tests where applicable.

## **VEHICLE STRUCTURAL INTEGRITY**

Vehicles will not be licensed if they have damage that affects the structural integrity. Any vehicle previously written off for insurance purposes will not be licensed if it is classed as a Category A or Category B – refer to Appendix 2.

## **SPECIALIST VEHICLES**

The criteria for these vehicles shall be the same as saloon cars but the same exceptions applicable to Limousines shall also apply to Specialty or Novelty vehicles.



# GETTING YOUR VEHICLE LICENSED

## NEW VEHICLE APPLICATIONS

You must complete a new vehicle application and provide the following documentation to the Licensing Office at an appointment:

- the V5 or new keeper supplement
- An invoice or receipt to show evidence of financial interest in the vehicle
- In the case of vehicles that have been converted relevant certification
- In the case of vehicles that are able to carry more than 8 passengers (but will only be licensed to carry a maximum of 8 passengers) the vehicle must be presented at the time of application so that a seating plan can be completed.
- Refer to Appendix 1 – 4 for further guidance.

## BEFORE TESTING – MOT and COMPLIANCE TESTS

Once the new vehicle application (NVA) is accepted by the Licensing Office you will be able to contact the Vehicle Testing Facility to arrange an MOT and Vehicle Compliance check. Vehicle testing is carried out at the Council's Transport Depot 200 Pelsall Road Brownhills WS8 7EN Phone: 01922 654254. In some cases the Council's Transport Depot may be unable to test the vehicle, in which case they will direct the proprietor to an alternative facility.

Prior to attending the Vehicle Testing Station you must:

- Review the documentation contained in the Walsall Council licence conditions and supporting policies
- Fit the licence bracket provided permanently to the rear exterior of the vehicle in accordance with Walsall Council licensing requirements
- Fit the fire extinguisher in accordance with Appendix 1
- Ensure the first aid kit is in accordance with Appendix 1
- If you have a tail-lift fitted obtain a valid LOLER Certificate
- For wheelchair accessible vehicles must comply to requirements outlined in Appendix 1

Once the vehicle has passed the MOT and vehicle compliance check it must be licensed within 5 working days. If the vehicle licence expires in that period it should not be used. This is to ensure as far as reasonably possible the vehicle is still in a safe condition prior to licensing. If the vehicle is not licensed within 5 working days a new MOT and Compliance Check will need to be undertaken at the applicant's expense.

The testing regime for licensed vehicles is set out in the table below:

Vehicle Age	Application	6 Months	12 Months
All vehicles	Full Test	Inter Test	Full Test

It has been shown that vehicle failure rates are not dependent upon the age of the vehicle; therefore all vehicles are to have 2 MOT and compliance tests per year.

You should ensure that you attend for your scheduled Interim MOT & Vehicle Compliance Test no later than 6 months from the date of the initial test. **Failure to do so may result in your vehicle licence being suspended, revoked or legal proceedings could be instituted.**

If a licensed vehicle is inspected by an authorised officer and that officer deems the vehicle to have serious defects which warrant an immediate suspension of the licence. The vehicle identification plates and window stickers will be requested from the licence holder to be removed and handed to the Authorised officer.

## THE MOT and COMPLIANCE TEST

The test lasts about 1 hour and includes a full MOT together with a compliance test. The compliance test covers items such as the general condition of the vehicle both in terms of the vehicles bodywork and interior condition, possible accident damage and the examination of items such as the first aid kit and fire extinguisher if present.

This section provides an overview of the quality criteria that your vehicle will be tested against. Also refer to Appendix 1 - 4 for detailed criteria including photo guidance.

The MOT and compliance tests will assess the following:

### Exterior of vehicle

- Condition of vehicle
- Signs
- Licence plates
- Tyres and spare wheel
- Boot
- Tint
- Engine compartment

### Mechanical

- Clutch and Transmission
- Steering and Suspension
- Tail Lifts
- LPG fuel

### Interior of vehicle

- Interior standard and safety
- Wheelchair accessible vehicles

If your vehicle fails any of the tests (excluding MOT Fast Track items or you fail to attend (or are more than 10 minutes late for your appointment a further test fee will be required.

MOT guidance can be found here <https://www.gov.uk/check-mot-status>

## **PASSING THE MOT and COMPLIANCE TEST**

Once the vehicle has passed the MOT and vehicle compliance check you must contact the Licensing Office to arrange an appointment to obtain your licence.

At the time of the appointment with the Licensing Office you must provide:

- MOT certificate
- Vehicle Compliance Test Certificate
- Valid Certificate of Insurance and schedule if appropriate e.g. if it is a fleet insurance policy
- Existing/Expired licence identification
- Fee
- In the case of a new Hackney Carriage the meter calibration certificate

## **CORRECTLY DISPLAYING THE VEHICLE IDENTIFICATION**

Once your vehicle is licensed, the appropriate vehicle identification must be displayed according to the licensing requirements.

Please also refer to Licence Conditions and Appendix 4 - Photo Guidance

### **Windscreen identification**

The licence holder to ensure that windscreen identification is applied in compliance to the conditions and supporting diagrams shown in Appendix 4.

### **Side identification stickers**

The licence holder to ensure that side stickers are applied in compliance to the conditions and supporting diagrams shown in Appendix 4.

### **Rear identification plate**

The licence holder to ensure that the rear plate is applied to the vehicle in compliance to the conditions and supporting diagrams shown in Appendix 4.

## **ACCIDENT REPORTING**

It is important that accidents which result in damage to licensed vehicles which may affect the performance, appearance or safety of the vehicle or the comfort or convenience of passengers are reported to the Licensing Authority by the vehicle proprietor. This is a requirement of the legislation and ensures that the vehicles which are licensed to operate in the borough comply with the standards that are set and are safe for passengers, pedestrians and other road users.

Such accidents should be reported as soon as practical and no longer than 72 hours after the accident.

The accident report form should be used and these are available on our website or from the licensing office in the Civic Centre. Officers will advise you if they require the vehicle to be brought in for inspection.

If the vehicle is deemed unfit to be used as a hackney carriage or private hire vehicle the licence will be suspended. Upon receipt of the suspension, the proprietor should return all licensing identification to the Licensing Officer within 7 days.

In order for the suspension to be lifted, an MOT certificate and engineers report carried out within the preceding 5 working days must be provided.

Draft - for consultation

# APPENDIX 1 – VEHICLE TEST CRITERIA

The following appendices provide a clear rationale on the criteria the licensed vehicle will be tested on.

<b>CATEGORY / ITEM - Reason for failure</b>	<b>Section</b>
EXTERIOR OF VEHICLE	1
HACKNEY CARRIAGE SIGNS/LICENCE PLATES	2
TYRES AND SPARE WHEEL	3
BOOT	4
ENGINE COMPARTMENT	5
CLUTCH AND TRANSMISSION	6
STEERING AND SUSPENSION	7
INTERIOR OF VEHICLE	8
WHEELCHAIR ACCESSIBLE TAXI	9
L.P.G. FUEL	10
TAIL LIFTS	11
GUIDANCE NOTES : Damaged Vehicles	Appendix 2
GUIDANCE NOTES : Bodywork Standards	Appendix 3
GUIDANCE NOTES : Photo Guide	Appendix 4

**PLEASE ALSO REFER TO GUIDANCE NOTES**

- **APPENDIX 2**
- **APPENDIX 3**
- **APPENDIX 4**

## REASONS FOR FAILURE

### 1 EXTERIOR OF VEHICLE

- 1.1 Contamination preventing proper inspection. (If the vehicle is in a dirty condition the test will not be carried out) but test fee will be charged.
- 1.2 Defective door catches which prevent a door opening and closing properly. (The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught and excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle).
- 1.3 Doors poorly fitted to the vehicle.
- 1.4 Defective door hinges.
- 1.5 The "Check straps" prevent the doors from opening fully or do not retain the door in its open position.
- 1.6 Corrosion or damage to the vehicle body or structure, which adversely affects the appearance and / or safety of the vehicle. (Engineers certification may be required to satisfy the vehicle examiner that the repairs have been properly carried out). Generally poor damaged paintwork to the vehicle. (Licensing Office to be consulted if required). Two-tone paintwork, which is not to manufacturer's specification.
- 1.7 Any advertisements found on or in a Private Hire Vehicle or Hackney Carriage Vehicle that have not been approved. Also refer to the Advertising Policy.
- 1.8 Worn hinges to boot lid, defective boot lock, and weak or defective boot opening device.
- 1.9 Where fitted, inoperable or inefficient reversing or front fog lights. (Lights may be inefficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned).
- 1.10 The vehicle must not have tinted windows or privacy glass windows which were fitted after manufacture. Only manufacturer fitted tinted and anti-glare windows are acceptable and all Hackney Carriage and Private Hire Vehicles must allow at least 75% of light transmitted through the windscreen and at least 70% of light to be transmitted through the driver's window and front passenger window. Tint film must not be applied to any of the windows of the vehicle.
- 1.11 Damaged or inadequately secured front or rear bumpers. Bull Bars Fitted.
- 1.12 Vehicle is fitted with a tow-bar.
- 1.13 Missing mirrors or any damage or defects to mirrors.
- 1.14 Where the exhaust system has been replaced and the noise emitted is louder than the manufacturer's original system.

## REASONS FOR FAILURE

### 2 VEHICLE IDENTIFICATION

- 2.1 A plate or side identification which is missing or which does not conform to the Council's standards affixed to the vehicle. A plate or identification, which is damaged or has lettering which is not clearly legible or unsightly and not portraying the council image in a good light.
- 2.2 Insecure plate fixing.
- 2.3 Where fitted, the private hire vehicle's roof sign is cracked, broken or does not fully illuminate.
- 2.4 Absence of 'TAXI' bubble light or the taxi bubble light is detachable. The bubble light is cracked, broken, or does not fully illuminate. The taxi bubble light is poorly painted or does not match the colour of the rest of the vehicle. The lens is not amber or orange in colour. The 'TAXI' lettering on the bubble light lens is not black in colour. The taxi sign is a rectangular magnetic roof sign resembling those fitted to private hire vehicles.

## REASONS FOR FAILURE

### 3 TYRES AND SPARE WHEELS/BRAKES

- 3.1 Damaged, worn or substandard or otherwise illegal tyres. Tread depth below 2mm. Advice to be given if the tyre is between 2mm and 3mm.
- 3.2 All four wheels not of the same design. Missing, damaged or mis-matched wheel trims, missing centre discs on alloy wheels.
- 3.3 No spare wheel. Space saver wheel not to manufacturer's specification and not clearly marked. In the case of vehicles manufactured with a tyre sealant, the vehicle will fail if the tyre sealant is not present, suitable or out of date.
- 3.4 Tyre(s) found not to be of the same size or specification on the same axle.
- 3.5 Failure to provide a suitable jack and/or wheel brace with the vehicle. Jack/wheel brace in poor condition. Locking wheel nut adapter not present.
- 3.6 Failure to provide an appropriate and adequate tyre sealant that is suited to the size and type of tyre fitted to that vehicle.
- 3.7 Date on tyre sealant expired or in a poor condition. Registration number not permanently marked on tyre sealant.
- 3.8 Brake lining or pad less than 3mm thick where the brake component can be seen.

#### **PLEASE NOTE**

**Vehicles that have been converted to LPG will not be expected to carry either a full size spare wheel or a manufacturer's space saver wheel. However, they will be required to carry an appropriate and adequate tyre sealant made available for inspection at the time of the test to suit the size and type of tyre fitted on that vehicle and the tyre sealant must be in date.**



## REASONS FOR FAILURE

### 4 BOOT (includes area behind rear seats where applicable)

- 4.1 Damage or corrosion to the floor of the boot, inner wing panels or lid.
- 4.2 Excessive wear, damage or staining to the boot floor covering.
- 4.3 Accumulations of dirt, grease, rubbish etc., in the boot which could soil or damage luggage stored therein.
- 4.4 There should be sufficient space in the vehicle boot (above the boot floor covering) to carry passenger luggage and allow for full inspection.

#### **PLEASE NOTE**

**SOME VEHICLES THAT HAVE BEEN CONVERTED TO RUN ON LPG MAY NOT HAVE ADEQUATE LUGGAGE CARRYING SPACE. THIS IS ACCEPTABLE.**

## REASONS FOR FAILURE

### 5 ENGINE COMPARTMENT

- 5.1 Excessive oil leaks which are liable to cause a smell through burning or likely to contaminate the road surface.
- 5.2 A leaking or inadequately secured radiator
- 5.3 Leaking and significantly worn or deteriorated hoses, not secured that are likely to chafe to cause premature failure.
- 5.4 Any fluid level is inadequate.

## REASON FOR FAILURE

### 6 CLUTCH AND TRANSMISSION

- 6.1 Clutch judder, grab or slipping outside normal limits.
- 6.2 Linkages are so worn that they are likely to fail.
- 6.3 Undue corrosion and leaks.
- 6.4 Mountings corroded/contaminated that are likely to fail, leaking oil that is liable to cause a smell through burning or contaminate the road surface.
- 6.5 Liable to cause a smell through burning or contaminate the road surface.

## REASONS FOR FAILURE

### 7 STEERING AND SUSPENSION

- 7.1 Where a suspension has been lowered or altered from the manufacturer's original specification and gives passengers an uncomfortable or hard ride.
- 7.2 Where a steering wheel has been fitted incorrectly or that it affects the control or manoeuvrability of the vehicle.

## REASONS FOR FAILURE

### 8 INTERIOR OF VEHICLE

- 8.1 Floor that is not covered by adequate carpets or mats. Carpet is so badly worn that it is likely to cause a danger to passengers. Roof lining is dirty or torn. Holes in roof due to missing parts.
- 8.2 Evidence of water leakage or water ingress into the vehicle from either rainwater penetration or leaking coolant from vehicle heater system.
- 8.3 A vehicle, which is in dirty condition with accumulation of dust, litter, debris etc., or staining to carpets or upholstery (unacceptable smells of vomit, food or other contaminants). Seats which are dirty, torn or holed. Loose seating, inadequate padding. Upholstery which is in poor condition and / or offers poor support to passengers.
- 8.4 The vehicle does not have yellow high-visibility grab handles to aid passengers when entering or exiting the vehicle.
- 8.5 Faulty interior light fittings.
- 8.6 A loose, damaged or missing rear view mirror.
- 8.7 Defective heater/windscreen demister (controls that cannot be adjusted from cold to hot and fan assistance does not function).
- 8.8 The anti-slip rubber pedal covers are missing, incomplete, loose, worn smooth or to the metal.
- 8.9 Damaged seat belts or seat belt clasps.
- 8.10 Broken or missing parts inside the vehicle. E.g. Broken door handles, window winders, speaker covers, air vents, grab handles, door trims.
- 8.11 Communication radio not mounted correctly.
- 8.12 Window winder/slides that do not allow windows to be easily lowered/raised or slide.
- 8.13 Ineffective interior door release catches.
- 8.14 Ineffective child proof locks (doors still opening when locks activated).
- 8.15 Dash and instrument panel not illuminated.
- 8.16 Warning lights still visible when engine running. Any Red lights will result in a licence being refused/suspended. Any Yellow/Amber lights will result in the applicant/licence holder being allowed time to rectify the problem.
- 8.17 First Aid Kit will not be accepted if not containing the ROSPA approved kit, or if it is dirty, expired or not permanently marked with the vehicles registration number. The ROSPA first aid kit should be easily accessible and consists of:

- 10 antiseptic wipes (individually wrapped)
- 1 conforming disposable bandage
- 2 triangular bandages
- 1 packet of 24 assorted adhesive dressings
- 3 large sterile un-medicated ambulance dressings (not less than 15 x 20cm)
- 2 sterile eye pads with attachments
- 12 assorted safety pins
- 1 pair of rustproof blunt-ended scissors
- Disposable gloves
- Mouth mask for resuscitation

8.18 Fire extinguisher where fitted must:

- Be marked with the date of manufacture and vehicle registration number
- The pressure gauge must not be in the red
- The seal must be intact
- Be less than five years old from the date of manufacture
- Be mounted in a travel bracket mounted in the boot area of the vehicle (hackney carriage N/S/F cab area is permitted for mounting)
- No dents or gouges on the body of the fire extinguisher.
- No date of manufacture shown.

8.19 'No Smoking' signs are not present or found to not be in a prominent position in each compartment of the vehicle in which people can be carried to the appropriate standard (dimensions).

8.20 CCTV system is not in a safe condition or not in accordance with the original approval granted by Walsall Council Licensing Service.

8.21 Digital Media system is not in a safe condition or not in accordance with the original approval granted by Walsall Council Licensing Service.

8.22 (hackney carriage vehicles) Fare card not displayed. Taxi Meter not displaying a calibration sticker

8.23 (hackney carriage vehicles) Taxi Meter fare does not match the measured mile road test.

8.24 (hackney carriage vehicles) Meter not mounted correctly.

8.25 (hackney carriage vehicles). The driver compartment is not separated from the passenger compartment in that it has a missing or partial bulkhead. The second row of seats does not fold completely upright and flush against the bulkhead or the springs are broken on the hinges and the seat does not return to an upright position.

## REASONS FOR FAILURE

### 9 WHEELCHAIR ACCESSIBLE VEHICLES

- 9.1 The vehicle does not have side-loading wheel chair access on the near side (kerb side) of the vehicle.
- 9.2 Insufficient space between the front of the rear seat and the partition for a wheelchair to turn.
- 9.3 Ramps not carried on the vehicle and not permanently marked with the vehicle registration number or plate number and are not structurally sound or designed for the purpose of loading wheelchairs.
- 9.4 Belts frayed, damaged or inoperative locking mechanisms.
- 9.5 (a) The Licence Holder shall ensure suitable straps for securing wheelchairs and occupant identifiable to that vehicle are carried and accessible at all times. The straps must be suitable for the wheelchair securing system employed within the vehicle.
- (b) For the avoidance of doubt, the straps must meet LOLER requirements and be marked or tagged with the Licence Plate number so that the straps are identifiable to that vehicle. The straps must be marked in a non-destructive manner. The fabric of the strap should not be marked with any sort of ink likely to damage the fabric of the strap as this will cause the strap to fail the test.
- (c) The straps must be stored in a bag or case to prevent the straps being damaged.

## REASONS FOR FAILURE

### 10 L.P.G FUEL

- 10.1 No evidence of certificate of conformity or incorrect documentation.
- 10.2 Fuel pipes and fittings that are not secured and likely to chafe.

## REASONS FOR FAILURE

### 11 TAIL LIFTS

- 11.1 Failure to provide current LOLER test certificate.
- 11.2 Failure to provide current weight test certificate.

This page has been intentionally left blank

Draft - for consultation

# APPENDIX 2 GUIDANCE – Damaged vehicles

Prior to 1 October 2017 Vehicle Salvage Category Codes are as follows:-

**Category A** – The vehicle must be scrapped and no parts or components can be sold other than for scrap. Category A vehicles are normally severely damaged, totally burnt-out, flood damaged or a shell that has been stripped out. These types of vehicles also have no serviceable parts. DVLA will require a Notification of Destruction.

**Category B** – The vehicle must not be used again or resold but non-structural and roadworthy parts and components may be recovered for use in other vehicles. It will have been damaged beyond economical repair, usually with major structural damage. The DVLA will require Notification of Destruction but parts can be removed and sold on.

**Category C** – The vehicle is repairable but the parts and labour would exceed the book value of the car. Amateur and professional mechanics could use second hand parts to repair these vehicles at much lower prices than the list costs for parts and labour.

**Category D** – The vehicle is economically repairable but other factors are involved that cause the insurer to declare the vehicle to be a write off. The damage may be minimal damage and probably not structurally damaged. Often stolen and recovered vehicles after a claim has been paid out. It may be a vehicle where parts are difficult to obtain so a quick repair is unlikely.

**Category X** – The vehicle is easily repairable and may still be roadworthy. The vehicle has been the subject of a claim but minor or very lightly damaged and required minimal repair work. It would not be recorded with the DVLA so would not appear in any Vehicle History Data Check

**Unrecorded Write Off** – The vehicle damage was not reported to the insurer because the driver was uninsured or it is not known who caused the damage. Not an official category and simply means that the driver possibly only had third party insurance. DVLA will not know in these types of cases so it will not be recorded and will not show up on any Vehicle History Check.

**From 1 October 2017 Vehicle Salvage Codes are as follows:-**

**A – (SCRAP)** - This vehicle has been inspected by an appropriately qualified person, declared unsuitable or beyond repair and has been identified to be crushed in its entirety.

Definition - This vehicle is deemed not suitable to be repaired. Must be crushed without any parts being removed. This vehicle will be classed as waste.

**B – (BREAK)** - This vehicle has been inspected by an appropriately qualified person and declared unsuitable or beyond repair.

Definition - The vehicle is deemed not suitable to be repaired. Usable parts can be recycled. This vehicle will be classed as waste.

**S – (STRUCTURAL) Repairable** - This vehicle has been inspected by an appropriately qualified person and declared suitable for repair.

Definition - Repairable vehicle which has sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle.

**N – (NON STRUCTURAL) Repairable** - This vehicle has been inspected by an appropriately qualified person and declared suitable for repair.

Definition - Repairable vehicle which has not sustained damage to the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle. While the damage to the vehicle has been noted as non-structural, there may still be some safety critical items that require replacement e.g. steering and suspension parts.

**Please Note**

**If the vehicle to be tested flags the DVSA 'seriously damaged' marker the vehicle will not be tested. Additionally, if testers have any concerns about the condition of a vehicle the vehicle may not be tested or licensed.**



# APPENDIX 3 GUIDANCE – Bodywork Standards

The Council requires Hackney Carriages and Private Hire Vehicles which are licensed by it for the use of fare paying passengers to maintain a high standard of presentation.

## Paintwork

The Council recognises that vehicle paintwork can deteriorate with time and that paintwork is easily damaged yet costly and difficult to repair. The requirements relating to the standard of the paint finish reflect this.

### Uniform Colour

Paintwork should be uniform in colour over the whole of the vehicle. Where repairs have been carried out best practice body shop techniques should be followed to ensure that an identical colour match is obtained using recognised automotive re-finishing products.

### Gloss Finish

Paintwork should have a gloss finish over the whole of the vehicle. Where the paintwork has begun to fade due to age and the effects of ultra violet degradation over large areas of the vehicle and where it cannot be returned to an acceptable level of gloss by the use of 'cutting' compounds, re-finishing may be required, particularly where a none uniform appearance results.

### Poor Workmanship

Repairs should be carried out to a high standard. Defects which result from poor preparation or poor application of the paint finish are likely to result in the vehicle **not** reaching the required standard. Such defects include runs, 'orange peel', 'fish eyes', dust in the paint, orbital sander marks, poor paint coverage, overspray etc.

## 'Cosmetic' Damage

The Council recognises that vehicles suffer minor 'cosmetic' damage during day to day use and that this type of damage can be the most difficult and the most costly to repair. The standards reflect that this type of defect is inevitable on Hackney Carriages and Private Hire Vehicles and permit areas of minor 'cosmetic' damage as detailed below.

The overall appearance of the vehicle will be assessed to determine the suitability of the vehicle. Compliance with the requirements may be achieved by repairing only some of the bodywork defects where this is to the advantage of the proprietor.

### Scratches

Scratches should be no longer than 200 mm, and not deep enough to expose the bare metal. They should be no wider than 2 mm. **(A scratch is where the paint film is damaged, but there is no deformation of bodywork).**

### Small Dents

Dents where the paintwork is broken are not acceptable.

Dents, where the paintwork is **not** broken, should be no larger than 100 mm in diameter and no deeper than 10 mm at the deepest point

### **Rust Spots**

Any areas of rust/corrosion are not acceptable.

(A rust spot is a defect caused by oxidation of the metal due to a failure of the paint film to protect it but without obvious damage).

### **Flaking etc**

Areas of flaking paint or lacquer are not acceptable.

(Flaking is where an area of the paint or lacquer film loses its adhesion to the substrate due to poor preparation, contamination, water ingress etc).

### **Stone Chips**

Stone chips will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident.

(A stone chip is a defect to the paint film caused by the impact of small stones 'thrown up' by other traffic etc).

### **Replacement Panels**

A 'panel' is the roof, front wing, rear wing, front door (including 'A' pillar), rear door (including 'B' pillar), bonnet (including the area below the windscreen), boot or tailgate, sill, front panel (including bumper), rear panel (including bumper).

Vehicles which have been damaged and had replacement panels fitted are acceptable as Hackney Carriages and Private Hire Vehicles provided that the repairs have been carried out to a high standard. The colour of the replacement panel must match the other panels and any plastic door mouldings or transfers must also match.

### **Fitting**

Replacement panels (genuine or non genuine) should be fitted to the vehicle manufacturer's specification using approved fittings.

### **Alignment**

Replacement panels should be correctly aligned. They should be level with all adjacent panels and the gaps between panels should be uniform and similar to those between original panels.

# APPENDIX 4 – PHOTO GUIDANCE

## TAXI ROOF SIGNAGE

ACCEPTABLE



Integrated taxi bubble light

UNACCEPTABLE



Detachable Magnetic Roof Sign and wrong colour

## TAXI METER

ACCEPTABLE



The vehicle must be fitted with a taxi meter set to the current Walsall rates and linked to the taxi bubble light.

## GRAB HANDLES

ACCEPTABLE



The vehicle must be fitted with yellow high visibility grab handles.

## BULKHEAD

ACCEPTABLE



Fully sealed bulkhead.

UNACCEPTABLE



Bulkhead not sealed or in line with 'B' Pillars.

## WHEELCHAIR ACCESS

ACCEPTABLE



The vehicle must have side loading wheel chair access. The ramps can be detachable and stored behind the rear seats.

ACCEPTABLE



Wheelchair access may also be via a side loading integrated ramp.

## REAR FACING MIDDLE ROW OF SEATS

ACCEPTABLE



The middle row of seats must be rear facing and fold completely upright against the bulkhead to allow wheel chair access.

UNACCEPTABLE



The middle row of seats does not fold completely upright against the bulkhead.

## WHEEL CHAIR RESTRAINTS

ACCEPTABLE



The vehicle must be fitted with appropriate wheel chair restraints.

# PHOTO GUIDANCE FOR COSMETIC DEFECTS

## SEATS (INCLUDING DRIVERS SEAT)

UNACCEPTABLE



Seats must be free of tears and holes.

UNACCEPTABLE



Seats must not be stained or soiled. The use of car seat covers is acceptable but they must be removed prior to the vehicle inspection.

## PLASTIC TRIM AND COVERS

UNACCEPTABLE



Missing plastic covers.

UNACCEPTABLE



Missing door trim.

## HANDLES AND LEVERS

UNACCEPTABLE



Broken or missing door handles, roof grab handles or window winders/controls.

UNACCEPTABLE



Broken seat levers.

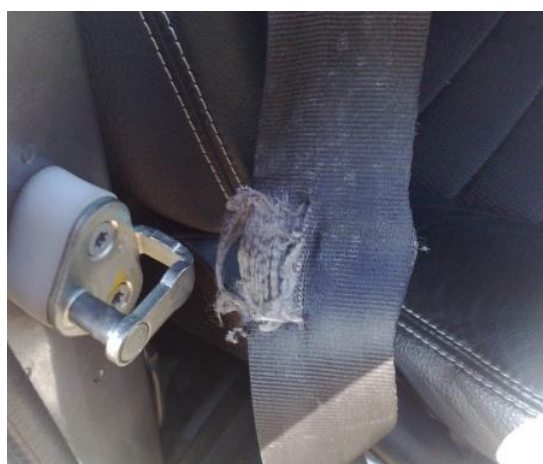
## SEAT BELTS & CLASPS

UNACCEPTABLE



Seat Belt clasps with broken parts or held together with tape.

UNACCEPTABLE



Heavily frayed or torn seat belt.

## MATS & FLOOR COVERINGS

UNACCEPTABLE



Holes in floor mats are not acceptable as they may present a trip hazard.

UNACCEPTABLE



Floor coverings that are ill fitting, torn or present a trip hazard.

## BOOT/LUGGAGE AREA

UNACCEPTABLE



The boot/luggage area must be free of objects at all times. If you have a LPG tank fitted in the wheel well it is acceptable to carry a tyre inflation kit instead of a spare wheel.

UNACCEPTABLE



The boot lining must be kept clean at all times. Oil stains, wet patches, mould etc. are not acceptable.



## PAINTWORK/BODYWORK

**ACCEPTABLE**



A small number of stone chips that have not penetrated the base coat of paint.

**UNACCEPTABLE**



Flaking paintwork.

**ACCEPTABLE**



Small scratches that have not penetrated the base coat of paint.

**UNACCEPTABLE**



Long, deep, or wide scratches.

**UNACCEPTABLE**



Re-sprayed paintwork that does not match the colour of the rest of the vehicle.

**UNACCEPTABLE**



Matt paint finish is unacceptable. All damaged paintwork/bodywork must be professionally repaired and restored to the manufacturers high gloss finish.

**UNACCEPTABLE**



Missing or non-matching door trim.

**UNACCEPTABLE**



Broken mirror glass or housing.

**UNACCEPTABLE**



Cracked glass, lenses, lights etc. which have sharp edges or allows the ingress of water. It is not acceptable to place tape over cracks.

**UNACCEPTABLE**



Badly chipped or cracked windscreen or windows.

**RUST/CORROSION**

**UNACCEPTABLE**



Rust or corrosion is unacceptable.

**UNACCEPTABLE**



Rust or corrosion is unacceptable.

## DENTS

**ACCEPTABLE**



Small dents that have not broken the paintwork and are less than 100mm long or 10mm deep are acceptable.

**UNACCEPTABLE**



Dents that have broken the paint surface or are more than 100mm long or 10mm deep.

## TYRES

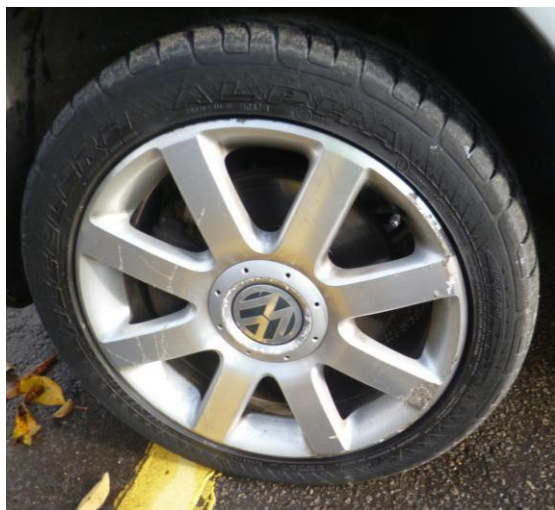
**ACCEPTABLE**



All tyres must have at least 2mm of tread across the central  $\frac{3}{4}$  of the tyre. You will be advised to replace the tyre if the tread is between 2mm and 3mm.

## ALLOY WHEELS & WHEEL TRIMS

**ACCEPTABLE**



Scuffed alloy wheels or wheel trims are acceptable. All alloy wheels or wheel trims must match.

**UNACCEPTABLE**



Broken alloy wheels or wheel trims, missing wheel trims or centre hubs are unacceptable. All alloy wheels or wheel trims must match.

---

## VEHICLE IDENTIFICATION

**UNACCEPTABLE**



**ACCEPTABLE**



ACCEPTABLE



UNACCEPTABLE



---

End of document

Draft - for consultation

This page has been intentionally left blank

Draft - for consultation



**Walsall Council**

**Licensing**

**Private Hire and  
Hackney Carriage Licensing**

**RECORDING DEVICES IN VEHICLES POLICY**



## Introduction

This policy covers devices that record images and/or sound in vehicles which are licensed as a private hire or hackney carriage in Walsall. Examples of such devices include CCTV systems and dash cams, but other devices may be covered too.

### 1 Systems capable of recording sound and or images within the vehicle

- 1.1 Where a system is capable of recording sound and or images within the vehicle, the system must be approved by the Council before it is installed.
- 1.2 In order to be approved, the system must be such that recordings cannot be viewed or down loaded other than by an authorised officer of the Council or police officer. No person shall attempt to download or view the recordings or have in their possession, custody or control any equipment which enables the recordings to be viewed or downloaded.
- 1.3 Upon request for image retrieval by an officer of the council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.
- 1.4 Before installing any recording devices in a vehicle, the written consent of the Council must be obtained. This consent will include the number and location of all cameras or other recording devices. The number and location of these cameras or recording devices shall not be varied without the prior written consent of the council.
- 1.5 A notice must be displayed inside the vehicle positioned in a prominent position where it can be easily read by persons both inside and outside of the vehicle which informs passengers that CCTV or other recording devices are installed in the vehicle. The proprietor shall ensure that any notices are maintained in a clean and legible condition.
- 1.6 The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer or a police officer.
- 1.7 The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of this policy in relation to any installed CCTV system and has been given adequate instruction on the operation of the system.

## **2 Systems only capable of recording sound and or images outside the vehicle**

- 2.1 Where a system is only capable of recording sound and or images outside the vehicle, it is not necessary to obtain the written consent of the Council. However the following requirements must be adhered to.
- 2.2 Wherever possible, the Dash Cam system should not have any sound recording facility. However, if the system comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised in the following limited circumstances:
- 2.3 Audio recording will only be justified where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is utilised and must be subject to the following safeguards:-
- a) Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
  - b) The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- 2.4 Recording devices covered by this section will be inspected as part of the annual and interim vehicle tests. Any devices that have additional coverage of the interior of the cab will be deemed as CCTV and they must comply with the requirements of section 1 of this policy.
- 2.5 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations. It must meet any and all requirements as regards safety, technical acceptability and operational/data integrity and be installed in accordance with the equipment and/or vehicle manufacturer's installation instructions
- 2.6 Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems. They must not be positioned in the visibility zones as per the current MOT standards.

- 2.7 Viewing screens within the vehicle for the purposes of viewing captured images must not be permitted to be used / illuminated when the vehicle is being used for purposes of driving.
- 

Draft - For consultation



**Walsall Council**

**Licensing**

**Private Hire and  
Hackney Carriage Licensing**

**CUSTOMER CARE POLICY**

## Introduction

Walsall Council expects that its licence holders to put equalities and the health, safety and comfort of customers and other users of the highway at the centre of their business.

As a public authority, Walsall Council must take steps to promote the *Public Sector Equality Duty* which was created by the Equality Act 2010. In summary, in the exercise of the Council's functions, it must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This policy incorporates requirements expected by Walsall Council of persons holding a licence to promote the equality duty. Reference should also be made to the Fit and Proper Persons Policy, Vehicle Standards and Testing Policy and the Conditions attached to such licences as well as those matters relating to good customer care.

## 1 GENERAL DRIVING

- 1.1 The holder of a licence to drive private hire and hackney carriage vehicles should attend bookings punctually, at the appointed time unless delayed by unforeseen circumstances. The holder of a private hire vehicle operator licence should ensure that all drivers working through their base attend bookings punctually, at the appointed time and have appropriate systems in place.
- 1.2 The holder of a licence to drive private hire and hackney carriage vehicles should drive in a manner giving regard to the comfort and safety of passengers at all times as well as to the safety of pedestrians and other road users.
- 1.3 A licence holder should be polite towards passengers or other road users and should not be aggressive or abusive towards them at any time.
- 1.4 When the vehicle is parked then the engine should be turned off to prevent disturbance to people in the vicinity and to prevent unnecessary pollution.
- 1.5 In addition to the safety checks required in the vehicle standards policy, the driver of a private hire or hackney carriage vehicle should check that it is clean inside and out at the start of each day and ensure it is clean and tidy inside before each new hiring.

## **2 SUPPORT FOR PEOPLE WITH DISABILITIES AND VULNERABLE PERSONS**

- 2.1 Licence holders shall provide such additional support and assistance as is required to people with disabilities and to vulnerable persons to ensure that they are carried safely and comfortably.
- 2.2 In order to apply for a certificate to exempt them from carrying assistance dogs, a licence holder or applicant must have a letter signed by their own GP and bearing the stamp of the practice clearly outlining the medical grounds why the exemption is required.
- 2.3 The holder of a private hire vehicle operator licence should keep a copy of any exemption from carrying animals issued by Walsall Council to any person licensed to drive private hire or hackney carriage vehicles.
- 2.4 The holder of a private hire vehicle operator licence must ensure that all persons working for them who have direct contact with the public or who are responsible for carrying passengers are aware of their responsibilities in relation to the carriage of assistance dogs. This includes the names of any persons who have a valid medical exemption issued under clause 2.3 above by Walsall Council.
- 2.5 Where premises are accessible to the public, provision should be made for access by persons with disabilities. Where it is genuinely not possible for structural adjustments to be made to the premises, provision may be made by other means, e.g. a bell or intercom.
- 2.6 Where a licence holder is found to be in breach of any of the policies or conditions which are in place to support people with disabilities or are otherwise in breach of the Equality Act 2010, the Licensing and Safety Committee may require that licence holder to undertake additional appropriate training at their own expense.

## **3 OTHER CONDUCT**

- 3.1 No person who holds a licence to drive hackney carriage or private hire vehicles, to operate private hire vehicles or as the proprietor of a private hire or hackney carriage vehicle shall use any information provided to them by or on behalf of any customer for any purpose other than the bona fide business of the licence holder. The holder of a licence to operate private hire vehicles shall ensure that any person who works for the business also complies with this requirement.
- 3.2 All persons who hold a licence to drive hackney carriage or private hire vehicles, to operate private hire vehicles or as the proprietor of a private hire or hackney carriage vehicle have a responsibility to report to the appropriate authority or to Walsall Council any information which they come across which the suspect may be linked to trafficking, exploitation, terrorism or other

criminal offences. The holder of a licence to operate private hire vehicles shall ensure that any person who works for the business also complies with this requirement.

- 3.3 No person who holds a licence to drive hackney carriage or private hire vehicles, to operate private hire vehicles or as the proprietor of a private hire or hackney carriage vehicle shall discriminate against any customer or member of the public on any grounds, especially persons with any of the protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The holder of a licence to operate private hire vehicles shall ensure that any person who works for the business also complies with this requirement.

#### **4 STANDARDS OF DRESS**

- 4.1 It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Walsall and are seen as key Ambassadors for the Borough.
- 4.2 Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.
- 4.3 To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided below:
- 4.4 All drivers shall be clean, presentable and smartly dressed. Clothing must be clean. Shoulders and upper arms must be covered.
- 4.5 The following are not permitted
- Clothes that have holes or which are ripped.
  - The wearing of hoods or other clothing that obscures the driver's vision or their identity.
  - There should be no words or graphics on any clothing that is of an offensive or suggestive nature.
  - Shorts.
  - The wearing of mules or 'flip flops'. All footwear to fit around the heel, by an enclosed back or strap.
- 4.6 The holder of a licence to operate private hire vehicles licence shall ensure that any driver operating through the base or any person working for the business who has face to face contact with the public complies with this policy.