



Private Hire and Hackney Carriage Licensing Policy

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Contents

1. PURPOSE OF THIS POLICY	6
1.1 HOW TO CONTACT THE TAXI LICENSING OFFICE.....	7
1.2 THE APPOINTMENT SYSTEM.....	7
1.3 FEES	7
1.4 PAYMENT METHODS	8
1.5 THE LICENSING COMMITTEE.....	8
1.6 LICENSING MANAGEMENT PANEL.....	8
2. PRIVATE HIRE & HACKNEY CARRIAGE DRIVERS' LICENCE POLICY	10
2.1 MAKING AN APPLICATION FOR A DRIVER'S LICENCE (NEW AND RENEWALS).....	10
2.2 THE DRIVING TEST	13
2.3 THE MEDICAL EXAMINATION	13
2.3.1 WHEELCHAIR ASSISTANCE EXEMPTION	14
2.4 THE DISCLOSURE AND BARRING SERVICE (DBS).....	14
2.4.1 PROTECTED CAUTIONS AND CONVICTIONS.....	17
2.4.2 NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS, SUSPENSIONS AND REFUSALS (NR3s).....	19
2.5 THE KNOWLEDGE TEST/SUITABILITY ASSESSMENT	20
2.6 HACKNEY CARRIAGE KNOWLEDGE TEST	21
2.7 EQUALITY AND DISABILITY AWARENESS TRAINING.....	21
2.8 CHILD SEXUAL EXPLOITATION (CSE) AWARENESS & SAFEGUARDING TRAINING	21
2.9 SANDWELL MBC CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS	22
2.10 SANDWELL MBC LICENSED DRIVER DRESS CODE	23
2.11 CRITERIA FOR APPLICANTS AND LICENCE HOLDERS	23
2.12 ALL DRIVERS LICENCES	25

[IL0: UNCLASSIFIED]

3.	HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENCE.....	27
3.1	MAKING A VEHICLE APPLICATION.....	28
3.2	LOG BOOKS.....	29
3.3	NEW APPLICATIONS.....	30
3.3.1	BRAND NEW VEHICLES.....	30
3.3.2	DUAL PLATING	31
3.3.3	APPLICATIONS FROM CAR HIRE/ACCIDENT MANAGEMENT COMPANIES	31
3.4	RENEWAL APPLICATIONS	32
3.5	VEHICLE TESTING.....	33
3.5.1	ATTENDANCE FOR A FULL TEST OR INTERIM SAFETY TEST APPOINTMENT	35
3.6	BUYING A VEHICLE	35
3.6.1	VEHICLE EMISSIONS	35
3.7	VEHICLE IDENTIFICATION	37
3.8	ACCIDENTS	38
3.9	PRIVATE HIRE VEHICLE CRITERIA.....	39
3.9.1	SALOON CARS	39
3.9.2	MINIBUSES AND MULTI-PURPOSE VEHICLES (MPVs).....	41
3.9.3	LIMOUSINES	42
3.9.4	SPECIALITY OR NOVELTY VEHICLES	43
3.9.5	ALL VEHICLES	43
3.10	HACKNEY CARRIAGE CRITERIA.....	43
3.11	HACKNEY CARRIAGES WORKING OUTSIDE THE BOROUGH OF SANDWELL	46
3.12	INSURANCE	48
3.13	TRANSFER PROCEDURE.....	48
3.14	CCTV.....	49
3.15	SECURITY SCREENS IN PRIVATE HIRE VEHICLES.....	50
	[IL0: UNCLASSIFIED]	

3.16	ADVERTISING IN/ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES	50
4	SUPPLEMENTARY VEHICLE TESTING CRITERIA	51
4.1	EXTERIOR OF VEHICLE	51
4.2	TAXI SIGNS, ROOF SIGNS AND LICENCE PLATES	52
4.3	TYRES AND SPARE WHEEL	52
4.4	BOOT (includes area behind rear seats in MPV's and Minibuses)	53
4.5	ENGINE COMPARTMENT	54
4.6	CLUTCH AND TRANSMISSION	54
4.7	STEERING/SUSPENSION	54
4.8	INTERIOR OF VEHICLE	55
4.9	WHEELCHAIR ACCESSIBLE TAXIS – ADDITIONAL CRITERIA	56
4.10	LPG FUEL	56
4.11	TAIL LIFTS/INTEGRATED RAMPS	57
5.	VEHICLE GUIDANCE NOTES	57
5.1	WRITE OFFS	57
5.2	TINTED WINDOWS	58
5.3	MODIFICATIONS/CONVERTED VEHICLES	58
5.4	MULTI-PURPOSE VEHICLES (MPV's)	59
5.5	LPG CONVERTED VEHICLES	59
5.6	LOLER	60
5.7	GUIDANCE NOTES ON BODYWORK STANDARDS	60
5.8	SMOKING IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES	60
5.9	SMBC APPROVED HACKNEY CARRIAGE VEHICLES	61
6.	PRIVATE HIRE OPERATOR LICENCE	62
6.1	MAKING AN APPLICATION FOR AN OPERATOR'S LICENCE	62
6.2	KNOWLEDGE TEST	64

[IL0: UNCLASSIFIED]

6.3	CRIMINAL RECORD CHECKS FOR OPERATORS, MANAGERS, DEPUTIES AND ALL STAFF WITH ACCESS TO PASSENGER DATA.....	64
6.4	REQUIREMENT FOR A LICENCE.....	65
6.5	FITNESS AND PROPRIETY.....	65
6.6	INSURANCE.....	66
6.7	LICENCE CONDITIONS	67
6.8	OPERATOR RESPONSIBILITY IN RELATION TO VEHICLES / DRIVERS THAT ARE OPERATED AND STAFF EMPLOYED AT THE BUSINESS	67
6.9	NEW MANAGEMENT OF COMPANY FOLLOWING REVOCATION OF A LICENCE	67
6.10	PRIVATE HIRE OPERATORS CRITERIA.....	68
6.11	PASSENGER CARE	69
6.12	OPERATOR SIGNAGE.....	69
7.	PRIVATE HIRE AND HACKNEY CARRIAGE DETERMINATION OF MATTERS POLICY GUIDELINES.....	70
7.1	INTRODUCTION	70
7.2	FIT AND PROPER.....	72
7.3	GENERAL POLICY	75
7.4	CONSIDERATION OF DISCLOSED CRIMINAL HISTORY	77
7.5	BARRED LISTS	77
7.6	OFFENCES RESULTING IN DEATH.....	77
7.7	OFFENCES INVOLVING EXPLOITATION AND CRIMINAL HARASSMENT	78
7.8	OFFENCES INVOLVING VIOLENCE AGAINST PERSONS, PROPERTY, ANIMALS OR THE STATE	78
7.9	OFFENCES INVOLVING PUBLIC ORDER	78
7.10	OFFENCES INVOLVING POSSESSION OF A WEAPON	78
7.11	OFFENCES INVOLVING SEX, INDECENCY OR OBSCENE MATERIALS	78
7.12	OFFENCES INVOLVING DISHONESTY	79

[IL0: UNCLASSIFIED]

7.13	OFFENCES INVOLVING ALCOHOL ABUSE, MISUSE OR DEPENDENCY	79
7.14	OFFENCES INVOLVING DRUGS ABUSE, MISUSE OR DEPENDENCY	79
7.15	OFFENCES INVOLVING DISCRIMINATION	79
7.16	OFFENCES INVOLVING REGULATORY NON-COMPLIANCE	80
7.17	MOTORING OFFENCES	80
7.18	BEHAVIOURS	83
7.19	LICENSING OFFENCES	84
7.20	PRIVATE HIRE OPERATORS	84
7.21	VEHICLE LICENCE HOLDERS.....	84
7.22	SUMMARY.....	85

1. PURPOSE OF THIS POLICY

This Policy will comprise the following sections:

1. Purpose of the Policy
2. Private Hire & Hackney Carriage Drivers' Licence Policy
3. Hackney Carriage & Private Hire Vehicle Licence Operators' Policy
4. Supplementary Vehicle Testing Criteria
5. Vehicle Guidance Notes
6. Private Hire Operator Licence
7. Private Hire and Hackney Carriage Determination of Matters Policy Guidelines

This policy will consider any guidance issued by the Department for Transport and Institute of Licensing.

This Policy will provide information needed to apply for a Private Hire or Hackney Carriage licence in Sandwell. In particular:

- How to Contact the Taxi Licensing Office
- The Appointment System

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- Acceptable criteria for Applicants/Licence Holders
- Vehicle Criteria
- Convictions and Licensing Sub Committee Guidelines

“Fit and Proper” has the same meaning as “Safe and Suitable” in respect of this policy

“Operator” means the person who is the current holder of a Private Hire Operator’s Licence

“Business premises” means the operating premises from which the Private Hire Operator conducts the business

1.1 HOW TO CONTACT THE TAXI LICENSING OFFICE

The Taxi Licensing Office is situated at: -

Oldbury Council House, Freeth Street, Oldbury, West Midlands, B69 3DE

By Email on: taxi_licensing@sandwell.gov.uk

By Phone on: 0121 569 6655

This policy is available to view at www.sandwell.gov.uk and search for taxi licensing.

1.2 THE APPOINTMENT SYSTEM

We operate ‘an appointment only system’. Appointments can be booked online as part of our application process. In the event that you require an advice appointment outside of the application process, please email the taxi licensing team for an ‘in person’ appointment.

Please ensure that you:

- Arrive on time and if you are more than 10 minutes late you will need to rearrange your appointment, and
- Have all required documents with you that have been detailed in your email confirmation.

1.3 FEES

Licence Fees are determined by the Council on an annual basis. If the Council intends to vary its licence fees an advert is placed in the local press to commence consultation to ensure that everybody has an opportunity to comment on the fees before they come into force in the new financial year.

A copy of the current list of fees is available from the Taxi Licensing Office on request and can also be viewed on the council’s website at:

<http://www.sandwell.gov.uk/taxi>

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Please be aware that you must pay all outstanding fees before a further appointment will be booked or any other applications accepted/processed.

1.4 PAYMENT METHODS

The Taxi Licensing Office accepts payment for Licence Fees in the following ways:

- Debit Card (*Solo, Switch or Delta*)
- Credit Card (*Visa or MasterCard*)
- Via the online applications portal

Please be advised that the Taxi Licensing Office is unable to receive cash or cheque payments

1.5 THE LICENSING COMMITTEE

The Council has an obligation to ensure that Private Hire and Hackney Carriage licences are only issued to applicants that are considered to be “fit and proper”.

To enable the Council to do this, the Council has drawn up criteria, which an applicant must meet for the licence to be issued.

If you don't fulfil these criteria for any reason and wish to pursue your application, you will be required to attend a Licensing Sub Committee Meeting or a Licensing Management Panel meeting.

The Committee and Panel have the power to grant or refuse applications. The Committee and Panel can also suspend, revoke or refuse to renew an existing licence.

The Licensing Sub Committee is comprised of Elected Council Members who normally meet at least once a month, in order to deal with licensing issues. There will be a number of council officers present during the meeting to assist the Members.

Licensing Office staff will not be included in the decision making process for cases referred to the Licensing Sub Committee and have no influence over the decision of the Committee. To ensure that this is the case, members of staff from the Taxi Licensing Office who are involved in the investigation and compilation of the report will leave the meeting room with you, whilst the decision is made.

The Licensing Management Panel is comprised of Officers only and these officers will make a decision on the licensing application. Further details can be found in the next section on the officers who will be in attendance and the cases that they will consider.

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If you are required to attend a meeting, the reason will be explained to you at the earliest opportunity by a member of staff from the Taxi Licensing Office.

A letter will be sent inviting you to attend the next available meeting. This letter will contain the time and date of the meeting and a copy of the report that will be presented to the Committee/Panel.

If you are unable to attend the meeting or feel that you need further assistance in any way, you should contact the Taxi Licensing Office immediately.

The meeting gives you the opportunity to tell the Committee/Panel about anything you feel they should know, before they make a decision about your application. It also allows the Committee/Panel to look at the background to your individual circumstances before making a decision on the application.

When considering applications, both the Licensing Sub Committee and the Licensing Management Panel will take into account any guidance that has been issued by the Department for Transport and the Institute of Licensing.

You will be informed of the Committee's decision immediately after it has been made. This decision is then confirmed in writing within 14 days. If a licence is refused, suspended or revoked, the decision letter/notice will outline the reason for the Committee's decision and will inform you of any right of appeal you may have. Notification of decisions from the Licensing Management Panel will also follow this process.

In the event that a licence is either refused or revoked, the information will be recorded on the National Register of Taxi Licence Revocations and Refusals (NR3s) and will remain on this register in line with NAFN's (the data controller), data retention policies.

If you are unhappy with the Council's decision, and wish to appeal, you may want to seek legal advice.

1.6 LICENSING MANAGEMENT PANEL

Licensing Management Panel for Taxi Licensing

Terms of Reference

1. The Panel will be chaired by either the Operations Manager or Taxi Licensing Supervisor.
2. Quorum for the Panel will be 3 Officers.
3. Officers who can sit on the Panel and make decisions on cases will be as follows:
 - a. Service Manager for Public Protection and Community Safety
 - b. Operations Manager
 - c. Licensing Supervisor
 - d. Senior Taxi Licensing Officer
 - e. Licensing Enforcement Officer

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4. There will be a representative from Legal in attendance for advice purposes only.
5. The applicant will be able to bring representation with him/her to the Panel.
6. In the event that an applicant requires an interpreter, it will be the applicant's responsibility to book and pay for those services.
7. The applicant should provide any supporting documentary evidence for their case at least 3 days prior to the hearing.
8. In each case, it is for the applicant to satisfy the Licensing Authority that they are "fit and proper", not for the authority to prove that they are not.
9. When making decisions regarding an applicant being "fit and proper" little or no weight will be given to individual testimony or evidence that cannot be substantiated.
10. The applicant will advise the Panel in advance of the hearing if they are to be represented at the hearing or if they wish anyone to be in attendance with them.
11. The decision notice will be issued in the name of the Panel Chair.
12. The Right of Appeal from any Panel Cases will be to the Licensing Sub Committee in the first instance.
13. The appeal will only consider the decision and the evidence that was submitted to Panel, they will not be able to consider any "new" evidence.
14. In the event of a recommendation of refusal or revocation, or suspension on the grounds of public safety, the decision will be added to the NR3s register if the case meets the public safety test.

Cases that will be considered

1. Certificate of Good Conduct
2. Where a licensed driver has had their TAS badge either withdrawn or cancelled
3. Where a driver has returned their licence to avoid being added to the NR3s register and a decision is required on their case as there is no mechanism for a licence to be surrendered in such circumstances.
4. Where the driver has received no more than 3 minor traffic offence convictions
5. Where the driver has had a number of accidents in a short period of time, 3 or more in a six month period or 5 or more in a 12 month period, the licence will be reviewed by Panel and the available options will include attendance at a driver training course to be completed within 2 months of the decision, suspension and in the most serious cases or cases where the driver training is not completed refusal to renew or revocation.
6. Review of driver licences following a policy change that affects the rehabilitation periods for convictions.
7. Appeals on decisions to refuse advertisements on licensed vehicles.
8. Decisions on suitability of premises for Private Hire Operator Licences.

2 PRIVATE HIRE & HACKNEY CARRIAGE DRIVERS' LICENCE POLICY

2.1 MAKING AN APPLICATION FOR A DRIVER'S LICENCE (NEW AND RENEWALS)

All applications must be submitted by the applicant using the online applications portal. All correspondence relating to your application will be sent to you by email, therefore all

[IL0: UNCLASSIFIED]

applicants must ensure they have a valid email address. Applications will not be processed until the completed application has been submitted and the application fee paid.

Consideration will be given to any guidance issued by the Department for Transport and Institute of Licensing when considering all licence applications.

When submitting a photograph for your online application, the photograph should be recent and should not have been changed or altered i.e. filtered in any way, otherwise it will be rejected.

Before submitting an application, you must have completed/obtained the following:

- Driving Assessment with the Council's Appointed Driving Examiner (Must be less than 12 months old)
- All drivers who drive or operate a wheelchair accessible vehicle must complete a training course prior to driving a wheelchair accessible vehicle. The training provider must be a recognised organisation e.g. Blue Lamp and a copy of your pass certificate must be submitted prior to you driving a wheelchair accessible vehicle. Training requirements are published on the taxi licensing web pages and in the event that you are working or are going to work for a SEND appointed contractor for Sandwell MBC, please ask the trainer to complete and sign the training form that can be found on the taxi licensing web pages as this certificate will also be accepted.
- Once a licence has been issued, in the event that a licensed driver starts work with a SEND contractor during the life of their licence, they will be required to submit their wheelchair training form within two weeks of changing operator.
- Equality & Disability Awareness Training with the Council's appointed training provider. (Must be less than 12 months old)
- CSE & Safeguarding Awareness Training with the Council's appointed training provider. (Must be less than 12 months old)
- Medical with the applicant's registered General Practitioner (GP) or any GMC registered GP/Medical Practitioner who confirms in writing that they have seen the applicant's medical records. The certificate must be less than 1 month old when submitted and include the GMC registration number of the certifying GP/Medical Practitioner. It will be the applicant's responsibility to return the medical results to the taxi licensing team. Currently they can only be accepted by email but they will be able to be uploaded as part of the application in the future. When returning the medical by email please include the word medical in the subject line together with your licence type and badge number. New applicants please include your online application/reference number.

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- New applicants will be required to undertake and pass a knowledge Test.
- New applicants for a Hackney Carriage Drivers Licence will be required undertake and pass an additional knowledge test .

You will not be able to submit your online application without completing the above.

Should your application be successful, you will be required to attend the Taxi Licensing Office and must bring the documents listed below:

- Photographic identification *i.e.*, a passport, DVLA photo card.
- Original DBS Certificate that was issued to you by the Disclosure and Barring Service together with proof that you have signed up to the update service.
- New applicants will be required to produce criminal record checks or equivalent if they were not born in the UK and/or if they have lived outside of the UK since the age of 18 for more than 6 (six) months for all those countries they have resided in. The Certificate of Good Conduct must have been issued/dated within the last 12 months, unless it has an expiry date. If the Certificate has an expiry date and that date has passed, a new Certificate of Good Conduct will be required. If the certificate is in a language other than English, the applicant will be responsible for any translation costs. Licensed Drivers who are required to attend committee due to their criminal convictions will need to produce a criminal record check or equivalent if they have been resident outside of the UK after the age of 18. Criminal Record Checks must be requested and supplied in compliance with Home Office guidance. New applicants or existing drivers who cannot produce a criminal record check will be referred to committee/licensing management panel and invited to produce information that supports a suitability decision. This could be in the form of a statutory declaration prepared and witnessed by a legal practitioner and references from people of standing in your community who know you well but cannot be from family members.
- National Insurance Number.
- All applicants for the grant or renewal of a licence must produce documentary evidence that they have the right to live and work in the United Kingdom.

If you forget any of the above items when you attend the Taxi Licensing Office, your licence will not be issued.

The application process requires you to undergo a number of tests and checks before a licence can be issued to you. These tests and checks are detailed below.

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2.2 THE DRIVING TEST

All applicants for a driver's licence are required to pass a Private Hire Drivers Driving Test carried out by the council's nominated provider. Details of the driving test provider can be obtained from the Taxi Licensing Office. Only certificates from the nominated provider will be accepted.

The driving test is a vocational taxi test specifically designed to reflect modern driving practices and conditions. There are specific elements that relate to the safe conveyance of passengers.

Applicants and existing licence holders wishing to drive a wheelchair accessible private hire vehicle or a hackney carriage will also be required to complete a wheelchair training.

Wheelchair training certificates will be accepted from Sandwell school transport providers and recognised wheelchair training organisations like Blue Lamp. In the event that you start work for a school transport provider after your licence has been issued, you MUST submit a copy of 'proof of training' within two weeks of starting work on the prescribed form. This can be found on the taxi licensing web pages and the training must relate to the type of vehicle that you are driving or intending to drive.

Drivers with 7 or more penalty points will be required to undertake, at their own cost, a driver awareness course and/or pass a driver assessment with no more than 8 minor infringements within 2 months of notice from the Licensing Authority to demonstrate that they are suitable to become or remain a licence holder. Failure to do so strongly suggests that a driver is not "fit and proper" to be licensed until a period of 12 months has passed with no further convictions. Details of course providers will be provided should a test be required.

2.3 THE MEDICAL EXAMINATION

In order to ensure the safety of both you and your passengers, you will have to successfully complete a medical assessment. The medical is carried out to DVLA Group 2 Medical Standards.

All applicants must be medically examined by their registered General Practitioner (GP) or any GMC registered GP/Medical Practitioner every 3 years, and they must confirm in writing that they have seen the applicant's medical records. The certificate must be less than 1 (one) month old when submitted and include the GMC registration number of the certifying GP/Medical Practitioner. (The certificate should be no more than three months old when licence is ready to issue). It will be the applicant's responsibility to return the medical results to the taxi licensing team. Currently they can only be accepted by email but they will be able to be uploaded as part of the application in the future. When returning the medical by email please include the word medical in the subject line together with your licence type and badge number. New applicants please include your online application number. Please note that only this Authority's medical form will be accepted.

[IL0: UNCLASSIFIED]

In the case of applicants over the age of 65 years, a medical examination is required annually.

In some cases, the GP/Medical Practitioner may determine that individual applicants are examined on a more regular basis.

When attending for your Medical Examination you must take with you a copy of your medical history for the past two years and a list of any medication that has been prescribed to you.

Any costs incurred in obtaining this information from your GP must be met by you. If you wear glasses or corrective lenses you must also produce a copy of your latest prescription.

If you are an existing licence holder and the GP/Medical Practitioner determines that you are not fit to drive a licensed vehicle, your licence will be suspended with immediate effect on the grounds of public safety and this decision will be recorded on the NR3s Register.

2.3.1 WHEELCHAIR ASSISTANCE EXEMPTION

In the event that a driver has a medical condition that prevents them from giving assistance to wheelchair users, they will need to apply for an exemption and be assessed to see if they meet the criteria for an exemption to be issued. An application form can be obtained from the Taxi Licensing Office and will have to be supported with medical evidence as to why the exemption is being applied for. Applicants will be referred to Sandwell Hospital for assessment and fees for the assessment are payable at the time of the agreed appointment.

Only drivers who have applied for and been granted an exemption are exempt from offering assistance and they must also be displaying the exemption notice in the vehicle at the time of any such refusal. In the event that the certificate is not displayed in the vehicle, the exemption will be void and assistance must be given. Any exemption given is for the person and not for the vehicle being used. The exemption will only be for the person named on the certificate and the certificate MUST be removed if any other driver is using the licensed vehicle.

2.4 THE DISCLOSURE AND BARRING SERVICE (DBS)

The Disclosure and Barring Service (DBS) is a Government Agency responsible for carrying out checks in relation to an applicant's criminal history.

All new applicants for a Private Hire or Hackney Carriage Driver's Licence are required to undergo an enhanced criminal history disclosure on application. The applicant is also required to sign up to the DBS update service and renew the subscription annually. Details on how to join the DBS update service can be obtained from the Taxi Licensing Office or from the DBS website <https://www.gov.uk/dbs-update-service>. Failure to sign up to the update service will prevent a licence being issued and will require the applicant to complete and pay for a new DBS disclosure. All DBS Certificates must be enhanced, both the children's and adults' barred lists must be checked and the application must state "other workforce" and the occupation as "taxi/private hire driver". The Licensing Authority is unable to accept a Child Workforce DBS.

[IL0: UNCLASSIFIED]

For new applicants, in the event that you have lived abroad and the country that you previously lived in does not issue certificates of good conduct and/or if you have not lived in the UK for the past 5 years, the application will be referred to the Licensing Sub Committee/Licensing Management Panel for consideration. As you will need to demonstrate that you are a "fit and proper" person to hold a licence to the Committee/Panel, the applicant is recommended to bring information that supports their application for the Committee/Panel to consider. Examples of this are a statutory declaration that is completed in the presence of a Solicitor. This should confirm that you either have no convictions or detail those convictions on the form. Letters of support/recommendation from people of standing in your community like religious leaders or employers would also be acceptable. Contact information for those giving references should be included on any submission to allow the taxi licensing team to confirm the information provided.

The disclosure application form and DBS Update registration will be completed, at the time of your first appointment and then sent to the DBS for them to carry out their checks. If an applicant has a criminal record, **this may be revealed on the disclosure**. You must disclose all convictions, cautions, reprimands, conditional discharges and bind-overs **NO MATTER HOW LONG AGO THEY HAPPENED**. Failure to disclose matters which are revealed on the DBS disclosure will result in delays, as your application will be referred to the Licensing Sub Committee for a decision (Please refer to the Determination of Matters Policy Guidelines).

It is the responsibility of the applicant to complete and check the form, to ensure that all information entered on the form is correct. The DBS services changed their policy on 6 July 2019 and will no longer amend incorrect or missing address details in Section C of the Disclosure Application. This means that any applications with errors in this section will be withdrawn by the DBS without a refund of the application fee. A further application will then need to be submitted at further cost to the applicant.

In order to complete the form you must be able to provide the following details:

- Full name, date of birth, current permanent address etc.
- Details of any previous names used.
- National Insurance number.
- Place of birth.
- Previous addresses in the last 5 years.

You will also need to have with you **at least three** of the following original documents. Please note that there are time limits on some of the documents. Examples of the documents you will need are:

- Passport (If you hold a valid passport **it must be produced** for DBS purposes).

[IL0: UNCLASSIFIED]

- DVLA Driving Licence.
- Birth Certificate.
- Marriage Certificate.
- P45 or P60.
- Utility bill (dated within the last 3 months).
- UK medical card.
- Bank / credit card statement (dated within the last 3 months).

Failure to provide the required documents will result in your application being rejected until such time that you are able to produce the required documentation.

When all checks have been made, the DBS will send the disclosure certificate to your home address. The Taxi Licensing Office does not receive a copy of the certificate. As soon as you receive the certificate you must produce it to the Taxi Licensing Office. If you have not applied to join the DBS update service whilst the disclosure application was being processed, you will have the opportunity to join once the certificate has been produced, however you must join within 28 days of the certificate being printed. This is a DBS Policy therefore the Council cannot extend the 28 day period. Failure to join will mean that you will no longer be able to register the disclosure certificate with the update service therefore you will be required to complete a new DBS form at your own expense.

Any matters identified on the disclosure certificate will be assessed against the Driver's policy and "Determination of Matters Policy Guidelines", which is included in Section 7 of this Policy.

Existing holders of a Private Hire or Hackney Carriage Drivers licence.

Any licence holder who fails to join the DBS update service or fails to renew their subscription to the DBS Update Service will have their licence suspended and will be unable to work until a new DBS certificate has been produced.

All drivers will have their criminal history checked via the DBS update service at least every 6 months. If the Taxi Licensing Office receives information that a driver has committed an offence or receives intelligence on offending behaviour, the Taxi Licensing Office will regularly check the current status of the licence holder's disclosure certificate via the DBS update service. If for any reason the DBS update service reveals that the original certificate is no longer valid, the licence holder will be required to complete a new DBS disclosure application at their own expense. The licence holder will also have their licence suspended until the new information can be considered by the Licensing Sub Committee. Where an applicant has spent three or more continuous months outside the UK once their licence has been issued, that they should provide criminal records information from that country or a

[IL0: UNCLASSIFIED]

“Certificate of Good Character” on their return. This can be obtained by visiting the following website - <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Licensing Authority will accept DBS Certificates that have been applied for by other Local Authorities which meet the enhanced standard required in Sandwell where the applicant has also signed up to the DBS update service and the update service registration is current. All DBS Certificates must be enhanced, both barred lists checked and they must state “other workforce” and the occupation “taxi/private hire driver”. The Licensing Authority is unable to accept a Child Workforce DBS.

Any driver referred to the committee will have their DBS checked through the update service.

The Licensing Sub Committee has the discretion to require a licence holder to be subject to more frequent DBS checks. Any driver referred to the Licensing Sub Committee/Panel for any reason will have their DBS checked and the DBS status reported back to Licensing Sub Committee/Panel.

All applicants and holders of a licence must give permission for the Council to carry out checks, at any time, via the update service.

2.4.1 PROTECTED CAUTIONS AND CONVICTIONS

You are not required to declare protected cautions and convictions on the application form, but you must declare all other convictions even if you think they are spent.

Examples of a protected caution are as follows:

- The person was under 18 at the time the caution was given
- Where the person was 18 years or over at the time the caution was given, and it was given to the person for an offence other than a listed offence and six years or more have passed since the date on which the caution was given.

Examples of a protected conviction are as follows:

- Where the person was under 18 years at the time of the conviction, five years and six months or more have passed since the date of the conviction; or
- Where the person was 18 years or over at the time of the conviction, 11 years or more have passed since the date of the conviction

N.B. The conviction cannot be for a listed offence and the sentence must not involve custody or service detention.

Listed Offences are all reasonably serious and include the following:

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- An offence under section 67 (1A) of the Medicines Act 1968
- An offence under any of sections 126 to 129 of the Mental Health Act 1983
- An offence specified in the Schedule to the Disqualification from Caring for Children (England) Regulations 2002
- An offence specified in Schedule 15 to the Criminal Justice Act 2003
- An offence under section 44, or under paragraph 4 of Schedule 1 or paragraph 4 of Schedule 4 to, the Mental Capacity Act 2005
- An offence under section 7, 9 or 19 of the Safeguarding Vulnerable Groups Act 2006
- An offence specified in section 17 (3) (a), (b) or (c) of the Health and Social Care Act 2008, apart from an offence under section 76 of that Act
- An offence specified in the Schedule to the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009
- An offence specified in Schedule 2 or 3 of the Childcare (Disqualification) Regulations 2009
- An offence superseded (whether directly or indirectly) by any offence listed in the above paragraphs
- An offence of:
 - Attempting or conspiring to commit any offence listed in the above paragraphs
 - Inciting or aiding, abetting, counselling or procuring the commission of any such offence or
 - An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) committed in relation to any such offence
- An offence under the law of Scotland or Northern Ireland, or any country or territory outside the United Kingdom, which corresponds to any offence under the law of England and Wales listed in the above paragraphs
- An offence under section 42 of the Armed Forces Act 2006 in relation to which the corresponding offence under the law of England and Wales (within the meaning of that section) is an offence listed in the above paragraphs or
- An offence under section 70 of the Army Act 1955, Section 70 of the Air Force 1955 or section 42 of the Naval Discipline Act 1957 of which the corresponding civil offence (within the meaning of that Act) is an offence listed in the paragraphs above.

[IL0: UNCLASSIFIED]

2.4.2 NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS, SUSPENSIONS AND REFUSALS (NR3s)

All applications for a new licence or licence renewal will automatically be checked on the NR3s Register to ascertain whether or not the applicant has had a licence either refused, revoked or suspended by another Licensing Authority. If a search indicates a match with the applicant, this authority will seek further information about the entry on the register from the Licensing Authority which recorded it. Any information received as a result of an NR3s search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

In the event that it is confirmed that the applicant has had a licence either refused or revoked by another authority, the application will be referred to the Licensing Sub Committee for determination

Where a hackney carriage driver, dual driver or private hire driver licence is refused or revoked by this authority, the Licensing Authority will automatically record this decision on the NR3s Register.

Where a hackney carriage driver, dual driver or private hire driver licence is suspended and the decision to suspend relates to safeguarding or road safety concerns, this decision will also be registered on the NR3s database. If the date that the suspension is due to finish is not known, then the date of expiry of the driver licence will be included on the register.

There is no mechanism for a driver to surrender or hand in their licence to avoid suspension or revocation and thus avoid such an entry being made on the NR3s database. In such circumstances, the Licensing Authority will make decisions to revoke, suspend or not renew an existing licence.

The Information recorded on NR3s itself will be limited to:

- Name
- Date of Birth
- Address and contact details
- National Insurance Number
- Driving Licence number
- Decision Taken
- Date of Decision
- Date decision effective

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Information will remain on this register in line with NAFN's (the data controller), data retention policies.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision of information of or under NR3s are necessary to this Authority's statutory licensing functions of ensuring that all drivers are "fit and proper" to hold the applicable licence. It is not intended that any NR3s data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under GDPR, you can do so to the authority's Data Protection Officer who can be contacted at the following email address
info_management@sandwell.gov.uk

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

The Licensing Authority will publish a policy on the approach it will take to requests by other authorities for further information about entries on NR3s and about the use it will make of any further information provided to it. To obtain a copy of this policy, please contact the Taxi Licensing Team on taxi_licensing@sandwell.gov.uk or visit the Council's website
https://www.sandwell.gov.uk/info/200176/business/359/taxi_and_private_hire_licences/3

2.5 THE KNOWLEDGE TEST/SUITABILITY ASSESSMENT

To ensure that all your customers receive a consistently high level of service, all applicants for a Private Hire Driver's Licence or Hackney Carriage Driver's Licence are required to pass an assessment which is designed to ensure that you understand the following:

- The law and conditions of the licence.
- When to inform us if you are convicted of an offence, or if you have received cautions, reprimands, conditional discharges, bind-overs or fixed penalties.
- Your responsibilities to the Council.
- Your command of the English language.
- Your basic maths skills.
- Vehicle maintenance.
- Customer Service.

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To assess your understanding, we will ask a number of questions and you will need to answer at least 80% correctly. If you do not successfully complete this test, you will be required to take a retest. A maximum of 3 tests can be undertaken. A fee is payable for each test.

Applicants will also be required to take and pass an English test that demonstrates a good command of the English language both oral and written.

We will refuse to grant you a licence if you fail to pass these tests and you will not be able to reapply within 12 months.

2.6 HACKNEY CARRIAGE KNOWLEDGE TEST

Applicants for a Hackney Carriage Driver's Licence will, in addition to the above tests, be required to demonstrate that they have full knowledge of the location and capacity of each Sandwell hackney carriage stand or rank. You will be expected to have knowledge of roads, buildings and places of interest in the vicinity of each stand or rank. Details of the ranks can be found on the taxi licensing web pages.

If you do not successfully complete this test, you will be required to take a retest. A maximum of 3 tests can be undertaken. A fee is payable for each test.

We will refuse to grant you a licence if you fail to pass this test and you will not be able to reapply within 12 months.

2.7 EQUALITY AND DISABILITY AWARENESS TRAINING

All existing and new applicants for a Private Hire or Hackney Carriage Driver's licence will be required to successfully complete Equality and Disability Awareness Training, carried out by the Council's appointed training provider, prior to a licence being issued.

Any applicant or licence holder who fails to attend a scheduled appointment to undertake the Equality and Disability Awareness Training, or fails the assessment at the end of the training, will be required to pay a fee, for a further appointment to be booked on the training course. Failure to attend a scheduled appointment, or successfully complete the assessment, may result in a licence holder's licence being suspended until such time as they successfully complete the required training and assessment.

2.8 CHILD SEXUAL EXPLOITATION (CSE) AWARENESS & SAFEGUARDING TRAINING

All existing and new applicants for a Private Hire or Hackney Carriage Driver's licence will be required to successfully complete CSE & Safeguarding Training, carried out by the Council's appointed training provider, prior to a licence being issued.

[IL0: UNCLASSIFIED]

All existing holders of a Private Hire or Hackney Carriage Driver's licenses will be required to successfully complete CSE & Safeguarding Training, carried out by the Council's appointed training provider every three (3) years.

Any applicant or licence holder, who fails to attend a scheduled appointment to undertake the CSE & Safeguarding Training, may be required to pay a fee, to the Council's appointed training provider, for a further appointment to be booked on the training course. Failure to attend a scheduled appointment may result in a licence holder's licence being suspended until such time as they successfully complete the required training.

2.9 SANDWELL MBC CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger.

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person.
- Drivers should always ask if a passenger needs help.
- Drivers and operators must remain alert to issues around the safeguarding of children and adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).

These following standards are equally applicable when working with vulnerable and non-vulnerable passengers.

Drivers must remain professional at all times and should not:

- Touch a person inappropriately.
- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language).
- Behave in a way that may make a passenger feel intimidated, unsafe or threatened.
- Attempt to misuse any personal data obtained via the business.

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Drivers must remain professional at all times and should:

- Help passengers to stow mobility aids, pushchairs and luggage
- Ensure that passengers leave the vehicle safely away from traffic
- Support customers to make payments

2.10 SANDWELL MBC LICENSED DRIVER DRESS CODE

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Sandwell to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

Footwear

Footwear for all drivers shall fit around the heel of the foot. Open backed shoes i.e. Flip Flops, are not acceptable.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- (a) Clothing that is not kept in a clean condition, free from damage, holes and rips.
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- (c) Drivers not having either the top or bottom half of their bodies suitably clothed.
- (d) The wearing of hoods or other clothing that obscures the driver's vision or their identity.

2.11 CRITERIA FOR APPLICANTS AND LICENCE HOLDERS

Listed below are the circumstances under which the Council will **normally** refuse to grant you a licence or take action in respect of an existing licence.

If you are unsure whether your application will be affected by any convictions or other matters you may have, a member of the licensing team will be pleased to advise you.

We will normally refuse to grant a licence, renew a licence, or take action in relation to an existing licence, if:

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- You are a new applicant and have held a full driving licence for less than 2 years, or are under 21 years of age. (Driving entitlement earned in countries with exchange agreements with the UK is also acceptable providing the licence has been exchanged for a UK driving licence).
- You have been disqualified from driving, and have not held your full driving licence for at least 5 years since the disqualification expired.
- You have not successfully completed all aspects of the suitability/knowledge tests. If you fail the knowledge test three times we will refuse to grant your application. You will not normally be able to reapply within 12 months of the date of your last unsuccessful test.
- You have not successfully completed all aspects of the Hackney Carriage Driver's Knowledge test. If you fail the Knowledge Test three times we will refuse to grant your application. You will not normally be able to reapply within 12 months of the date of your last unsuccessful test. (This only applies to applicants for a Hackney Carriage Driver's Licence or Dual Licence).
- You have not passed the required driving assessment carried out by the Council's nominated provider.
- You have not passed a Group 2 medical examination undertaken by a GMC registered GP/Medical Practitioner.
- You have not successfully completed the Council's Equality and Disability Awareness Training.
- You have not successfully completed the Council's CSE Awareness & Safeguarding Training.
- You have previously been a licence holder and that licence has been revoked during the past 12 months.
- You have previously had an application for a licence refused within the last 12 months.
- Your application for a licence has not been successfully completed within SIX months of the date your application was received. In such circumstances we will deem that the applicant has withdrawn the application to be licensed and any future application will require a new fee and the entire process to be completed again. (Upon request the applicant will receive a refund of any element of the licensing/application fee that has not been spent during their individual application process (Maximum to be refunded £30). No refund will be provided for third party costs i.e. Driving/Wheelchair Assessment and DBS check etc). In the event that the application is determined by the Licensing Sub Committee, none of the application fee will be refundable.

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- You have exhibited behaviour which, in the opinion of the authority, is inappropriate to a licence holder and amounts to reasonable cause to show that you are not a “fit and proper” person to hold a driver’s licence.
- The Determination of Matters Policy Guidelines contained in Section 7 of this Policy apply to you.

PLEASE NOTE: The Provisions of the Rehabilitation of Offenders Act 1974 do not apply to applicants for Private Hire and Hackney Carriage Driver’s licences. Therefore all convictions/cautions, reprimands, conditional discharges, bind-overs and fixed penalties must be declared to the Taxi Licensing Office at the time of application.

Past convictions – Existing licence holders

As included in the Determination of Matters Policy Guidelines, existing licence holders who committed a serious offence in the past which has previously been determined by the Committee or officers or Court, whereupon if they were a new applicant would not be granted a licence, will be brought before the committee, following the implementation of the policy, to consider whether or not their licence should be revoked. The committee will consider each case on its merits and take into account the length of time that has elapsed since the conviction and the drivers conduct and the length of time the licence holder has held a licence.

2.12 ALL DRIVERS LICENCES

All applicants for a licence and all existing licence holders must comply with the following requirements:

- On expiry of a licence, identification badges must be returned to the Taxi Licensing Office within 7 days.
- If a licence has been suspended or revoked the identification badges must be returned to the Taxi Licensing Office immediately.
- Any change in medical condition which affects the driver’s ability to drive safely must be reported to the Taxi Licensing Office within one working day.
- Any convictions, fixed penalties, cautions, reprimands etc. must be reported in writing within 48 hours. This also includes any allegations currently under investigation by the Police or any other Enforcement Agency.
- Whether charged or not the driver must report any arrest and release within 48 hours.

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- An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in the review by the Licensing Sub Committee of the licence holder's suitability to continue to hold a licence.
- Any change of address must be reported within 48 hours.
- Any change of operator must be reported within 48 hours.
- Any accidents involving a licensed vehicle must be reported within 72 hours.
- In the event that a licensed driver is found to have an excessive number of accidents in their licensed vehicle, namely 3 or more in a six month period or 5 in a twelve month period, then the driver will be referred to either the Licensing Sub Committee or Licensing Management Panel to determine whether or not they are a "fit and proper" person to hold a licence and they may be required to attend a driving course.
- Any driver who will not be working for a period in excess of 4 weeks should return their badges to the Taxi Licensing Office until such time that they are ready to start work again.
- All applicants and licence holders must comply with any reasonable request from an authorised officer or Police Officer.
- **All** Private Hire and Hackney Carriage Drivers have a duty to carry guide, hearing and other assistance dogs accompanying disabled people, and do so without additional charge. The dog must be allowed to remain with the passenger. The **only** exception to this rule is where the driver provides medical evidence in support of an application for an Exemption Certificate. The exemption is only valid if the exemption notice is displayed in the vehicle.
- Any discrimination in relation to disabled passengers is unacceptable. Discrimination may be considered as behaviour that is inappropriate to a licence holder and amounts to reasonable cause to show that you are not a fit proper person to hold a driver's licence. The matter will be considered by the Licensing Sub Committee and may result in action being taken in relation to your licence.
- Driver licence identification badges will not be issued to a driver until the driver has produced appropriate insurance to the authority for the licensed vehicle they intend to drive.

We will normally suspend, revoke or refuse to renew your licence if:

- You are in breach of any conditions of your licence during its lifetime.

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- You exhibit behaviour which, in the opinion of the Authority, is inappropriate to a licence holder and amounts to reasonable cause to show that you are not a “fit and proper” person to hold a driver’s licence.
- Any of the criteria outlined for refusal of a licence, apply to the licence holder after the grant of a licence.
- You have carried out, or have caused to be carried out a contract when either the driver, or vehicle, or both, were not correctly licensed, or insured.
- A licensed driver is found to have an excessive number of accidents in their licensed vehicle, namely 3 or more in a six month period, or 5 or more in a twelve month period. The driver will be referred to either the Licensing Sub Committee or Licensing Management Panel to determine whether or not they are a “fit and proper” person to hold a licence and they may also be required to attend a driving course.

If your licence is refused or revoked any future applications for a licence will be treated as a new application and you will be required to complete all the required tests, checks and training again.

As reminders of licence expiry are sent out more than four weeks in advance, if you allow your licence to expire before submitting a further application, any future application for a licence will be treated as a new application and you will be required to complete all the required tests, checks and training again. There are no days of grace, applications to renew **MUST be submitted before a current licence expires.**

Once a licence application has been either determined by committee or issued, we are unable to issue a refund for the application fee. If a deposit has been paid for the licence, this will only be refunded once both badges have been returned to the Taxi Licensing Office. Deposit refund requests should be sent to

taxi_licensing@sandwell.gov.uk

1. HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENCE

THIS SECTION OF THE POLICY SHOULD BE READ IN CONJUNCTION WITH THE ‘SUPPLEMENTARY VEHICLE TESTING CRITERIA’.

When determining whether or not the services offered and/or vehicle requires licensing, consideration will be given to the guidance issued by the Department for Transport and which can be viewed at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note>

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3.1 MAKING A VEHICLE APPLICATION

This section will provide all the information you will require to license a Hackney Carriage or Private Hire vehicle in Sandwell.

All Hackney Carriage and Private Hire vehicles in Sandwell must pass the Council's Vehicle Test before a licence can be issued.

Please submit your application online uploading all the documents detailed below into your application. We will email your operator to confirm that you are working for them. Please note that we cannot process your application until it is complete, and payment has been made, and a response has been received from your operator.

You will be required to bring relevant documents to any scheduled appointment. These will have been notified to you by email. Failure to bring any required documents will result in delays to your application being processed and may result in additional costs. Please ensure that you also bring the vehicle that you wish to licence, to your "pick up plates" appointment.

Documents Required:

- Vehicle Full Test Pass Certificate
- The complete DVLA (V5) Vehicle Registration document (Log Book)*
- A valid, original insurance document.
- Your full, current driving licence issued by the DVLA.
- The current licence fee (A current fee schedule is available from the Taxi Licensing Office and available on our website).
- Your meter calibration certificate (Hackney Carriages only).
- If your vehicle has been converted to run on Liquefied Petroleum Gas (LPG) you must also produce a safety certificate issued within the last twelve months from a UKLPG approved installer.
- If your vehicle is fitted with a tail-lift you must also produce a LOLER safety inspection certificate issued within the last six months or a safety check certificate if the vehicle has an integrated electric ramp.
- Basic DBS Certificate that is less than three months old (see notes below) to be submitted with applications, if a company, to be submitted for all Directors/partners.
- In the event that the application is submitted for a hire company, the dvla code check will be required for each licensed driver going into the vehicle along with insurance

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cover PRIOR to the Council approving the use of the vehicle for accident purposes and be applied to each licensed driver that has use of this vehicle.

Basic DBS Certificate

If you have already submitted a valid DBS certificate as part of your driver application and you are signed up to the DBS update service, you will not be required to provide a basic DBS certificate. In the event that your DBS is not valid at the point of application, the vehicle application will be rejected. Should the certificate contain any convictions, they will be considered in line with the Private Hire and Hackney Carriage Determination of Matters Policy Guidelines which means the application may need to be referred to the Licensing Sub Committee for determination. If the applicant is a company, a hearing may be held with one, some, or all of the individuals concerned. If a new partner or director joins the company, they will be required to provide taxi licensing with a new basic DBS certificate within one month of taking up this position.

If you forget any of the above items when you attend the Taxi Licensing Office, your licence will not be issued.

IMPORTANT NOTICE

The Taxi Licensing Office cannot issue refunds for a vehicle licence once issued.

VEHICLE KNOWLEDGE TEST

If you do not hold a drivers licence issued by Sandwell MBC, relevant to the type of vehicle licence you have applied for, you will be required to pass a vehicle knowledge test based on the law and licence conditions relating to the type of vehicle licence you have applied for. You will need to answer at least 80% of questions correctly.

You will only be allowed 3 attempts to pass the knowledge test. A fee is payable for each test. Failure to pass the knowledge test within 3 attempts will normally result in refusal to issue a licence. You will not normally be allowed to apply again for a vehicle licence until 12 months have passed since the last unsuccessful knowledge test.

3.2 LOG BOOKS

If the log book is **NOT** in the name of the applicant, or the applicant's name and/or address is recorded incorrectly, you must complete the change of registered keeper details requirement and submit to the DVLA.

In the case of brand new vehicles, (where there is no log book) the Taxi Licensing Office will accept formal documentation from the vehicle supplier, in place of the log book, if the following information is supplied:

- Registration number
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- Make, model and colour
- Body type
- Registration date
- Chassis number
- Engine number
- Engine size
- Fuel type

Please note Sandwell MBC will only licence vehicles that meet the M1 vehicle standard and this category must be displayed on the log-book. In the event that a car has been imported to this country from abroad, the DVSA have confirmed that the vehicle can only ever be eligible for a passenger car (M1) IVA test, and this must be reflected on the V5 for all vehicles over 10 years old. This information is currently displayed at section k on the logbook and vehicles that do not display this information, must have a separate IVA test or they will not be licensed. An IVA Certificate will therefore only be required for converted vehicles.

3.3 NEW APPLICATIONS

If you are licensing a vehicle for the first time, please consider the following:

- Is the vehicle suitable? (See section 3.9 for Private Hire Vehicles and 3.10 for Hackney Carriages)
- Is the vehicle a 'Brand New' vehicle? (See page 3.6 – Buying a vehicle)
- Will the vehicle pass the test? (Also see additional policy document entitled 'Supplementary Vehicle Testing Criteria')

When you submit the application, you are required to upload a copy of your vehicle full test pass certificate as outlined at section 3.5 of the policy.

You should book a garage appointment with one of the Councils approved garages.

When the application has been processed and all documents have been received and accepted, you will be sent an email to book an appointment to collect your Hackney Carriage or Private Hire Vehicle plates and licence. Please ensure that you bring your vehicle to be licensed with you to your appointment.

3.3.1 BRAND NEW VEHICLES

Brand new vehicles will be required to have a "Full Test" prior to a licence being issued.

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3.3.2 DUAL PLATING

This Licensing Authority will NOT licence a vehicle that is currently plated/licensed with another Local Authority. Vehicles found to be licensed with another Local Authority, whilst licensed with Sandwell Metropolitan Borough Council will have the vehicle licence automatically revoked and enforcement action may also be taken.

Each Licensing Authority sets both its own conditions and vehicle requirements that vary for each Local Authority. Legislation states a licensed driver can only drive a vehicle which is licensed by the same Licensing Authority that issued the driving licence. It is the applicant's responsibility to ensure that the vehicle is not licensed by another authority.

3.3.3 APPLICATIONS FROM CAR HIRE/ACCIDENT MANAGEMENT COMPANIES

3.3.4 Applications for the grant of a private hire or hackney carriage vehicle licence will be accepted from Hire/Accident Management Companies, however, additional requirements will apply.

3.3.5 A hire company vehicle can only be used if the accident vehicle it is replacing/covering is not roadworthy and has been suspended by the licensing team, or the vehicle is off the road due to the accident repair work being carried out.

3.3.6 The application and all necessary documents must be in the name of the vehicle licence holder (Hire Company).

3.3.7 A replacement vehicle will only be issued on a like for like basis i.e. the same number of seats.

3.3.8 Process – The vehicle licence holder (hire company) must apply for the vehicle licence via the online portal and provide all the required documents via the portal. The hire company must confirm that they have contacted the operator for whom the driver works for to make them aware of the vehicle details.

3.3.9 Licence Duration – Licences for hire vehicles will be issued for no longer than 3 (three) months.

3.3.10 Plates will only be released if the accident has been reported by the driver and the plates returned for the vehicle involved in the accident, unless the driver has provided a prior explanation on why they cannot be returned has both been received and accepted by the Taxi Licensing Office.

3.3.11 The licence plates remain the property of Sandwell Metropolitan Borough Council and MUST BE RETURNED to the Taxi Licensing Office when the vehicle is returned to the hire company/off hired after each hiring. The vehicle licence will then be suspended until the next hire/end of licence.

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3.3.12 In the event that a company has not returned plates when requested, no further plates will be released until such time as they are received.

3.3.13 Failure to comply with these guidelines will result in future applications being referred to Licensing Sub Committee for consideration as to whether or not the Hire Company is considered a "fit and proper" organisation to hold a vehicle licence.

Hire Vehicles will be subject to the following additional conditions:

1. The vehicle plates remain the property of Sandwell Metropolitan Borough Council and should be returned to the taxi licensing team at the end of each hiring.
2. The vehicle is only to be hired for accident cover whilst the licensed drivers' car is off the road and/or being repaired.
3. For each new hiring, the vehicle licence holder must inform both the Taxi Licensing Office and the driver's operator that the vehicle is going on hire and the driver must collect the plates from the Taxi Licensing Office, by way of a booked appointment, once proof of insurance for that vehicle that covers the driver going into the vehicle has been produced. Plates will only be released if the accident has been reported and the plates returned for the vehicle involved in the accident, unless a prior explanation on why they cannot be returned has been both received and accepted by the Taxi Licensing Office.
4. As only the licensed driver can report the accident, accident reports submitted by the hire company will not be accepted.
5. This Authority does not dual plate vehicles and in the event that it is found that the vehicle is currently licensed by another authority and that licence is still "live" whilst the licence holder still has Sandwell plates, then the licence will be cancelled with immediate effect and no part of the licence fee will be refunded.
6. In the event that there are any outstanding plates that have been requested from your company and not returned, no further plates will be released until such time as all plates requested have been returned.

3.4 RENEWAL APPLICATIONS

The renewal of a licence is the applicant's responsibility. If you are making a renewal application, licence holders will receive a renewal reminder approximately six weeks before the expiry of the licence.

At the point of submitting your application you should provide all necessary supporting documentation as outlined in the application process and pay the application fee.

Once your application has been received and processed in full, you will be sent an email to book an appointment to collect your new vehicle plates.

If you cannot attend the appointment to collect your new vehicle plates at the time booked, you should log back into your online account immediately to rearrange your appointment.

Please note you should not continue to work if your plates have expired. Expired plates remain the property of Sandwell Council and should be returned either on expiry of your

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licence or at your appointment. Failure to return plates will result in enforcement action being taken.

As reminders of licence expiry are sent out more than four weeks in advance, if you allow your licence to expire before submitting a further application, any future application for a licence will be treated as a new application. There are no days of grace, applications to renew MUST be submitted before a current licence expires.

Once a licence application has been either determined by committee or issued, we are unable to issue a refund for the application fee. If a deposit has been paid for the licence, this will only be refunded once all plates have been returned to the Taxi Licensing Office. Deposit refund requests should be sent to taxi_licensing@sandwell.gov.uk

3.5 VEHICLE TESTING

Vehicle testing must be carried out by one of the garages on the Council's approved provider framework – please see webpages for details of approved garages. All garages on the framework can carry out a Full Vehicle Test, but Vehicle Accident Checks, where required, and Interim Safety Checks can only be carried out by Fleet Services who are based at Waterfall Lane, Cradley Heath.

If you are licensing a vehicle for the first time, or your current licence is due for renewal, your vehicle will be subjected to a test. This test will be undertaken in accordance with the Supplementary Vehicle Testing Criteria.

There are two types of test, the details of which are listed below:

Full Test

The full test includes a full MOT, together with a policy compliance test. The policy compliance test covers items such as the general condition of the vehicle both in terms of the vehicle's bodywork and interior condition, possible accident damage etc. This test must be completed prior to a licence being issued. From **DATE TO BE INSERTED** vehicles will no longer be required to carry either a first aid kit or fire extinguisher.

Interim Vehicle Safety Check

Interim Vehicle Checks are designed to ensure that licensed vehicles are suitably maintained throughout the lifetime of their licence and are required at the six month point of the licence. For replacement vehicles, if there is 6 months or more to run on the licence, the vehicle will require an interim safety check at the midpoint of the licence. For vehicles that have been transferred, the test will still be applicable at the midpoint and the licence cannot be transferred if the interim safety check is overdue/still outstanding.

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If your vehicle fails any of the tests you will need to follow the recommendations of the garage and then re-book your vehicle to be retested. If the application is submitted after the expiry of the licence, the vehicle will be subject to a full test.

Officers will also carry out spot checks on vehicles prior to a licence being issued, so please ensure that you bring your vehicle to your appointment to be checked. Failure to bring your vehicle with you will delay the issue of any licences.

	Brand New Vehicle	Vehicle under 5 years old	Vehicle over 5 years old
Application	Full Test	Full Test	Full Test
6 months	Interim Check	Interim Check	Interim Check
Renewal	Full Test	Full Test	Full Test

You should ensure that you undertake your Interim Vehicle Check, as failure to do so may result in your Licence being suspended.

VEHICLE EXAMINATION CERTIFICATES SHALL ONLY BE VALID FOR A PERIOD OF 28 CALENDAR DAYS. IF THE VEHICLE IS NOT LICENSED DURING THAT PERIOD, IT WILL BE SUBJECT TO ANOTHER TEST TO BE PAID BY THE APPLICANT OR LICENCE HOLDER BEFORE THE LICENCE CAN BE ISSUED.

If a licensed vehicle fails a vehicle inspection due to defects which warrant the licence being suspended with immediate effect, the vehicle identification plates and window stickers must be immediately removed from the vehicle and returned to the Taxi Licensing Office within 1 working day of the vehicle inspection.

Likewise, 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 must be immediately removed from the vehicle and handed to the authorised officer.

Section 68 tests/accident checks MUST be carried out by Fleet Services, Waterfall Lane, Cradley Heath and the cost of any tests should be paid direct to Fleet Services. Checks from other garages will not be accepted.

Driver Vehicle Checks

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The driver should undertake a walkaround check before a vehicle is used each day. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. A copy of the check should be kept inside the vehicle for 30 days and then retained for a further 15 months and be made available on request to an authorised officer. A copy of the Department for Transport's recommended check form can be downloaded from the Sandwell Council Taxi Licensing Web Pages.

3.5.1 ATTENDANCE FOR A FULL TEST OR INTERIM SAFETY TEST APPOINTMENT

When attending both the Full Test and the Interim Safety Check, the vehicle must be configured in the layout that you wish the vehicle to be licensed for. If you wish to carry both wheelchairs and seated passengers, the seats must be in the vehicle and all fixings for safely securing wheelchairs both present and marked with that vehicle registration number. Only seats approved for that vehicle will be acceptable and all seats must be clearly marked with the vehicle registration number. This layout must then be maintained for the duration of the licence. In the event that you wish to change the configuration after the licence has been issued, you will be required to present your vehicle and pay for a further interim safety check, for the layout to be checked and the configuration approved. In the event that the maximum number of passengers to be carried then changes, there will be a charge for the issue of both a revised/amended licence and plates.

3.6 BUYING A VEHICLE

Certain vehicles are unsuitable to be used as Hackney Carriages or Private Hire Vehicles.

The Council has adopted criteria that all vehicles licensed in Sandwell have to meet.

Before you buy a vehicle you should read the “criteria for applicants” section of this policy, located in section 3.9 and the ‘Supplementary Vehicle Testing Criteria’ at section 4, to ensure that your chosen vehicle complies with the Council’s requirements.

If you are in any doubt as to the suitability of your chosen vehicle, please telephone the Taxi Licensing Office. We will be happy to give you advice before you make any financial outlay.

The Council cannot be held responsible 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.

3.6.1 VEHICLE EMISSIONS

All existing vehicle licence holders at the time that the new policy is adopted will have “grandfather rights” for their currently licenced vehicle. To preserve the grandfather rights, any

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applications to renew MUST have been submitted and paid for prior to the current licence expiring. Any applications received after the expiry date will be treated as a new application and the emissions policy will be applied. In the event that a licence holder sells that licensed vehicle and applies to licence a new or replacement vehicle then these “new to the licence holder” vehicles will have to comply with the new emissions policy. If a licence holder wishes to transfer the vehicle licence to another licence holder, unless it meets with the new emissions policy, the vehicle will not be able to be transferred and will cease to be licensed.

For existing vehicles that are already licenced, from the point that this policy is adopted, in the event that a vehicle fails either 2 consecutive interim safety or 2 consecutive full tests, it will not be relicensed when the licence expires and the grandfather rights will lapse for any vehicle that does not meet the Euro standards.

From (date to be inserted but suggest 1 month after the new policy is adopted) the following emissions policy will apply:

- All petrol vehicles must meet as a minimum Euro 4 standards*
- All diesel vehicles must meet as a minimum Euro 6 standards*
- All gas vehicles must meet as a minimum Euro 6 standards*
- All hybrid/electrical vehicles where they have a diesel or petrol engine must meet the standards detailed above for their fuel type.

Any new, transfer and replacement applications received will have to meet new policy requirements.

*Vehicle Euro Ratings are detailed on the vehicle log book (V5) usually at the bottom of Page 2 entitled “Exhaust Emissions” and appear on all log books issued after September 2018 and the above requirements meet the current minimum emissions standards for the Clean Air Zones that do not incur a charge for entering/driving in the zones. Vehicles purchased before this date will be required to provide proof of their Euro Rating. [HPI | Euro Emission Standards, Euro 6 Diesel Emissions Standards Explained](#) will confirm Euro rating information only if you enter the vehicle registration and can currently be used by anyone free of charge.

Euro Rating	Emissions Standards Explained
Euro 1	January 1993 From here all cars had to have a catalytic convertor and run on unleaded petrol, to cut carbon monoxide (CO) emissions
Euro 2	From January 1997 the limits were cut for carbon monoxide, unburned hydrocarbons and oxides of nitrogen, with different emissions limits for petrol and diesel
Euro 3	From January 2001 carbon monoxide and diesel particulate limits were reduced and there were separate hydrocarbon and oxides of nitrogen limits for petrol engines
Euro 4	From January 2006 focus on cleaning up emissions from diesel cars, especially particulate matter and nitrogen oxides (To meet EURO 4 standards petrol vehicles must meet the following: Carbon Monoxide – 1.0g/km, Hydrocarbons – 0.10 g/km. Nitrogen

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	Oxides – 0.08 g/km)
Euro 5	From January 2011 Particulate emissions for diesel cut. Filters required, and nitrogen oxide limits reduced by 28%. Particulates limit for direct injection petrol engines. Particulate emissions cut further on all diesels approved after September 2011.
Euro 6	From September 2014 a big reduction in nitrogen oxide emissions from diesel engines (67% compared with Euro 5), with petrol and diesel cars now having to comply with the same rules. (To meet EURO 6 standards diesel vehicles must meet the following: Carbon Monoxide – 0.50 g/km, Nitrogen Oxides – 0.80 g/km, Particulate Matter – 0.005 g/km) (For petrol vehicles Euro 6 Standards are: Carbon Monoxide – 1.0 g/km, Hydrocarbons – 0.1 g/km, Nitrogen Oxides – 0.060 g/km, Volatile Organic Compounds – 0.068 g/km, Particulate Matter 0.0045 g/km for vehicles with gasoline direct injection)

The above table is for information purposes only whilst the policy is consulted upon and will not form part of the final policy

From 1st January 2030, all new and replacement vehicle licence applications whether private hire or hackney carriage must be either Full Electric or Zero Emissions. An exception may be made for novelty vehicles and stretch limousines, but these applications will be determined by a Licensing Management Panel or the Licensing Sub Committee should an application be received and may be required to undertake an emissions test to meet an agreed standard set by the Licensing Sub Committee/Panel.

3.7 VEHICLE IDENTIFICATION

Hackney Carriages

Purpose built London-style hackney carriages can be any colour. If the proposed vehicle is not purpose built, i.e. converted from a van or MPV, the vehicle must be black. All hackney carriage vehicles must have the light up “taxi bubble” built in sign.

The rear casing of the taxi bubble light must match the paintwork of the vehicle. The front of the bubble light must be able to be illuminated and display the word “TAXI” in black lettering on an amber or orange coloured lens. All vehicles must have side loading wheelchair access on the near side (kerb side) of the vehicle. Stickers displaying the word “TAXI” in yellow lettering MUST be displayed on all sides of the exterior of the vehicle with the lettering at least 3 inches in height if the vehicle is NOT purpose built.

Private Hire

Minibuses and Multi-Purpose Vehicles (MPV's) can be any colour except black. A licence will not be issued for a Minibus or MPV if the vehicle's paintwork could be mistaken for being black. Saloon cars can be any colour.

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Any vehicle that is black in colour which has the appearance of a hackney carriage or in the opinion of an Authorised Officer of the Council could be mistaken for being a hackney carriage will not be licensed as a private hire vehicle by this authority. If you are in any doubt, please contact the Licensing Authority who may require you to present the vehicle for inspection at the office.

Window Stickers

All Sandwell MBC licensed vehicles must display a self-adhesive sticker along the top edge of the window glass of each rear passenger door. The sticker will confirm that the vehicle is a licensed vehicle and that smoking is not allowed in the vehicle and will inform passengers how and who to make a complaint to. The stickers must be displayed at all times that the vehicle is in use on the road (even if it is not being used for work).

Operator door signs.

The licensed operator must ensure that all vehicles working through the base display door signs/stickers clearly identifying the name and telephone number of the company. In the event that the operator operates solely through an 'app', reference to the 'app' will be accepted instead of a phone number on the door sign. Roof signs on private hire vehicles are NOT permitted.

Limousines and Speciality/Novelty vehicles will be exempt from displaying company signage.

3.8 ACCIDENTS

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Taxi Licensing Office of this fact as soon as possible by email. An accident report form (available on the Sandwell Council's web pages) must then be completed and submitted to the Taxi Licensing Office within 72 hours of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the 72 hours deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

The accident report should be accompanied by pictures of the accident damage, with at least one of the pictures containing the vehicle registration number. If you are unable to provide a picture of the vehicle registration number, please contact the Taxi Licensing Office for advice.

Accident forms must be completed and submitted by the licence holder, as notifications of accidents from a third party will not be accepted.

If you are intending to hire a vehicle whilst your accident damage is assessed by your insurance company and fixed, you will be required to return your plates to the Taxi Licensing Office before the accident vehicle is hired.

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3.9 PRIVATE HIRE VEHICLE CRITERIA

The Council licenses many different types of vehicle for Private Hire purposes. To be sure that your vehicle is suitable to be licensed as a Private Hire Vehicle in Sandwell, you should check it against the following criteria. In addition, you should ensure that the vehicle fulfils the criteria throughout the period it is licensed.

3.9.1 SALOON CARS

a) All vehicles must be suitable in size, type and design for use as a Private Hire Vehicle. No Private Hire Vehicle can have more than 8 passenger seats. Authorised Officers of the Council will decide the number of passengers the vehicle is licensed to carry, using the following criteria:

- The vehicle must have 4 opening doors.
- The rear passenger compartment dimensions must be able to accommodate passengers comfortably.
- The number of passengers carried will be determined by the size of the seats in the vehicle.

b) The passenger compartment of the vehicle must be of a suitable standard to ensure that a passenger's journey is comfortable and safe. To ensure that this is the case, the vehicle must fulfil the following:

- All seats and carpets must be free from tears and holes. The interior of the vehicle must be kept clean and tidy at all times.
- All windows that are capable of being opened must be fully functional.
- The vehicle has forward facing seats only, except as mentioned below in Section 3.9.2 relating to Small Minibuses and Multi-Purpose Vehicles (MPVs).
- The vehicle is accessible to all passengers.
- The vehicle is fully fitted with functioning seatbelts that comply with all legal requirements.
- The vehicle must be a right hand drive (except in limousines, and speciality or novelty vehicles as mentioned below on Sections 3.9.3 and 3.9.4).

c) **The exterior of the vehicle should promote a positive image of the Private Hire Fleet in Sandwell.** To ensure that this is the case, the vehicle must fulfil the following criteria:

- All parts of the vehicle must be reasonably free of dents and scratches and kept in a clean and tidy condition. The vehicle must be free from corrosion. Any accident [IL0: UNCLASSIFIED]

damage must be repaired to a professional standard. For further guidance please see 'Supplementary Vehicle Testing Criteria'.

d) There are a number of other elements that you will have to satisfy in order to obtain a Private Hire Vehicle Licence. These are outlined below:

- The vehicle should have the means to continue a journey in the event of a puncture, or the equipment to effect a tyre change.
- In the case where a Liquefied Petroleum Gas (LPG) conversion is considered suitable, and the tank occupies the usual site of the spare wheel, the vehicle will be exempt from the requirement to carry a spare wheel (matching those fitted to the vehicle) or a manufacturers space-saver wheel, provided that the vehicle has the means to continue the journey in the event of a puncture.
- That Multi-Purpose Vehicles (MPVs) are only suitable for conversion to LPG if the tank is situated in the spare wheel doughnut, in licensed vehicles.
- The vehicle must have a valid vehicle excise licence (road tax).
- The boot is empty, tidy, clean and capable of carrying luggage.
- The vehicle must not be of such a design or appearance as to lead any person to believe that it is a Hackney Carriage.
- The vehicle must not have tinted or blacked out windows, which were fitted after manufacture. Tint film must not be applied to any of the windows of the vehicle.
- The vehicle is covered by a policy of insurance incorporating cover for use as a private hire vehicle and covering passenger indemnity.
- In the case of any driver and/or any vehicle insurance cover notes or certificates the Taxi Licensing Office must receive written evidence that the driver and vehicle are covered on the policy. Written confirmation may be by insurance schedule or email confirmation from the broker/insurance company and/or the policy holder. In the event that the insurance is in a company name i.e the private hire operator, and it does not list the vehicles in the schedule, confirmation can only be received from a Director of the named company/policyholder. Whilst confirmation of the vehicles operated will be accepted from the named private hire operator, at least every four months the operator MUST produce the schedule of vehicles licensed that has been produced and that is held by the insurance company. Failure to produce will delay the approval and issuing of future licence applications received after the four month period until it is produced.
- The vehicle must pass any vehicle examination test carried out on behalf of the Authority.

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- The applicant must produce all documents/information requested by the Taxi Licensing Office.
- The full fee must be paid.
- If the vehicle is an LPG gas conversion, any application for a Private Hire vehicle licence must be accompanied with an LPG safety certificate or annual service report issued within the previous 12 months. Only safety certificates or annual service reports issued by UKLPG Approved Autogas Installers will be accepted.
- In the case of wheelchair accessible vehicles, the vehicle must be equipped with suitable wheelchair restraints. Any detachable wheelchair restraints must be permanently marked with the vehicle's registration number and safely stored in the vehicle at all times.
- In the case of vehicles that do not have integrated wheelchair ramps, the ramps must be permanently marked with the vehicle's registration number.

Once the vehicle is licensed you are responsible for the following:

- The Licence holder must not be in breach of any of the conditions of the licence during its lifetime.
- The driver of the vehicle must be a licensed Sandwell Private Hire Driver and must be identifiable to the Taxi Licensing Office.
- The vehicle must be operated through a Sandwell licensed Private Hire Operator.
- The applicant must successfully complete all parts of the knowledge test.

In addition to the above criteria, certain types of vehicles have additional or separate requirements. These are listed below:

3.9.2 MINIBUSES AND MULTI-PURPOSE VEHICLES (MPVs)

- Minibuses and MPVs can be any colour apart from black. A new licence will not be issued for a Minibus or MPV if the vehicle's paintwork could be mistaken for being black. The law requires Private Hire Vehicles to be clearly distinguishable from Hackney Carriages. A licence will not be issued if the vehicle could be mistaken for a Hackney Carriage.
- Any seatbelts fitted to the vehicle must meet the appropriate vehicle inspectorate standard.

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- Vehicles with M1 type approval, which have a rear facing second row (of three rows of seats) fitted at manufacture and which have three point seat belts on all seats at manufacture, may be licensed as private hire vehicles.
- In order to ensure that the vehicle does not appear to be a hackney carriage the vehicle must not have a bulkhead behind the first row of seats and if the second row of seats are rear facing they must not fold upright.
- In the case of wheelchair accessible vehicles, if the vehicle does not have integrated wheelchair ramps, the ramps must be permanently marked with the vehicle's registration number.
- In the case of wheelchair accessible vehicles, the vehicle must be equipped with suitable wheelchair restraints. Any detachable wheelchair restraints must be permanently marked with the vehicle's registration number and safely stored in the vehicle at all times.
- Where the vehicle has a third row of seats, should passengers be required to access via the middle row of seats, no one with a physical disability should be directed to use these seats and the operator should make the hirer aware that the seats may be smaller and not suitable for some adults to use. It will be up to the driver to risk assess who should use these seats and to explain how they operate and how to exit the vehicle in case of an emergency/accident etc. The driver should also offer assistance to passengers both entering and exiting these seats.

3.9.3 LIMOUSINES

The definition of a limousine for the purposes of Licensing in Sandwell 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 an Authorised Officer of the Council”. The criteria for these vehicles is the same as for saloon cars, however:

- Side facing and rear facing seats will be permitted, subject to adequate seatbelt installations being in place.
- Left-hand drive Limousines will be acceptable.
- The vehicle may be black in colour if an Authorised Officer of the Council is satisfied that the vehicle could not be mistaken for being a hackney carriage.
- Tinted glass is permitted on all windows in the rear passenger compartment.
- An Authorised Officer of the Council will determine applications for Limousines and may refer the application to the Committee where issues around public safety are raised.

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3.9.4 SPECIALITY OR NOVELTY VEHICLES

The criteria for these vehicles shall be the same as saloon cars but the same exceptions applicable to Limousines shall also apply to Speciality or Novelty Vehicles. An Authorised Officer of the Council will determine applications for Speciality or Novelty Vehicles and may refer the application to the Committee where issues around public safety are raised.

3.9.5 ALL VEHICLES

Sandwell Council requires that all licensed vehicles must reach at least M1 type approval safety standard. If documentation is not available to prove that a vehicle reaches this required standard, the vehicle must obtain a Single Vehicle Approval or Individual Vehicle Approval certificate from the Driver and Vehicle Standards Agency (D.V.S.A.).

Please see Section 5.1 for information on vehicle write offs as only Cat N will be considered for licensing.

3.10 HACKNEY CARRIAGE CRITERIA

Hackney Carriage vehicles are specific vehicles which are approved by the Council. The current list of vehicles approved for Hackney Carriage purposes is available at the Taxi Licensing Office.

The Criteria for these vehicles is outlined below:

a) All vehicles must be suitable in size, shape and design for use as a Hackney Carriage Vehicle. The maximum passenger seating capacity for the vehicle is 8. The number of passengers applicable for each vehicle type will be decided by Authorised Officers, using the following criteria:

- The number of opening passenger doors.
- The rear passenger compartment dimensions must be able to accommodate passengers comfortably.
- The number of passengers carried will be determined by the size of the seats in the vehicle.

b) The passenger compartment of the vehicle must be of a suitable standard to ensure that a passenger's journey is comfortable and safe. To ensure that this is the case, the vehicle must fulfil the following:

- The vehicle must have side-loading wheelchair access. Vehicles with rear-loading wheelchair access are not acceptable.
- The vehicle is accessible to all passengers.

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- All seats and carpets must be free from tears and holes. The interior of the vehicle must be kept clean and tidy at all times.
- The vehicle is fully fitted with functioning seatbelts that comply with all legal requirements.
- All windows that are capable of being opened must be fully functional.
- The vehicle must be a right hand drive.

c) The exterior of the vehicle should promote a positive image of the Hackney Carriage Fleet in Sandwell. To ensure this is the case, the vehicle must fulfil the following criteria:

- Any non-purpose built van/MPV converted must be Black. Purpose-built London style hackney carriages can be any colour.
- All parts of the vehicle must be reasonably free of dents and scratches and kept in a clean and tidy condition. The vehicle must be free from corrosion. Any accident damage must be repaired to a professional standard. For further guidance, please see “Supplementary Vehicle Testing Criteria”.

d) There are a number of other elements that you will have to satisfy in order to obtain a Hackney Carriage Licence. These are outlined below:

- The applicant must successfully complete all parts of the knowledge test.
- The vehicle must be equipped with suitable wheelchair restraints. Any detachable wheelchair restraints must be permanently marked with the vehicle's registration number and be safely stored in the vehicle at all times.
- In the case of vehicles that do not have integrated wheelchair ramps, the ramps must be permanently marked with the vehicle's registration number.
- The vehicle should have the means to continue a journey in the event of a puncture or the equipment to effect a tyre change.
- If the vehicle is a LPG gas conversion, any application for a Hackney Carriage licence must be accompanied with a LPG safety certificate or annual service report issued within the previous 12 months. Only safety certificates or annual service reports issued by UKLPG Approved Autogas Installers will be accepted.
- in the case where an Liquefied Petroleum Gas (LPG) conversion is considered suitable, and the tank occupies the usual site of the spare wheel, that the vehicle be exempted from the requirement to carry a spare tyre matching those fitted to the vehicle, provided that the vehicle has the means to continue the journey in the event of a puncture without compromising luggage space.

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- all other licensed vehicles must either carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel OR have the means to continue an onward journey in the event of a puncture.
- that Multi-Purpose Vehicles are only suitable for conversion to LPG if the tank is situated in the spare wheel doughnut, in licensed vehicles.
- The vehicle has a valid vehicle excise licence (road tax).
- The boot is empty, tidy, clean and capable of carrying luggage.
- The vehicle must not have tinted or blacked out windows, which were fitted after manufacture. Tint film must not be applied to any of the windows of the vehicle.
- The vehicle is covered by a policy of insurance incorporating cover for use as a Hackney Carriage (Public Hire) and covering passenger indemnity. If the vehicle is also used to carry out pre-booked journeys the vehicle must also have insurance cover for Private Hire use.
- In the case of any driver and/or any vehicle insurance cover notes or certificates the Taxi Licensing Office must receive written evidence that the driver and vehicle are covered on the policy. Written confirmation may be on an insurance policy schedule or email confirmation from the broker/insurance company.
- The vehicle must pass the vehicle examination carried out on behalf of the Authority.
- The applicant must produce all documents/information requested by the Taxi Licensing Office.
- The full fee must be paid.

Once the vehicle is licensed you are responsible for the following:

- The Licence holder must not be in breach of any of the conditions of the licence during its lifetime.
- The driver of the vehicle must be a licensed Sandwell Hackney Carriage Driver and must be identifiable to the Taxi Licensing Office.
- The vehicle must be fitted with a taximeter capable of adjustment to the current Sandwell hackney fare rates. The applicant/Licence holder must supply a valid calibration meter certificate, in the form required by the Council, as evidence that the meter is set to the current Sandwell hackney fare tariff. A copy of the current tariff card is to be prominently displayed in the vehicle at all times.

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e) Sandwell Council requires that all licensed vehicles must reach at least M1 type approval safety standard. If documentation is not available to prove that a vehicle reaches this required standard, then the vehicle must obtain a Single Vehicle Approval or Individual Vehicle Approval certificate from the Driver and Vehicle Standards Agency (D.V.S.A.).

f) Vehicles that have been written off - Sandwell Council will consider licensing Category N write offs, but the vehicle must pass all licence and safety checks before a licence can be issued. If the testers have any concerns about the condition of the vehicle, or the DVLA has flagged the vehicle as 'seriously damaged' the vehicle may not be tested or licensed.

3.11 HACKNEY CARRIAGES WORKING OUTSIDE THE BOROUGH OF SANDWELL

By law a hackney carriage can only ply for hire in the borough in which it is licensed. A hackney carriage licence holder is also entitled to carry out pre-arranged bookings. Pre-arranged bookings must not exceed the rate stated on the meter.

In accordance with the legislation and case-law Sandwell MBC will not license anyone it believes intends to use a Sandwell licensed hackney carriage predominantly or entirely outside of the borough of Sandwell. Similarly, Sandwell MBC will take action against any licence holder found to be working predominantly or entirely through a Private Hire Operator or Hackney Carriage Controller/Dispatcher outside of the borough of Sandwell.

Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 states:

- (1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.
- (3) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

Section 37 of the Town Police Clauses Act 1847 gives the authority concerned a discretion as to whether to grant a Hackney Carriage licence or not.

The case of R (App Newcastle City Council) v Berwick-Upon-Tweed Borough Council considered the issue of Hackney Carriages being used through Private Hire Operators licensed in a different area to the authority that issued the Hackney Carriage Licence, and considered the purpose of the Town Police Clauses Act 1847.

In his judgement the judge addressed the concerns that arise from the concept of vehicles working remotely from the licensed area by stating:

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"If hackney carriages are working remote from their Licensing Authority a number of, at the least potentially, undesirable consequences follow. The Licensing Authority will not easily keep their licensed fleet under observation. It will be carrying out its enforcement powers from a distance. The Licensing Authority where the hackney carriage has chosen to operate will have no enforcement powers over the vehicle although it is being used in its area. Further, unlike its own licensed vehicles, the hackney carriage from remote areas will not be subject to the same conditions and byelaws as the local vehicles. It is no surprise that the legislation provides for testing and testing centres to be within the Licensing Authority's area.

Section 37 of the 1847 Act gives the authority concerned a discretion as to whether to grant a licence or not. Hence the use of the word "may".

The exercise of that discretion falls to be considered against the background of the legislation and in my judgment should be used "to promote the policy and objects of the Act". The licence permits the vehicle to ply for hire in the prescribed area. The authority, if it wishes, can restrict the number of licences it issues based on demand within the area. The local authority can issue its own conditions and make its own byelaws. It can make provision for its own inspections of the hackney carriages. Thus the licensing regime is local in character. In addition, it can be seen that most of the provisions have public safety much in mind. The local imposition of conditions and byelaws, local testing and enforcement, together with the other statutory provisions I have referred to all seem to me to point clearly to the conclusion that it was the intention behind the licensing system that it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used. Further the 1847 Act provides for licences to be granted for hackney carriages to ply for hire within the prescribed distance (i.e. within the area of the Licensing Authority).

In my judgment a local authority, properly directing itself, is entitled, and indeed obliged, to have regard to whether the applicant intends to use the licence to operate a hackney carriage in that authority's area and also to have regard to whether in fact the applicant intends to use that hackney carriage predominantly, or entirely, remotely from the authority's area. This should result in each local authority licensing those hackney carriages that will be operating in their own area and should reduce the number of hackney carriages which operate remotely from the area where they are licensed."

We will normally refuse to grant you a licence, or take action in relation to an existing licence, if:

- You are using or intend to use the vehicle to work predominantly or entirely through a Private Hire Operator or Hackney Carriage Controller/Dispatcher outside of the borough of Sandwell.
- You have made a false statement in order to obtain a Sandwell licence.

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- You have exhibited behaviour, which in the opinion of the Authority, is inappropriate to a licence holder and amounts to reasonable cause to show that you are not a “fit and proper” person to hold a vehicle licence.

3.12 INSURANCE

Before you can collect your Private Hire or Hackney Carriage Vehicle plates, you must satisfy the Council that the vehicle is adequately insured.

In order to do this you must produce a valid insurance cover-note or certificate to the Taxi Licensing Office, when you attend to collect your plates or have uploaded proof of insurance as part of the online application process.

It is important to understand that a licensed vehicle is always a licensed vehicle, therefore Private/Public Hire insurance cover must be maintained for the whole of the licence period.

The vehicle must not be driven by anybody who does not hold an appropriate Private Hire or Hackney Carriage Driver’s Licence.

You should consider the following when producing insurance documents:

- In the case of any driver and/or any vehicle insurance cover notes or certificates the Taxi Licensing Office must receive written evidence that the driver and vehicle are covered on the policy. Written confirmation may be on an insurance policy schedule or email confirmation from the broker/insurance company. Whilst confirmation of the vehicles operated will be accepted from the named private hire operator, at least every four months the operator MUST produce the schedule of vehicles licensed that has been produced and that is held by the insurance company. Failure to produce will delay the approval and issuing of future licence applications received after the four month period until it is produced.
- The document must cover the driver for the purposes of ‘Hire and Reward’.
- The insurance cover on the vehicle **cannot** lapse.
- Any licence holder who fails to insure their vehicle will have their licence suspended.

3.13 TRANSFER PROCEDURE

Selling a Licensed Vehicle

If you sell your licensed vehicle to another licensed driver, you have full responsibility for all licence conditions, until the licence is transferred to the new owner. Failure to comply may result in enforcement action.

Buying a Licensed Vehicle

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If you are buying a licensed vehicle then you should download an application form from the Council webpages and make an appointment to attend the Taxi Licensing Office at the earliest opportunity.

When you attend the office, you should ensure that:

- Both parties have completed and signed the transfer form.
- You can provide adequate insurance
- You have passed a knowledge test, if required
- You have paid the necessary fee.
- Proof of transfer of ownership can be demonstrated

It is hoped that the transfer process will move online shortly and when it does, the application should be completed and paid for using the on-line applications portal.

3.14 CCTV

The use of CCTV equipment in Hackney Carriages and Private Hire Vehicles shall be permitted providing the licence holder informs the Taxi Licensing Office that they have installed such a system.

The installation of this equipment must comply with all relevant legislation e.g. CE Mark requirements.

It is the licence holder's responsibility to ensure that they comply with all the requirements of Data Protection legislation in particular issues around the storage of data, and the need to display a notice informing passengers that CCTV recording equipment is in use. The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice, along with guidance on data protection and third party certification guidance. This information can be found on the following page

<https://www.gov.uk/government/publications/passport-to-compliance>.

The Information Commissioners Office (ICO) has also published guidance on the use of CCTV, data retention and disposal which must also be complied with. This can be found on the following page <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>.

The licence holder must ensure that the CCTV equipment is recording every time that the vehicle is being driven regardless of whether or not there are passengers on board. The licence holder must provide a copy of the data stored on their CCTV device to any Police Officer or authorised officer of Sandwell MBC on request.

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The use of advertising on CCTV screens is permitted providing the advert has been approved by an Authorised Officer of the Council.

3.15 SECURITY SCREENS IN PRIVATE HIRE VEHICLES

The use of security screens in Private Hire Vehicles shall be permitted providing the licence holder has produced evidence to the Taxi Licensing Office that the screen complies with European Safety Standards, e.g. 2000/4/EC. The security screen must comply with regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986. In the event that a screen is fitted it should be present at the time the vehicle is tested or if installed after the licence has been issued, an interim safety check will be required to check installation, for which there will be a charge.

Advertising on the security screen shall be permitted providing the licence holder has received prior approval from an Authorised Officer of the Council. The advert must comply with the requirements set out in the Advertising Guidelines. Two A4 size posters displaying adverts can be displayed. Each advert must be displayed on the screen behind each front seat. See website for further details.

In the event that a security screen is fitted in a vehicle, then any passenger seats located in the front of the vehicle will not be permitted to be used for carrying passengers and this will be reflected on the vehicle plate capacity. (i.e. only the seats in the rear of the vehicle will be permitted to be used for carrying passengers).

3.16 ADVERTISING IN/ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

To be used when deciding whether to give consent to a Hackney Carriage or Private Hire licence holder for a request to advertise on the exterior or interior.

Advertising will not be permitted without the express consent of the Taxi Licensing Office.

Consent will not normally be given for an application by a licence holder for advertising in the following circumstances:

- If the proposed advert does not comply with the current Advertising Code of Practice.
- If the proposed advert is not legally compliant.
- If the proposed advert would obscure the driver's view.
- If the proposed advert contains inappropriate text or images including but not limited to: Political, ethical or religious messages, Sexual content, Nudity or indecent material or content, Illegal drugs, Alcoholic drinks, (but not anti 'drink-drive' messages).

Each case will be considered on its own merits.

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Where the Taxi Licensing Office is unable to give consent for advertising the matters will be placed before the Licensing Management Panel or Licensing Sub Committee for determination.

4 SUPPLEMENTARY VEHICLE TESTING CRITERIA

Further information on acceptable seating configurations, paintwork, signage, taxi criteria, floor coverings etc. can we found on the taxi licensing webpages.

4.1 EXTERIOR OF VEHICLE

- a) The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas.
- b) All external door catches and locks must be in working order to ensure that all doors can be securely closed and easily opened. All door seals should be in good condition.
- c) All doors should be properly aligned and able to close easily.
- d) Door hinges must be in good condition to allow for free movement of the door.
- e) Door straps where present should be able to restrain doors safely when opened.
- f) External paintwork should not be damaged. The paintwork should be clean, in good condition and consistent and uniform over the whole vehicle. Two-tone colour and transfers are acceptable, provided that they are to the manufacturer's specification and factory fitted from new. No advertisements or signs other than the company or operating name shall be displayed in or on the Private Hire Vehicle except where an Authorised Officer of the Council has given permission for an advert to be displayed on CCTV screens or a security screen. Hackney Carriage Vehicles will be allowed to carry any livery subject to Council approval.
- g) The rear boot lid must open and close, and the hinges and opening mechanism must adequately support the lid when it is in the 'lifted' position and not touch the rear screen.
- h) All lights fitted must be in working order.
- i) After-market tinted or blacked out windows are not acceptable. Tinted and anti-glare, manufacturer fitted only, windows are acceptable. Tint film must not be applied to any windows.
- j) Front and rear bumpers must be in good order and be securely fixed to the vehicle. Front Bull Bars are not permitted.
- k) Roof racks and box storage are only allowed providing the carrier is of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.

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I) Wing mirrors must be present on both sides of the vehicle and all mirror glass and housing should be free of any damage or defects.

PLEASE NOTE Hackney Carriage Vehicles can display adverts subject to Council approval. Private Hire Vehicles are not allowed to display any advert on the exterior of the vehicle other than the Operator's base name and telephone number.

4.2 TAXI SIGNS, ROOF SIGNS AND LICENCE PLATES

- a) The large vehicle licence plate must be securely fixed in a prominent position to the rear exterior/bodywork of the vehicle. It should not show any signs of damage or excessive wear. The licence details/numbers must be clearly legible, and not obscured by tow bars etc.
- b) Private Hire Vehicles are required to display door magnets, door stickers or sign writing applied to both sides of the vehicle displaying the name and telephone number/app details of the operator they are working for. Letters and numbers should be at least 1 inch in height and clearly distinguishable. Roof signs are not permitted on private hire vehicles.
- c) All hackney carriages must display a permanently fixed 'TAXI' bubble light which is integrated into the roof of the vehicle. The rear casing of the taxi bubble light must match the paintwork on the vehicle. The front of the bubble light must be able to be illuminated and must display the word 'TAXI' in black lettering on an amber or orange coloured lens.
- d) The small internal plate should be displayed in the front left hand side of windscreen of the vehicle with the "dayglow" side pointing inwards. The internal plate should be placed so that it does not obscure the driver's vision.
- e) Complaint and vehicle number signs should be displayed inside the rear compartment of the vehicle on the side windows with the licence number facing outwards.
- e) 3D, 4D gel plates, sticker and stealth vehicle registration plates are not permitted.

PLEASE NOTE Hackney Carriage Vehicles can display adverts subject to Council approval.

4.3 TYRES AND SPARE WHEEL

- a) Tyres must not show signs of damage or excessive wear, and each tyre must have a minimum tread depth of 2mm across the central ¾ of the tread around the complete circumference of the tyre. Advice to be given when tyres are at 3mm.
- b) It is acceptable for the wording 'Taxi' to be embossed onto the tyres of Hackney Carriages.
- c) All four wheels (Inc alloys) must be of the same design including alloy wheel centre discs. Vehicles without alloys must have wheel trims fitted. All wheel trims must be matching, free of cracks and missing pieces, and securely fixed.

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- d) All vehicles (Except LPG converted vehicles – **PLEASE SEE NOTES BELOW**) must carry either a full sized spare wheel or have the original manufacturers space saver wheel which should carry the marking on either the tyre or wheel rim '**Maximum speed 50 MPH**'. Space saver wheel must not be fitted to the vehicle at the time of any vehicle test. It is acceptable for a vehicle to carry a tyre sealant instead of a spare wheel or space saver only if that is how the vehicle was manufactured, or if the vehicle has been converted to LPG.
- e) All four tyres fitted on the vehicle must be of the same size and specification. The spare wheel must be of the same size and specification. Some vehicles may have different sized tyres fitted to the front axle compared to that at the back axle. In these circumstances it is acceptable to carry an appropriate tyre sealant.
- f) All vehicles must carry a jack, wheel brace and locking wheel nut adaptor which must be in good condition.
- g) Appropriate and adequate tyre sealant that is suited to the size and type of tyre fitted on that vehicle must be carried in the vehicle at all times.
- h) Tyre Sealant must be in good clean condition and within the expiry date, if applicable. The vehicles registration number must be permanently marked on the tyre sealant.
- i) Tyres must be less than 10 years old based on date of manufacture. The date of manufacture that is displayed on the sidewall of the tyre determines the date with the first two digits of the code representing the week of production during the year from 1 to 52 and the second two digits representing the year of manufacture. As an example, the picture below shows a tyre that was manufactured in week 40 in 2020:



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 and marked with the vehicle registration number.

4.4 BOOT (includes area behind rear seats in MPV's and Minibuses)

- a) The vehicle interior should not be damaged, or show signs of corrosion or water ingress.

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- b) The boot floor covering should be in good condition and offer an adequate area for luggage carrying as well as protection to luggage from getting soiled.
- c) The interior of the boot should be clear of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.
- d) The boot must be empty at all times. However, items can be stored under the boot floor covering where suitable space exists.

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

4.5 ENGINE COMPARTMENT

- a) There should not be any excessive oil leaks. Any leakage of oil should be within reasonable limits considering the age, mileage and service record of the vehicle.
- b) The radiator must be properly secured in the vehicle and free from leaks.
- c) All cooling system hoses visible in the engine compartment should be free from leaks.
- d) All fluid levels must be adequately filled.

4.6 CLUTCH AND TRANSMISSION

- a) The clutch must be operational.
- b) The clutch/gear change linkage where visible should not show signs of undue wear.
- c) The clutch, hydraulic system and cylinders must all be operational.
- d) Gearbox mountings must be secure. Any leakage of gearbox oil should be within reasonable limits considering the age, mileage and service record of the vehicle.
- e) The rear axle should not have excessive oil leaks. Any leakage of rear axle oil should be within reasonable limits considering the age, mileage and service record of the vehicle.

4.7 STEERING/SUSPENSION

- a) Specially modified or lowered suspension that does not conform to manufacturer's specification is not allowed.
- b) Steering wheels that do not conform to the manufacturer's specification are not allowed.

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4.8 INTERIOR OF VEHICLE

- a) The seats (including driver's seat) and upholstery must be in good condition and seats, upholstery trim and carpets should be clean, odourless, and free from rips, stains and tears. There should be no sharp edges on seats, which would be likely to cause injury or damage to the driver or passengers. Roof lining should be clean, free from holes, and not have any missing parts. **Car seat covers may be installed in the vehicle but they must be removed prior to the vehicle test in order that the seats can be fully inspected.**
- b) Carpets and mats should be in good condition and not show signs of water leakage or water ingress and must be free of tears or holes.
- c) The passenger seats within the vehicle including the squab cushions and backrests must be in good condition and offer proper support to the passenger.
- d) All courtesy lights must be fitted and working correctly.
- e) The interior rear-view mirror should be securely fixed, clear and with no ornamental objects hanging from the bracket.
- f) All heaters and demisters must be working.
- g) The brake and clutch pedal anti slip rubber pedal covers should not show signs of excessive wear.
- h) All seat belts and clasps (including covers) must be free from defects and fully operational.
- i) There should be no broken or missing parts inside the vehicle. E.g. Broken door handles, window winders, speaker covers, air vents, grab handles, door trims etc.
- j) All opening windows should be fully operational and capable of being fully lowered/opened and raised/closed easily.
- k) All door release catches should be fully operational and capable of being easily opened from within the vehicle.
- l) All childproof locks should be fully functioning.
- m) All dash and panel lights must be working so that they illuminate instruments and dials.
- n) All panel warning lights must extinguish when the engine is running.
- o) Any ramp provided with the vehicle to assist disabled passengers must be present and clearly marked with the registration number of the vehicle.
- p) If the vehicle is a wheelchair accessible vehicle, all wheelchair harnesses/restraints must be present, be capable of being securely attached to the anchorage points and clearly and permanently marked with the vehicle registration number.

[IL0: UNCLASSIFIED]

4.9 WHEELCHAIR ACCESSIBLE TAXIS – ADDITIONAL CRITERIA

- a) In the case of new applications for converted vehicles, the vehicle must be black in colour. Purpose built hackney carriages can be any colour.
- b) The vehicle must have side-loading wheelchair access on the near side (kerb side) of the vehicle.
- c) There must be sufficient space in the passenger compartment for a wheelchair to turn.
- d) Restraints to secure both the chair and the wheelchair occupant must be provided and kept in good working order. The wheelchair restraints must be permanently marked with the vehicle's registration number, and be kept in the vehicle at all times.
- e) Appropriate ramps must be carried within the vehicle at all times and must be permanently marked with the registration number of the vehicle.
- f) All belts, buckles, ramps and any associated fittings must be maintained in good working order.
- g) All hackney carriages must display a permanently fixed 'TAXI' bubble light which is integrated into the roof of the vehicle. The rear casing of the taxi bubble light must match the paintwork on the vehicle. The front of the bubble light must be able to be illuminated and must display the word 'TAXI' in black lettering on an amber or orange coloured lens.
- h) All hackney carriages must have a fully sealed bulkhead which separates the driver compartment from the passenger compartment. The second row of seats must fold completely upright against the bulkhead.
- i) The vehicle must have yellow high-visibility grab handles to aid passengers when entering or exiting the vehicle.
- j) Stickers displaying the word 'TAXI' in yellow lettering must be displayed on all sides of the exterior of the vehicle. The lettering must be at least 3 inches in height and clearly distinguishable. (Not required for Purpose Built London Style Cabs).

4.10 LPG FUEL

- a) A certificate of conformity in line with the Code of Practice of the LPG Gas Association Regulations must be provided for all installations. The certificate issued must be from a UKLPG approved garage in line with the code of practice of the UKLPG Association Regulations.
- b) All of fuel pipes must be maintained in good condition. All LPG vehicles must undergo an annual service or safety check by a UKLPG approved installer every twelve months. A

[IL0: UNCLASSIFIED]

UKLPG annual service report or safety certificate, dated within the last twelve months, must be produced on each vehicle application.

4.11 TAIL LIFTS/INTEGRATED RAMPS

- a) You must provide a certificate of inspection and weight test issued within the last 12 months. A valid **LOLER** (Lifting Operations and Lifting Equipment Regulation 1998) certificate must be produced at the time of each vehicle test.
- b) In the event that the vehicle has an integrated electric ramp, you must produce a certificate of inspection that has been issued within the last 6 months that confirms that both the ramp and electrics to the ramp have been tested and are fit for purpose.

5. VEHICLE GUIDANCE NOTES

5.1 WRITE OFFS

All vehicles subject to a new vehicle application should have no damage affecting the structural safety of the vehicle. **Category N write offs will be considered for licensing as long as they pass all licence and safety checks. Category A, B and S write offs will not be licensed under any circumstances. In the event of existing licensed vehicles that are categorized as S, grandfather rights will remain with the existing licence holder only. This means that the licence cannot be transferred to another licence holder and will cease to be eligible to be licensed in the event that the licence lapses or it fails two consecutive vehicle tests.**

The insurance write off category Codes are as follows:

A – (SCRAP) VEHICLE CANNOT BE REPAIRED -The entire vehicle has to be crushed.

B – (BREAK) VEHICLE CANNOT BE REPAIRED -The bodyshell has to be crushed, but some parts may be permitted to be salvaged

S – (STRUCTURAL) Vehicle Repairable -The vehicle has sustained structural damage and can be repaired but must be repaired to a roadworthy condition.

N – (NON STRUCTURAL) Vehicle Repairable -The vehicle can be repaired and has not sustained damage to the structural frame or chassis, but the cost of the repairs is excessive and may include the replacement of some safety critical items.

Please Note: If the vehicle to be tested flags with the DVLA '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.

[IL0: UNCLASSIFIED]

5.2 TINTED WINDOWS

For safety reasons it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children and vulnerable persons, and for this reason tinted windows that prevent clear vision into the vehicle shall not be permitted.

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. After market tinting will not be permitted under any circumstances.

5.3 MODIFICATIONS/CONVERTED VEHICLES

All vehicles shall comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, Motor Vehicle (Type Approval) Regulations (Great Britain) 1984 and the Road Vehicles (Construction and Use) Regulations 1986. In addition, all vehicles must comply in all respects with the British and European Vehicle Regulations and be type approved to the requirements of the M1 category of European Whole Type Approval 70/156/EEC as amended.

The Council will licence any of the purpose built 'London Style Black Cabs' i.e. LTI's, TX's, Metro Cabs' etc providing they meet all other requirements.

Any non-purpose built (specially converted) Hackney Carriage will only be licensed at an Authorised Officer of the Council's discretion. Non-Purpose built Hackney Carriage Vehicles must be: 1) Black in colour 2) Have a Whole European Type Approval Certificate 3) Have a Low Volume Type Approval Certificate.

Please see the list of all approved Purpose Built and converted Hackney Carriages at 5.9.

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle. If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall have been subsequently granted M1 Whole Type Approval.

Any Limousines, Imported and Converted vehicles from outside the EU will require an Individual Vehicle Approval (IVA) test irrespective of age.

Any vehicles which have had their seating capacity reduced or increased in order to get a licence for Private Hire or Hackney Carriage must also have a voluntary Individual Vehicle Approval (IVA) test carried out. In the first instance applicants must download an IVA Application form from <https://www.gov.uk/government/publications/iva-application-form-for-passenger-cars-iva-1c>. This form should be completed and sent to the DVSA through their

[IL0: UNCLASSIFIED]

online portal <https://www.gov.uk/apply-vehicle-approval> and pay their fee. A DVSA testing station will then contact the applicant with an appointment for the vehicle to be inspected.

All bolt holes where seats have been removed must be covered over. Any seats that have been added must be fitted to the manufacturer's specification and pass the IVA test and have all the necessary documentation in place.

All tail lifts whether underslung, internal or externally fitted, must have a Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate issued every 12 months to ensure the lift is safe to use.

In the event that the vehicle has an integrated electric ramp, you must produce a certificate of inspection that has been issued within the last 12 months that confirms that both the ramp and electrics to the ramp have been tested and are fit for purpose.

If your vehicle has tracking fitted on the vehicle floor, the tracking and the seating is assessed during the IVA test. The seats should also have seatbelts fitted.

The IVA Certificate, the LOLER Certificate and amended DVLA V5 documents must all be produced to the Taxi Licensing Office, before any licence can be granted on any conversions.

5.4 MULTI-PURPOSE VEHICLES (MPV's)

Sandwell MBC will licence MPV type vehicles, provided all legal requirements are met. In doing so, however, we advise that the driver's attention is drawn to RoSPA's guidelines regarding passenger safety in MPV type vehicles.

The Royal Society for the Prevention of Accidents Road Safety Advisory Group has investigated the safety of access and egress in Multi Purpose Vehicles that were used as passenger carrying vehicles. Their conclusions were:

'It is the Society's view that all vehicles designed or used for public transport, and in this category we include both Hackney Carriage and Private Hire Vehicles, should provide adequate and ready means of access and egress to each and every seat. Thus the use of MPV's regardless of their size or configuration should enable each and any passenger to exit from the vehicle without recourse to other passengers leaving their seats, or for other seats to be stowed before the exit is made available'.

If drivers require advice on seating configurations, please see seating configurations diagram for MPV's on the taxi licensing website.

5.5 LPG CONVERTED VEHICLES

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

[IL0: UNCLASSIFIED]

(as amended). LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the CoP. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.

5.6 LOLER

LOLER stands for "***The Lifting Operations and Lifting Equipment Regulations 1998***". LOLER legislation states that all lifting equipment such as tail lifts, provided for use at work must meet legal requirements and have "Thorough Examinations" carried out regularly by a "Competent person". It is a detailed examination of the tail lift by a competent person and provides a report/certificate to show that the tail lift is safe to use. It may also detect any defects which are, or may become, dangerous and report(s) these to the company. It is not the same as a weight test or service.

The Thorough Examination reports must be kept available for the Health and Safety Inspectors for at least two years, or until the next report, whichever is longer. Lifting equipment includes any equipment used at work for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it. Thorough Examinations of the lift should be carried out at least every six months.

5.7 GUIDANCE NOTES ON BODYWORK STANDARDS

The Council requires licensed Hackney Carriages and Private Hire Vehicles to be kept to a high standard to present a positive image to customers.

When repairing vehicles, please ensure that identical paintwork colours are used, and that any repairs are carried out professionally and to a high standard. Scratches and dents that expose bare metal are not acceptable. Any areas of rust, flaking paint or corrosion are not acceptable.

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 using the manufacturer's specification and using approved fittings. The colour of the replacement panel must match the other panels and any plastic door mouldings or transfers must also match. 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.

5.8 SMOKING IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

On 1 July 2007, the Health Act 2006 was introduced to protect employees and the public from the harmful effects of second-hand smoke and prohibited smoking in virtually all enclosed public spaces, workplaces and public and work vehicles.

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It is illegal for the driver or any passengers to smoke in a licensed Hackney Carriage or Private Hire Vehicle at any time regardless of whether the vehicle is being used as a ‘taxi’ or for private use.

Any licence holder caught smoking in their vehicle also risks action being taken in respect of their driver’s licence.

Licence holders should note council policy also does not allow the use of vaping or e-cigarettes or any tobacco equivalent products in the licensed vehicle at any time.

5.9 SMBC APPROVED HACKNEY CARRIAGE VEHICLES

The current approved list of Hackney Carriage Vehicles is shown below:

Purpose Built ‘London Style’ Hackney Carriage Vehicles

- All London style cabs (TX Series)
- Metro Cabs (Manual, Auto, Auto Series II, Series III, TTT)
- Carbodies (London Style -FX4, Fairway)

Non-Purpose Built (Converted) Hackney Carriage Vehicles

- Citroen Dispatch
- Citroen Eurocab
- Fiat Scudo
- Fiat Eurocab
- Fiat TW200 (Scudo Conversion)
- Ford Allied Procab
- Ford Tourneo Taxi
- Mercedes Eurocab
- Mercedes Vito
- Nissan Primastar
- Peugeot E7
- Peugeot Euro Taxi

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- Peugeot Expert
- Renault Traffic
- Vauxhall Vivaro
- VW Eurocab (Transporter)

These vehicles must be of the required design and specification, can only be **BLACK** in colour, must have either a 'Whole European Type Approval Certificate' or have a 'Low Volume Type Certificate', and must meet all the other criteria listed in this document.

Other wheelchair accessible vehicles may be considered, but they must be **BLACK** – Please contact the Taxi Licensing Team for advice.

6. PRIVATE HIRE OPERATOR LICENCE

6.1 MAKING AN APPLICATION FOR AN OPERATOR'S LICENCE

Applications must be submitted online by the applicant. Applications submitted by a third party will not be accepted.

Before submitting an application, you must have obtained the following documents where necessary:

- A Basic Disclosure Certificate. The Certificate must have been issued within 3 months of the date of application. A new Basic Disclosure Certificate must be produced every twelve months. (This is not required if you hold a current driver licence issued by Sandwell MBC and your DBS Enhanced Disclosure Certificate is still valid and you are signed up to the DBS update service). A basic DBS should be supplied for all named managers and all Directors if the application is made in the name of a Company.
- If the applicant or any of the Directors have lived outside of the UK in the last 10 years and have not provided a certificate of good conduct as part of a driver application, a Certificate of Good Conduct should be provided for all countries that they have resided in. The Certificate of Good Conduct must have been issued within the last 12 months and in the event that it has an expiry date that has passed, a new certificate will be required. In the event that the certificate of good conduct is not in English, the applicant will be responsible for any translation costs.
- Planning permission for the premises where you intend to operate the business. If planning permission is not required you must receive confirmation of this from the Planning Department in writing and produce it to the Taxi Licensing Office.

[IL0: UNCLASSIFIED]

- If applicable, a licence from Ofcom to use a radio communication system to communicate with the drivers working through the base.
- Public Liability insurance (to the value of £5 million).
- Employee Liability insurance (to the value of £5 million) (Only required if employing staff to work for or through the business).
- CSE Awareness & Safeguarding Training Certificate from the Council's training provider.
- Equality & Disability Awareness Training Certificate from the Council's training provider required for the Operator, all managers and any staff in customer facing roles and any persons managing service delivery.
- Knowledge Test Pass Certificate.
- A tax code to prove that your company is registered for tax obtained from <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>.
- A policy on the employment of ex-offenders which should be refreshed on each application to renew.

You must provide the above documents when submitting an application online for a licence. Additionally you must also bring the following original documents to your appointment:

- Photographic identification i.e., a passport, DVLA photo card.
- If you have lived overseas you must produce a criminal record check (if you have lived outside the UK in the last 10 years) from the country/countries covering the period you lived in the country. The Certificate of Good Conduct must have been issued within the last 12 months and in the event that it has an expiry date that has passed, a new certificate will be required.
- National Insurance Number.
- All applicants for the grant or renewal of a licence must produce documentary evidence that they have the right to live and work in the United Kingdom.

If you forget any of the above items when you attend the Taxi Licensing Office for your appointment, your application may be delayed.

The application process requires you to undergo a number of tests and checks before a licence can be issued to you. These tests and checks are detailed below. An inspection of

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the premises will also take place. Where officers have concerns about the suitability of the premises the application will be referred to Committee/Licensing Management Panel.

6.2 KNOWLEDGE TEST

To ensure that all your customers receive a consistently high level of service, you are required to pass a knowledge test.

The test is designed to assess your understanding of:

- The Law, Council Policy and Licence Conditions.
- Your responsibilities to the Council.
- Your responsibilities to your employees, drivers and customers.

To assess your understanding, we will ask a number of questions and you will need to answer at least 80% correctly. If you do not successfully complete this test, you will be required to take a retest. A maximum of 3 tests can be undertaken. A fee is payable for each test.

If you have failed the test 3 times, we will refuse to grant your licence.

You will not normally be able to reapply within 12 months of the date of your last unsuccessful test.

Managers and Nominated Deputies will also be required to successfully complete the knowledge test before they can be considered as being suitable to fulfil this role.

Managers and Nominated Deputies will be able to reapply within 12 months of the date of their last unsuccessful test.

6.3 CRIMINAL RECORD CHECKS FOR OPERATORS, MANAGERS, DEPUTIES AND ALL STAFF WITH ACCESS TO PASSENGER DATA

All applicants for a Private Hire Operators licence will be required to produce a valid Basic Disclosure Certificate prior to a licence being issued. In respect of a company, a valid Basic Disclosure Certificate to be submitted for all Directors/partners. In the event that an operator and/or manager holds a driver's licence and is signed up to the DBS update service and the certificate is still valid, this will be accepted.

A Basic Disclosure Certificate must have been issued within the last 3 months of the application for a licence. Operators will be required to produce a new Basic Disclosure Certificate annually. Failure to produce evidence of a new Basic Disclosure Certificate prior to the previous one expiring will result in your Private Hire Operator Licence being reviewed.

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The Operator must ensure that all staff, working at the base, who have access to customer data, including the manager/deputy, are checked annually with regard to their criminal record. Staff working at the base must meet the same standard as Drivers and Operators when considering criminal records. Evidence of an employee's Basic Disclosure Certificate must be presented to an authorised officer on request.

Operators and Call handlers at the base can handle sensitive information, such as details of vulnerable adults and children. They can also be aware of any houses that are empty if the occupant(s) are using a licensed vehicle. For these reasons it is essential that only suitable people are allowed to work at Private Hire Operator bases. Any other person who either takes a booking or dispatches a vehicle will also be required to produce a copy of a basic DBS check for the Operator to retain at the premises.

6.4 REQUIREMENT FOR A LICENCE

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed private hire vehicle.

When determining whether or not the services offered requires licensing, consideration will be given to the guidance issued by the Department of Transport and which can be viewed at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note>.

A Private Hire Operator must ensure that every licensed private hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence.

6.5 FITNESS AND PROPRIETY

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

- Arrest, police investigation, charge, bail conditions, bail extension, summons, convictions (including foreign convictions), caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour related orders, immigration penalty, fixed penalty notices or community resolution for any offence. This is applicable both for matters in the UK and overseas.
- Factors such as general character, behaviour, honesty and integrity.
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council).

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- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.).
- Consideration will be given to information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.
- Right to Work Checks.
- Companies House Checks.
- Tax Conditionality Checks.
- Details of vetting procedures for staff (Convictions Policy).
- Any breaches of Health and Safety Legislation.
- Whether the operator has complied with any decision of the court in respect of a driver(s).
- Any other licences held with other Local Licensing Authorities or DVSA.

If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the Council's Equality & Disability Awareness Training and CSE Awareness and Safeguarding Training. If the applicant is a company, a basic DBS is to be submitted for all Directors/partners. In the event that the basic DBS certificate contains any convictions, they will be considered in line with the Private Hire and Hackney Carriage Determination of Matters Policy Guidelines, and may need to be referred to the Licensing Sub Committee for determination. If the applicant is a company, a representative(s) of the Company will be required to attend.

A new DBS certificate (that is no more than three months old) will be required should a new partner/director join the company.

All employees working through the base will also be required to undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training.

6.6 INSURANCE

The Department of Transport Best Practice guidance issued in 2023 requires that all Private Hire Operators have valid Public Liability Insurance. If employing staff, Employers Liability insurance will also be required. These documents must be submitted with your application and on insurance policy renewal.

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6.7 LICENCE CONDITIONS

The Council has the power to impose conditions on an operator's licence, as it considers reasonably necessary. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

Operators must only use vehicles and drivers licensed by Sandwell Metropolitan Borough Council.

Failure to comply with the conditions of licence will lead to enforcement action.

6.8 OPERATOR RESPONSIBILITY IN RELATION TO VEHICLES / DRIVERS THAT ARE OPERATED AND STAFF EMPLOYED AT THE BUSINESS

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable employees, drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire Operator:

- Licensed drivers or vehicle licence holders persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle licence holders (including matters related to child / adult safeguarding).

The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.

6.9 NEW MANAGEMENT OF COMPANY FOLLOWING REVOCATION OF A LICENCE

Where a licence has been revoked, the Authority will not normally grant an application for an operator's licence within 12 months of the date of the revocation. This includes

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circumstances where the previous management is still involved/associated with the business. However, each application is to be considered on its own merits.

6.10 PRIVATE HIRE OPERATORS CRITERIA

We will normally refuse to grant a licence, renew a licence, or take action in relation to an existing licence, if any of the following applies to the applicant or licence holder or the nominated deputy/manager:

- You are under 21 years of age.
- If your English or basic skills are below the required standard.
- You or any employee has not successfully completed the Council's Equality & Disability Awareness Training.
- You or any employee has not successfully completed the Council's CSE Awareness & Safeguarding Training.
- You have previously been a licence holder with any local authority and that licence has been revoked during the past 12 months.
- You have previously had an application for a licence refused within the last 12 months by any local authority.
- Your application for a licence has not been successfully completed within 6 months of the date your application was received. In such circumstances we will deem that the applicant has withdrawn the application to be licensed and any future application will require a further licence fee to be paid and the entire process to be completed again. (Upon request the applicant will receive a partial refund of the licensing fee that has not been spent during the application process (Maximum to be refunded £30). No refund will be provided if the Company has been or is in the process of being dissolved.
- You have exhibited behaviour which, in the opinion of the authority, is inappropriate to a licence holder and amounts to reasonable cause to show that you are not a "fit and proper" person to hold an operator's licence.
- The Determination of Matters Policy Guidelines contained in Section 7 of this Policy apply to you.
- The nominated premises are not located within the Borough of Sandwell.
- The nominated premises or access to the premises is considered to be unsuitable.
- You are not in day-to-day control of the business.

Page 68 of 100

- You have not successfully completed the Private Hire Operator's Knowledge Test.
- You have not produced all documents/information requested by the Authority.
- You have convictions under the Local Government (Miscellaneous Provisions) Act 1976 or associated legislation.
- The Company has been or is in the process of being dissolved.
- The full fee has not been paid.

You must also ensure that you comply with the following during the lifetime of your licence:

- All advertisements used by the company should be approved by the Local Authority.
- You must ensure that you keep adequate records of all employees, drivers and vehicles working at the company, as defined by the Taxi Licensing Office.
- You should not breach any conditions of the licence during its lifetime.
- You should not carry out, or cause to be carried out, a booking when either the driver, vehicle, or both are not correctly licensed, or insured.

6.11 PASSENGER CARE

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 disabled passengers is unacceptable. Direct discrimination will be considered as behaviour that is inappropriate to a Licence Holder and amounts to reasonable cause to show that you are not a fit proper person to hold an operator's licence. The matter will be considered by the Licensing Sub Committee and may result in enforcement action being taken in relation to your licence.

6.12 OPERATOR SIGNAGE

Roof signs are not permitted on private hire vehicles. The licence holder must ensure that all vehicles working through the base display company signage at all times. Signage to be in the form of door stickers/magnets. All company signage must conform with the Council's requirements at all times, and Operators will be required to submit a proposed design with the Taxi Licensing Office before use. Door signs must display the full company name and telephone number/and or App details.

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7. PRIVATE HIRE AND HACKNEY CARRIAGE DETERMINATION OF MATTERS POLICY GUIDELINES

7.1 INTRODUCTION

7.1.1 The purpose of this section is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not to grant/renew a licence to an applicant or to take action for an existing licence holder in respect of a driver, vehicle or private hire operator's licence. The Licensing Authority will take into account any guidance issued by the Institute of Licensing when determining the suitability of applicants to hold a licence. Where there is a conflict in any updated guidance, the latest guidance will be taken into account.

7.1.2 This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence. In each case, it is for the applicant or licensee to satisfy the Licensing Authority that they are "fit and proper", not for the Licensing Authority to prove that they are not. The Licensing Authority has powers to grant or refuse a licence, renew or refuse to renew it on application and during the currency of the licence to suspend or revoke it.

7.1.3 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper" person to hold that licence as per the Local Government (Miscellaneous Provisions) Act 1976, sections 51 and 59 in respect of drivers and section 55 in respect of operators. "Fit and proper" means that the individual (or in the case of a private hire operator's licence), the limited company together with its directors and secretary, or all members of a partnership is/are "safe and suitable" to hold a licence.

7.1.4 In determining safety and suitability, the Licensing Authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

7.1.5 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

7.1.6 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the Licensing Authority. In addition, complaints and or investigations where there was no police involvement will also be considered. Within this policy, any reference to "conviction" will also

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include matters that amount to criminal behaviour, but which have not resulted in a conviction.

7.1.7 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the committee hearing may be deferred, upon written request, until the trial has been completed or the charges withdrawn. Where an existing licensee (licence holder) is charged, it will be for the Licensing Authority to decide what action to take.

7.1.8 In all cases, the Licensing Authority will consider the conviction or the behaviour in question, and what weight should be attached to it, and each and every case will be determined on its own merits.

7.1.9 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features.

7.1.10 As the Licensing Authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specific period of time having elapsed following a conviction, or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

7.1.11 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

7.1.12 Most applicants or licensees will have no convictions. It is accepted that people do make mistakes for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

7.1.13 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Licensing Authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to the licence being revoked.

7.1.14 Any dishonesty by an applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references etc.) will result in a licence being refused, or, if already granted, revoked and may result in prosecution.

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7.1.15 As the direct impact on the public varies, depending on the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, the same standards will be applied to all licences, with the exception of minor motoring convictions in relation to the holder of a private hire operators' licence, but will still be a consideration in respect of any other licences.

7.1.16 This policy confirms minimum periods of time that should elapse between the date of convictions or completion of the sentence (whichever is the later) and the grant of a licence. Those periods are for a single conviction. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods and protected cautions/convictions), but, multiple convictions or continued offending over any period of time will always be of significant concern to a Licensing Authority. The Licensing Authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

7.1.17 Where a complaint about discrimination is received that will not result in conviction, the Licensing Authority will consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions will be considered, such as suspension or revocation. The Licensing Authority will give full consideration to the available evidence before any decision is made and the licensee will be given the opportunity to state their case. Possible outcomes would include no action being taken and the complaint being recorded, a suspension until disability and equality awareness training/assessment is completed, or revocation of a licence.

7.1.18 Where the Licensing Authority has specific concerns about the driving ability of a driver, for example through passenger complaints or a high number of accidents, this authority will consider whether the driver in question should undertake a practical driving ability training course or assessment to address those concerns. In the event that a driver is asked to complete such a course, it will be at their own expense, and, in the event that that it is not completed within the specified time, this will result in either suspension or revocation of their licence.

7.2 FIT AND PROPER

7.2.1 The overriding aim of the Licensing Authority is public safety. The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining potential future behaviour as well as culpability, it is essential that the decision makers consider all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed. The Licensing Authority is looking to ensure:

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- 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 a dishonest person, and
- The safeguarding of children and young people, people with disabilities and vulnerable people

7.2.2 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made, plays a significant part when deciding whether to grant a licence. Being able to evidence a change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change.

7.2.3 When making decisions around the individuals being ‘fit and proper’, it is important that reliance is not placed on evidence that cannot be substantiated. The following areas should be focused on:

- What further offence(s) might the individual commit or exhibit?
- Would they cause serious harm?
- Who might the victim(s) be? Can they be accessed via this occupational role?
- What features might contribute to serious harm (the risk factors)?
- What might protect against serious harm (the protective factors) and are they able to be guaranteed?
- How probable is a high-risk scenario (likelihood)?
- How quickly could a further serious harm take place (imminence)?

7.2.4 Focusing on questions of access and opportunity and seeing licensing as a mechanism of safeguarding is vital when deciding if someone should be licensed or relicensed. Whilst refusal of a licence is a restriction for the individual, it is also a method of situational safeguarding that can serve to prevent future victims.

7.2.5 The term “Fit and Proper” Person for the purposes of hackney carriage and private hire licensing has been defined in the Statutory Taxi and Private Hire Vehicle Standards issued in July 2020 by the Department for Transport for drivers and by the Institute of Licensing (IOL) in 2024 for vehicle licence holders and private hire operators. In determining applications and licences, the following definitions for each licence type will be considered:

For Drivers:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?”

For Vehicle Licence holders:

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“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”

For Private Hire Operators:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”

If, on the balance of probabilities, the answer is “no”, the individual should not hold a licence.

7.2.6 Licensing Authorities have to make difficult decisions, but the safeguarding of the public paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that **an applicant or licensee should NOT be ‘given the benefit of doubt’**. **If the committee or delegated officer is only “50/50” as to whether the applicant or licensee is “fit and proper”, they should not hold a licence.** The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

7.2.7 In order to assess the suitability of an applicant or licence holder, and to inform decision makers, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by unsuitable people. This can include information obtained by the LADO (the Local Authority Designated Officer). In addition, the Licensing Authority will also consider further information sources such as the Police (including child abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies and checking the NR3s register to see if the applicant has had a licence either refused, suspended or revoked by another Licensing Authority.

7.2.8 Both taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” where they have been declared) can be taken into account by the Licensing Authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker. For clarity, protected convictions and protected cautions are generally minor and older matters that do not appear on any DBS certificates (Adamson v Waveney District Council 1997). Please see section 2.4.1 of this policy for more information on protected cautions and convictions.

7.2.9 All applicants for a driver licence will require an Enhanced DBS Certificate with both the adult and children’s barred lists checked. An original copy of the Enhanced DBS Certificate must be provided to the Licensing Authority, together with a signed authorisation form agreeing that

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the Licensing Authority can check the validity of the certificate with the DBS update service. This check can be undertaken by either this Licensing Authority or any other Licensing Authority and the check MUST be for “other workforce” and “taxi/private hire driver”. The Licensing Authority is unable to accept a Child Workforce DBS. Licensees must ensure that they sign up to the DBS update service and that this registration remains live throughout the currency of their licence. In the event that the applicant has lived outside the UK for more than 6 (six) months since their 18th Birthday, they will also be required to submit a Certificate of Good Conduct from the country (s) that they lived in. Applicants will also be required to supply a Certificate of Good Conduct if they were not born in the UK. In the event that they are unable to obtain a Certificate of Good Conduct, the application will be referred to the Licensing Management Panel or Licensing Sub Committee for determination. If the certificate is in a language other than English, the applicant will be responsible for any translation costs.

7.2.10 The character of the driver must be the paramount consideration when considering whether or not they should be licensed. It is important to recognise that the Licensing Authority are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a “fit and proper” person to hold such a licence.

7.2.11 Case law makes it clear that the impact of losing or not being granted a driver’s licence on the applicant and their family is not a consideration that can be taken into account when deciding a licensing application (Leeds City Council v Hussain 2002, and Cherwell District Council v Anwar 2011).

7.3 GENERAL POLICY

7.3.1 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi/private hire vehicle, it is much less serious, or even if it was in a taxi/private hire vehicle with no passengers on board. This is not the case. Speeding is dangerous, irrespective of the situation; drink driving is serious, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the licensed vehicle is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious.

7.3.2 A person who has in the past abused their position, whatever that may have been, to assault another sexually is a completely unacceptable standard of behaviour. Predators want taxi and private hire driver licences as it gives them easy access to victims and whilst a Licensing Authority cannot prevent a person who has had a licence application refused or revoked from re-applying, it can have safeguards in place and policies to consider such applications.

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7.3.3 Applicants may claim that they have sought employment in other fields and been precluded as a result of their history, particularly if that history contains convictions. There should be a high standard of acceptability to enter the taxi/private hire industry. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a position of trust. It also undermines the position and reputation of the vast majority of professional licensed drivers. The paramount responsibility of the Licensing Authority is to protect the public, not provide employment opportunities.

7.3.4 Licensees are expected to demonstrate appropriate professional conduct at all times whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

7.3.5 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant Licensing Authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

7.3.6 When any action is taken in relation to a drivers' licence: refusal to grant or renew, revocation or suspension, the Licensing Authority will apply the legal test to determine if this action must be entered on the NR3s database in accordance with the Taxi and Private Hire Licensing (Safeguarding and Road Safety) Act 2022. When considering any new or renewal driver applications, the name or names of the applicant will be checked against the NR3s database. There is no mechanism for a driver to surrender or hand in their licence to avoid suspension or revocation, and thus avoid an entry being made on the NR3s register. In such circumstances, in the event that a driver does try to surrender their licence to avoid such an entry, the matter will be referred to either the Licensing Management Panel or the Licensing Sub Committee who will then make a decision to either revoke, suspend or refuse to renew. This will ensure that the NR3s database is accurate. A failed applicant for a licence cannot avoid the recording of a refusal.

7.3.7 Applicants who hold a licence with one local authority should not automatically assume that their application will be granted by another. Each case will be determined on its merits.

7.3.8 Licensees who are licensed by multiple authorities are expected to inform such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect. They should also expect those authorities to share information regarding their conduct and take this into account, as appropriate.

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7.4 CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

7.4.1 Under the provisions of Section 51, 55 and 59 of the 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 private hire drivers' licence and/or private hire vehicle operator licence is a "fit and proper" person to hold such a licence. In the event that an applicant has any convictions, warnings, cautions, reprimands, or matters awaiting trial, any allegations pending a charging decision, the following guidelines will be taken into account.

7.4.2 It must always be borne in mind that these are guidelines, not fixed periods, and if there are "truly exceptional" circumstances the time periods can be reduced in individual cases. Such instances should only be for "truly exceptional" circumstances and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence and any mitigation that has been offered. However, the conviction itself cannot be reconsidered. As the criteria for determining whether an individual should be granted or retain a taxi driver's licence are identical to the criteria for a private hire driver's licence or a combined dual licence, they will be considered together.

7.4.3 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and they may be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained. Where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will be given as to whether they are a safe and suitable person.

7.4.4 In relation to single convictions, the time periods detailed in paragraphs 7.5 to 7.17 should elapse following the date of conviction or completion of the sentence (whichever is the longer) before a licence will be granted. In all cases, the timescale to be free from convictions will be based on the time the application was received. Please note that the rehabilitation periods are for single convictions only and that applicants with more than one conviction for the same or a similar offence will have their application referred to the Licensing Sub Committee for consideration.

7.5 BARRED LISTS

7.5.1 A licence will not be granted to a person who is on any barred list.

7.6 OFFENCES RESULTING IN DEATH

7.6.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person, or where the intention was to cause the death or serious injury of another person, they will not be licensed.

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7.7 OFFENCES INVOLVING EXPLOITATION AND CRIMINAL HARASSMENT

7.7.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, or anything of a similar nature, this is not an exhaustive list.

7.8 OFFENCES INVOLVING VIOLENCE AGAINST PERSONS, PROPERTY, ANIMALS OR THE STATE

7.8.1 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This policy does not differentiate between different levels of violence.

7.8.2 Where an applicant has a conviction for an offence of violence or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. It will be for the Licensing Authority to determine whether there is any justification for departing from this time period, dependant on the facts of each particular case. Where the offence of violence was committed against a child or a vulnerable adult, a licence will never be granted.

7.9 OFFENCES INVOLVING PUBLIC ORDER

7.9.1 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

7.10 OFFENCES INVOLVING POSSESSION OF A WEAPON

7.10.1 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

7.11 OFFENCES INVOLVING SEX, INDECENCY OR OBSCENE MATERIALS

7.11.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

7.11.2 In addition to the above, the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

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7.12 OFFENCES INVOLVING DISHONESTY

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

7.13 OFFENCES INVOLVING ALCOHOL ABUSE, MISUSE OR DEPENDENCY

7.13.1 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed.

7.13.2 If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. (Any medical testing or assessment to be paid for by the applicant).

7.13.4 If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

7.14 OFFENCES INVOLVING DRUGS ABUSE, MISUSE OR DEPENDENCY

7.14.1 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

7.14.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using drugs.

7.14.3 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before a decision is made by the Licensing Sub Committee. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

7.15 OFFENCES INVOLVING DISCRIMINATION

7.15.1 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes for example, refusal to carry an assistance dog or to provide mobility assistance.

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7.15.2 Where a complaint about discrimination is received that will not result in a conviction, Licensing Authorities can consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions can be considered, such as suspension or revocation. The Licensing Authority will give full consideration to the available evidence before any decision is made, and the licensee will be given the opportunity to state their case. Possible outcomes could include no action being taken and the complaint being recorded, a suspension until disability and equality awareness training/assessment is completed, or revocation of a licence and a refusal to issue another for an appropriate period.

7.16 OFFENCES INVOLVING REGULATORY NON-COMPLIANCE

7.16.1 Regulatory crimes include local authority offences, licensing matters and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

7.17 MOTORING OFFENCES

7.17.1 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or to retain a licence.

7.17.2 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using drugs.

7.17.3 Where an applicant has a conviction for using a handheld mobile telephone or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.

7.17.4 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending on the offence as detailed in “Penalty points (endorsements)” as displayed on the DVLA licence check. Whilst points may be removed from the licence after 4 and 11 years, penalty points and the underlying

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offence will be relevant and taken into consideration from the date of the convictions, or the date of the offence, depending on the type of offence.

7.17.5 By attaining 7 or more penalty points on their DVLA licence, a driver is demonstrating they may not be "fit and proper" and their suitability to be or continue to be licensed will be assessed. Drivers with 7 or more penalty points will be required to undertake, at their own cost, a driver awareness course and/or pass a driver assessment with no more than 8 minor infringements, within 2 months of notice from the Licensing Authority, to demonstrate that they are suitable to become or remain a licence holder. Failure to do so strongly suggests the driver is not "fit and proper" and should not be licensed until a period of 12 months has passed with no further convictions.

7.17.6 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence, then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

7.17.7 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making an exceptional hardship argument, shall not be able to advance/use such arguments before the Licensing Authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points and new applications will be refused and existing licences will be reviewed with a recommendation for revocation.

7.17.8 Any driver who has been disqualified or disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

7.17.9 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points, are not displaying a professional approach to their work. Persistent offenders should be reported to the Licensing Authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

7.17.10 For the purpose of these guidelines, the following motor offences are classed as "Major Traffic Offences". Please note that this is not an exhaustive list.

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving whilst disqualified by order of court
BA30	Attempting to drive whilst disqualified by the court
BA40	Causing death by driving whilst disqualified
BA60	Causing serious injury by driving while disqualified
CD10	Driving without due care and attention

[IL0: UNCLASSIFIED]

CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD33	Causing serious injury by careless or inconsiderate driving
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level about the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
CU10	Using a vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide whilst driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR70	Failing to co-operate with a preliminary test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit
DG60	Causing death by dangerous driving with drug level above the limit
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence

[IL0: UNCLASSIFIED]

LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been cancelled or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc.
UT50	Aggravated taking of a vehicle
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

7.18 BEHAVIOURS

7.18.1 Driver behaviours that fall short of criminal behaviour but that are indicators of more sinister behaviour will be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

7.18.2 Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

7.18.3 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and have explained how the behaviour may be perceived by a vulnerable passenger. In the event that further training is required, the cost of such training to be paid for by the driver.

7.18.4 If the behaviour, on the balance of probabilities, is repeated and considered to be predatory in nature, then any applicant should not be licensed.

7.18.5 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

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7.19 LICENSING OFFENCES

Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Please note, that you do not need to be convicted of an offence and actions that were taken by another Local Authority, that did not result in a prosecution, can and will still be taken into account.

7.20 PRIVATE HIRE OPERATORS

7.20.1 A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are licensed as a private hire driver). However, in performing their duties they obtain considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

7.20.2 Where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

7.20.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) that are able to access any information as described above are subject to the same standards as the operator. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Licensing Authority's overall criteria, this will lead to the operators' licence being reviewed and possible revocation.

7.20.4 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as to drivers, except some motoring offences, to recognise the operator is not connected with the use of a vehicle.

7.21 VEHICLE LICENCE HOLDERS

7.21.1 Vehicle licence holders (both taxi and private hire) have two principal responsibilities:

- Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times
- Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes

7.21.2 Where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

7.21.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to licence holders as those applied to drivers.

[IL0: UNCLASSIFIED]

7.22 SUMMARY

7.22.1 To summarise, a 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. In most cases an applicant would be expected to remain free from convictions for 5 to 10 years, according to circumstances, before an application can be considered.

7.22.2 The matters detailed in these guidelines are not exhaustive. The applicant or licence holder may have to attend committee if there are matters not contained in these guidelines which indicate that the applicant or licence holder has exhibited behaviour, which, in the opinion of the Licensing Authority is inappropriate and amounts to reasonable cause to show that they are not a “fit and proper” person to hold a licence.

7.22.3 In the event that applicants are relying on information to support their case, they are asked to provide it to the licensing team at their earliest opportunity to allow all parties the opportunity to read through/examine, as decisions will be based on the evidence provided.

7.22.4 When making decisions regarding an applicant being “fit and proper” little or no weight will be given where evidence cannot be substantiated.

7.22.5 In each case, it is for the applicant to satisfy the Licensing Authority that they are “fit and proper”, not for the Licensing Authority to prove that they are not.

7.22.6 A suspension or revocation of the licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the applicant/operator unless advised otherwise.

7.22.7 In the event that an application is refused, revoked or suspended, the applicant details will be added to the National Register of refusals, revocations and suspensions known as the NR3s Register and will remain on this register in line with NAFN’s (the data controller) data retention policies.

7.22.8 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision of information through NR3s are necessary to this Authority’s statutory licensing functions of ensuring that all drivers are “fit and proper” to hold the applicable licence.

7.22.9 The Licensing Authority has published a policy on the approach it will take to requests by other Licensing Authorities for further information about entries on NR3s and about the use it will make of any further information provided to it. To obtain a copy of this policy, please visit the Council’s website – www.sandwell.gov.uk.

7.22.10 In the event that the Licensing Sub Committee decide that a warning is to be issued, or the Licensing Sub Committee take the decision to suspend a licence, no action will be taken in the event that the applicant does not wish to appeal, until such time as the decision letter/notice has been sent to the applicant/licence holder.

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7.22.11 Any decisions made by the Licensing Sub Committee or the Licensing Management Panel will be in writing and contain details on the applicant's right of appeal to the Magistrates Court. In the event that an existing licence holder has their licence suspended, refused or revoked, the applicant will be expected to return all licences, plates and badges held by them at the end of the appeal period if they do not intend to appeal the Licensing Sub Committee/Licensing Management Panel decision unless the decision is an immediate one.

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