

SEFTON COUNCIL

Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook

Version 2 (Draft)

*(Including all sub group recommendations, Legal Department and Taxi Trade
Group comments – 13th May 2013)*

**A guide to Sefton Council's Hackney Carriage & Private Hire Licensing
Service**

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The Purpose of the Licensing Scheme.

The licensing scheme is primarily designed to protect the travelling public, including vulnerable children and adults, by ensuring that:

- a) No person undertakes the carrying of passengers without the relevant licences and necessary checks on their fitness to carry the public;
- b) All licensed drivers are “**fit and proper**” persons having regards to their medical fitness, standard of training, and their criminal and motoring convictions and offences (if any);
- c) All licensed vehicles are at all times road legal, safe and fit for use and properly insured for hire and reward;
- d) All licensed private hire operators are ‘fit and proper’ to conduct such a business.

The Council is responsible for ensuring the integrity of the licensing system through its ‘compliance’ role and so create and maintain a fair trading environment for legitimate hackney carriage and private hire businesses.

Introduction to the Handbook

This handbook was designed to consolidate the many Bye Laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously held in various documents.

The handbook contains details of the relevant legislation, required standards and the Council’s conditions of licence.

The Council has adopted the various polices / standards set out in this document for the protection of the travelling public. All licence holders are expected to familiarise, understand and abide by the relevant parts of the Handbook.

The Handbook has been adopted as the policy document of the Council. Any requirements of legislation that has effect on the operations being carried out under the terms of any licence granted should be regarded as if they are requirements of that licence. Wherever there is a summary of any statutory provisions you are advised that such a summary may not be exhaustive.

Glossary of Terms

These are summaries only – full definitions can be found in the relevant legislation

'Licence'	Document issued by the Council when it is satisfied the applicant has met the criteria to drive, operate or use a particular vehicle and applies to both hackney carriages and private hire – required by statute
'Badge'	Photo identification issued to drivers with a hackney carriage or private hire driver's licence – required by statute
'Hackney Carriage'	Vehicle used in standing or plying for hire in any street with the Metropolitan Borough of Sefton.
Hackney Carriage Byelaws	Byelaws in force in the Metropolitan Borough of Sefton
Operator	Means a person / business who in the course of a business to make provision for the invitation or acceptance of bookings for a private hire vehicle.
Private Hire Vehicle	Vehicle to seat fewer than nine passengers other than a hackney carriage or bus which is provided for hire with the services of a driver for the purposes of carrying passengers.
Proprietor (& Part Proprietor)	In relation to a vehicle which is subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.
Taximeter	Any prescribed device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.
Authorised Officer / Taxi Licensing Officer	An officer of Sefton Council who is authorised in writing by the Council to enforce the legislation.

Client Charter

Licensing

Taxi Licensing administration is provided through the Council's Contact Centre and the One Stop Shops (OSS) located at **Stanley Road, Bootle** and **Cambridge Walk, Southport**.

Licence applications, renewals, presentation of documents and licence payments can be made at either address. The 'Knowledge Test' can also be undertaken at each venue. Appointments for licence applications / renewals and the knowledge tests can be made by contacting the Council contact centre **0845 140 0845**.

We aim to deal with your request as quickly as possible in a helpful and courteous manner but there may be delays during peak times for 'drop in' customers.

Licence applications involve contacting 3rd party agencies such as DVLA and The Disclosure and Barring Service and the Council and its agent cannot be held responsible for any delay caused by a third party.

Applicants are reminded that it is **essential** that they bring the correct identity documentation (Driver licence, a photographic identifier eg Passport, proof of address for 10 previous years, V5 and insurance documents as appropriate) and the means to make the necessary payment.

Complaints and Enforcement Issues

Complaints from both the public or trade will be investigated. Where there are potential legal issues, it will be necessary to gather evidence before taking action. This will inevitably extend the investigation and may affect the resolution of your service request. However, for every user of our service we will aim to:

- Respond to service request initially by contacting you by telephone / email or sending the requested information within 10 working days.
- Resolve service requests requiring investigation within 60 days.
- Resolve written requests for advice and information within 10 working days and respond to further requests for advice or information about your own particular case within 10 working days.
- Keep you advised of progress in your own particular case and make contact with you at least every 35 days.
- Ensure that pre-arranged appointments are punctually attended, or advanced notification is given of any change.
- Not reveal your name, address or other personal details to another party without first consulting you, or informing you of any legal obligations on us to reveal those details.

- Identify staff dealing with your case in correspondence and telephone calls.

You can discuss your own case with the identified officer by telephone or arrange an appointment to see them during their normal working hours. In exceptional circumstances we can also arrange out of hours visits and interpretation facilities where appropriate.

Taxi Licensing Unit Enforcement Policy

It is Sefton Council's policy to ensure the safety of the travelling public and an equitable trading environment exists throughout the Borough, and that legal requirements to all such services are complied with.

It is recognised that most businesses want to comply with the law. We will therefore, endeavour to help businesses and others meet their legal obligations without unnecessary expense. We believe prevention is better than cure and that our role includes actively working with the local trade to advise on, and assist with compliance. We will encourage the local trades to seek advice and information from us.

Officers of the Enforcement Team will visit Licensed Operator Premises and established Taxi Ranks within the Borough (as part of a planned inspection programme) to ensure compliance with Taxi licensing legislation. They will also investigate consumer complaints, carry out spot checks, respond to requests for advice from traders, make test purchases, and undertake survey and initiative work.

The Built Environment Department has developed an 'Enforcement Policy' in accordance with the Regulators' Compliance Code to assist local businesses to comply with the many legal requirements that they have to meet. A copy of the 'Enforcement Policy' is available on request.

This Policy aims to ensure that the Department enforces the law in a fair and consistent manner. It will also assist officers in making informed decisions as to appropriate enforcement action.

In matters involving legislation, the enforcement of which is shared with other bodies or agencies, appropriate communication with those other bodies or agencies will take place, especially where responsibility for enforcement is unclear. In cases involving offences enforced by other bodies or agencies, appropriate liaison with those bodies or agencies will take place.

This Policy applies to all areas of work undertaken as part of the statutory duties conferred on the Taxi Licensing Team. Additional statements of enforcement policy for particular areas of work may supplement this general policy.

If you are concerned about the standard of service you are receiving you should initially advise the case officer. If, after speaking to the case officer, you still have concerns about the standard of service you are receiving *please write to or email:*

Andrew Naisbitt, Trading Standards & Licensing Manager, *Department of Built Environment, 1st Floor, Magdalen House, 30 Trinity Road, Bootle L20 3NJ / etscontact@sefton.gov.uk*

Licensing Requirements

Part 1. Driver Licences (All)

The Council can only grant licences to those it is sure are “fit and proper” and in deciding that the Council insists on the following **minimum** requirements:

- a) Holding a full driving licence (DVLA, EEC or Northern Ireland only) for at least a total period of 12 months. A “**fee-paid**” driver record check is compulsory.
- b) Passing a full vocational (DVLA Group II) medical examination obtained via the applicant’s General Practitioner. Medicals are currently required on first licensing, on reaching 45 years of age, then 55 years of age and, on reaching 65 years of age, every 3 years thereafter.
- c) Providing a “**fee-paid**” satisfactory DBS “Enhanced” disclosure. EEC applicants may be permitted a short term licence provided they can produce a “Certificate of Good Conduct” from their last country of residence until an “Enhanced” DBS certificate can be provided.
- d) Hackney Carriage & Private Hire Drivers are required to hold the VRQ level 2 qualification in ‘**Transporting Passengers by Taxi and Private Hire**’. For drivers licensed prior to November 2008, the VRQ is to be completed by 2015. (*L&R 17th January 2011*)
- e) It is a requirement of all new driver applications to take a ‘**Geographic Knowledge Test**’ in addition to the VRQ qualification. Both must be obtained without the aid of an interpreter.
- f) Existing drivers and driver applicants whose last licence is expired by less than 2 years do not need to retake the ‘**Geographic Knowledge Test**’. (*L&R 30th July 2012*)
- g) “Fit & Proper Assessment”. A number of applicants have a poor past history of motoring and criminal offences. An applicant with any such offences has to prove their fitness to the Council. **All cautions, convictions and pending matters must be disclosed**, any omission may lead to a licence being refused.
- h) Previous Convictions Policy – The Council’s statement of policy and guidance in relation to the relevance of convictions/penalties is set out in Annex 1 to the handbook.
- i) “**The Mitigation Process**” – The Council will take all relevant circumstances into account including relevant cautions and convictions. Before the Council makes its decision, it will allow an opportunity for the applicant to submit further information upon such matters and the circumstances surrounding them. The applicant may also present character references.
- j) The Council may exercise its discretion to issue a licence if the applicant provides sufficient evidence to demonstrate he / she should be considered

exceptional to the general disqualification period contained in the ‘Statement of Policy and Guidelines Relating to the Relevance of Convictions’ (Annex 1). It is the applicant’s responsibility to demonstrate to a **mitigation panel**, they are exceptional to the policy and provide tangible evidence to support their case. The Council will also have regard to the level of penalty imposed by the Courts.

- k) If the Council Policy in force at the date of the application does not specifically exclude an applicant the Council may if it has any other reasonable cause, still resolve, upon consideration of an application that an applicant is regarded as unfit.
- l) Any person who is refused the issue of a licence on the grounds that they are “not a fit and proper person” to hold a licence may **appeal to the Magistrate’s Court (21 day time limit)**.
- m) **The Convictions Policy & Existing Drivers** – A driver licence holder is duty bound to declare any ‘new’ convictions, formal cautions, or fixed penalties to the Council within 7 days, a failure to do so may result in suspension or revocation of the licence. If the holder of a driver licence is convicted of any offence or receives a formal caution then the ‘fit and proper test’ has to be applied. If the holder is deemed ‘unfit’ the licence can be suspended or revoked.
- n) The **mitigation panel** will determine the length of any suspension or whether to revoke the licence.
- o) Where a driver is **disqualified** from driving the hackney carriage / private hire driver licence will be suspended or revoked immediately depending on the length of the disqualification.

Part 2. Licence Conditions – Private Hire Drivers (see additional criteria for Motorbikes)

- a) The Licensed Driver must deposit their Private Hire Driver's licence with the owner/ proprietor of the private hire vehicle and one copy of the Private Hire Driver's licence with the operator prior to commencing work. These documents should be retrieved if the driver ceases work.
- b) If a proprietor or operator has a justifiable and reasonable complaint / dispute with the driver he may not retain the licence but should return the licence to the Council together with written details of the complaint or dispute within 2 working days of the dispute arising or driver requesting the licence as appropriate.
- c) When driving a licensed vehicle for hire and reward, the driver must at all times display his photo badge and licence number. The badge must be produced to a Police Officer or Authorised Council Officer on Demand.
- d) When driving for hire and reward the Licensed driver can only use vehicles that are licensed by Sefton Council as private hire vehicles.
- e) When driving for hire or reward the driver is required to:
 - Carry out basic checks irrespective of who owns the vehicle to ensure fluid levels, tyres, brakes and obligatory lights are in good order and functioning correctly prior to commencing work;
 - Adhere to the conditions of the licence of the vehicle being driven;
 - Be clean and behave in a respectable, civil and orderly manner;
 - Take all reasonable steps to ensure the safety of passengers, (*this may include a refusal to drive off unless the passengers are wearing seatbelts*);
 - Upon request convey a reasonable quantity of luggage and give reasonable assistance in loading and unloading;
 - Upon request afford reasonable assistance to a wheelchair passenger to enter, be carried in and alight safely from the vehicle, (*reasonable has to be determined on a case by case basis*);
 - Not play any media device without the express consent of the hirer, (*exception – two way radio system*);
 - Provide a written receipt of any fare paid upon request;
 - *The driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as reasonably practicable thereafter search the carriage for any property which may have been accidentally left therein. Any property found must be reported to the Police or returned to the rightful owner within 48 hours.*
- f) In order to maintain the integrity of the licensing system, a Licensed Driver is required to report in writing any of the following incidents to the Council:
 - Full details of any accident involving injury or material damage including the condition of the licensed vehicle and an insurance policy valid at the time of the accident, within 72 hours of the accident occurring.
 - *A change of operator – within 7 working days*

- A change of address – within 7 working days
 - Full details of any cautions, fixed penalties or convictions recorded against them within 7 working days
 - Full details of any criminal charge pending against them within 7 working days
 - Any disqualification from driving within 24 hours and return their driver's licence and badge within 7 working days.
 - Any incident where a driver has been arrested and questioned.
- g) In the event that the driver / vehicle is unable to complete a journey for any reason no fare shall be charged in respect of any distance travelled unless the reason the journey was curtailed is beyond the control of the driver.

Part 3. Licence Conditions – Private Hire Proprietors (see additional criteria for Motorbikes)

- a) The proprietor of a licensed private hire vehicle shall not permit any person to drive a licensed private hire vehicle for any purpose unless they have first verified the driver has a valid Sefton private hire driver's licence;
- b) The proprietor of a licensed private hire vehicle must maintain a register of all the drivers using their vehicle/s and hold the relevant road traffic insurance for all the drivers in their employ.
- c) A proprietor operating more than one vehicle must maintain a register of the vehicles that they operate. The register must be held at the proprietor's business premises and include the following information:
 - The private hire or hackney carriage licence plate number;
 - The vehicle registration number;
 - The unique vehicle call sign or identifying number, which should not be transferred to another licensed vehicle unless the previous vehicle ceases to be a licensed vehicle (if applicable);
 - The names and addresses of the drivers of each vehicle;
- d) The driver and vehicle records must be available for inspection upon request and retain for a period of at least six months.
- e) In order to maintain the integrity of the licensing system, a proprietor is required to be able to identify the driver/s of any of their vehicles at any time, (this is particularly important if a shift system is in operation). The proprietor should also record and report in writing any of the following incidents to the Council:
 - Full details of any accident involving injury or material damage including the condition of vehicle and an insurance policy valid at the time of the accident, within 72 hours of the accident occurring.
 - Any driver disqualified from driving within 24 hours.

Part 4. Licence Conditions – Private Hire Operators (see additional criteria for Motorbikes).

- a) The Council will only issue a private hire operator's licence to an applicant who makes provision for the invitation or acceptance of bookings at an address within Sefton and providing that.
- The operator's premises in question is subject to valid planning consent which must be evidenced to the Council on first issue.
 - The applicant completes the Council standard application form including a declaration to comply with the Operator Licensing Conditions
 - The applicant lists all telephone numbers and email addresses through which they intend to take pre-bookings on a schedule attached to the application.
 - The applicant lodges a sample design of their preferred door signs on a schedule to their application.
 - The applicant must disclose if he (or signatory or company officer) has convictions that breach the Council's *Statement of Policy and Guidelines Relating to the Relevance of Convictions* in force at the time. The Council will determine whether it considers an offender to be a fit and proper person to hold a licence.
- b) If an applicant is a limited company or a limited liability partnership, the certificate of incorporation must be produced to the Council and declarations must be completed by all the company's authorised signatories.
- c) No operator may advertise a telephone number relating to a mobile phone carried in a licensed vehicle, on, in, or from a licensed vehicle
- d) No operator may divert or transfer telephone calls from their base office to a mobile phone carried in a licensed vehicle.
- e) When an operator accepts a hiring, they shall ensure that a Sefton licensed private hire vehicle or hackney carriage attends at the appointed place and as near to the appointed time as is possible.
- f) All bookings must be recorded at the operator's licensed premises before the booking is transmitted to a licensed driver and vehicle for completion.
- g) When an operator accepts a hiring they shall, immediately prior to the commencement of the journey record all details of the contract including:
- The time and date of each booking;
 - The starting point for each pre-booked journey;
 - The call sign or registration number of the vehicle used for each booking together with the driver's identifying details; and
 - Sufficient identifiers for the hirer or journey.
- h) The Council considers 'sufficient identifiers' to mean different things under different circumstances. For example, in the case of a hiring made from residential premises a record of the house/flat number and street name would be adequate. When bookings are made from more public premises

(supermarkets etc) then the Council would expect a hirer name or destination to be recorded. Smart phone applications that require registration of the hirer with their chosen Operator before use and then enters the hirer's details into the Operators booking system (similar to telephone bookings) would meet these requirements if all of the conditions in (g) above are met.

Please note these are just some typical examples and whether the information recorded is adequate may have to be decided on a case by case basis.

- i) Journey records shall be allocated a unique reference number and kept in numerical order in a suitable format such as a ledger, record slips or computer database in an identifiable, legible and retrievable format.
- j) The journey records must be available for inspection at the operator's licensed premises for a period of not less than six months and produced on request to any Police Officer or Authorised Officer of the Council.
- k) All operators must hold a register of the drivers and vehicles that they operate. The register must be held at the operator's licensed premises and include the following information:
 - The private hire or hackney carriage licence plate number;
 - The vehicle registration number;
 - The unique vehicle call sign or identifying number, which should not be transferred to another licensed vehicle unless the previous vehicle ceases to be a licensed vehicle;
 - The names and addresses of the proprietors of each vehicle;
 - The names and addresses and the driver licence (badge) numbers of the private hire and hackney carriage drivers on their system.
- l) The driver and vehicle records must be available for inspection at the operator's licensed premises for a period of not less than six months and be produced on request.
- m) A Sefton Council licensed operator may only operate drivers and vehicles licensed by Sefton Council.
- n) In the event of a Sefton Council licensed private hire or hackney carriage vehicle failing to complete a journey only the fare to that point shall be charged by that driver. The operator must ensure that another licensed vehicle is provided to complete the original hire for the remaining fee.
- o) An operator must investigate any complaint and immediately notify the complainant of their right to forward their complaint to the Council.

Part 5. Hackney Carriage & Private Hire Vehicle Licenses (excluding Horse Omnibus & Motorcycles)

If the Council determines that anything in the construction, form, working or appearance of a vehicle makes the vehicle unfit for use as a hire and reward vehicle it will not be licensed or re-licensed. There is a right of appeal to the courts from any such refusal.

Pre-requisites:

- a) All motor vehicles must pass a compliance test at one of the Sefton MBC appointed test facilities before being presented for licensing. Full details of the Compliance Test are published in the 'Vehicle Compliance Testing Handbook' and the tests stated are to be used for all hackney carriage and private hire vehicles submitted for testing. (L&R 6th June 2011)
- b) A compliance certificate is only valid for 28 days. Once a licence is issued the vehicle is exempt from the requirement for a normal MOT certificate.
- c) The Council **will not licence a standard motor vehicle** that is **in excess of eight years of age** unless it was previously licensed by Sefton in the preceding year. A qualifying vehicle may be re-licensed for six months at a time providing that the vehicle has not remained unlicensed for a six month period, beyond its eighth year. (L&R 6th June 2011)
- d) The Council **will not licence a separately chassis'd motor vehicle (Eg metropolitan type hackney carriage)** that is **in excess of eleven years of age** unless it has been previously licensed by Sefton in the preceding year. A qualifying vehicle may be re-licensed for six months at a time providing that the vehicle has not remained unlicensed for a six month period, beyond its eleventh year. (L&R 6th June 2011)
- e) The Council may consider any application falling outside these minimum standards on a case by case basis. Any costs incurred as a result of such an appeal are the responsibility of the applicant.

Part 6. Hackney Carriage & Private Hire Vehicle Licenses
(excluding Horse Omnibus & Motorcycles) – Minimum
Standard Requirements.

- a) The equivalent of a Department for Transport MOT test; plus
- b) The bodywork must be free from scratches over 25mm long and panels / trim colouring must not be mismatched
- c) All motor vehicles with a capacity of 2 to 8 passengers must be right hand drive and fitted with 4 doors (2 offside & 2 nearside).

Exception – Imported stretched limousines may be left hand drive but will only be licensed if shown to be subject to Single Vehicle Approval certification. Approval must be carried out at the owner's expense and certify the seating capacity as no more than 8 passengers plus the driver.

- d) All motor vehicles must be constructed to carry at least one and not more than eight passengers, in addition to the driver, in safety and comfort.
- e) *Where seating is of a bench type a complete length of 406 mm (16 inches), measured along the widest part of the seat, is required for each passenger.*
- f) *All motor vehicles with a seating capacity of 2 to 8 passengers must be fitted with a minimum of four road wheels and a spare wheel. Space saver tyres should only be used as a temporary 'get you home tyre' and not for the carriage of passengers. Care should be taken as regards the maximum permitted speed whilst using any tyre of this type. Tyre refill sprays are not acceptable as they are ineffective on sidewall damage.*

Exception – the use of “run flat” tyres on all road wheels. (This should be stated on the tyre.)

- g) All vehicles must have the registration number or the chassis number or the VIN number etched onto all exterior glass (excluding obligatory lights and mirrors) unless manufacturer VIN plates (visible from outside the vehicle) are installed on the vehicle.
- h) The front windscreen must have a minimum light transmission capacity of 75%.
- i) The windows to either side of the driver must have a minimum light transmission capacity of 70%.
- j) The rear of the vehicle must be fitted with at least one window and there must be at least one window per rear door fitted.
- k) All windows fitted to the vehicle (apart from those in (i) above) must be the manufacturer approved standard fit, whether tinted or not.

- l) No film or spray which may alter the characteristics of any glass, from those contained within the UK or EC vehicle approval certification may be used on any motor vehicle at any time.
- m) All motor vehicles must be so constructed as to provide adequate space within their structure for the safe carriage of each passenger's luggage. If not so constructed, then a roof box will be a mandatory licensing requirement.
- n) All seats must offer passengers a clear access route.

Insurance

- o) All vehicles presented for licensing must be subject of an appropriate hire and reward insurance policy and have one of the proprietors named on the vehicle insurance policy. Insurance cover must be in force on the first day on which the licence is valid.
- p) The insurance certificate must be produced when the vehicle is licensed or upon request as part of routine enforcement checks.

**Part 7. Additional Licensing Conditions - All Vehicles
(excluding Motorcycles)**

- a) The vehicle must be maintained in a clean and tidy, complete and roadworthy condition.
- b) The seats and floor covering of the vehicle shall be free from rips, tears and holes. Seat covers are permitted but must be removed when presenting the vehicle for its compliance test.
- c) Roof racks and roof boxes are permitted provided they are fitted to the manufacturers' specification and the use of such do not exceed vehicle loading specifications.
- d) CCTV (with or without audio) is permitted provided that at least one warning notice is clearly displayed internally so all the passengers are made aware that they may be recorded.
- e) The large external vehicle licence plate must be securely fixed with screws to the rear of the vehicle but must be capable of being removed by an Authorised Officer or Police Officer. The plate must be clearly visible to following vehicles and may not be placed or displayed in the rear window. (See Part 8 (f) for private hire exemption to this Section).
- f) The smaller internal licence plate must be fixed inside the nearside of the vehicle front windscreen, clearly visible from the kerbside and from within the vehicle.
- g) The licence plates issued by the Council are the sole property of the Council and the licence plates must be surrendered to an Authorised Officer of the Council or Police Officer on demand.
- h) The vehicle shall not be used to carry a greater number of passengers (including infants of any age) in the vehicle than the number shown on the licence and plates.

Part 8. Additional Licensing Conditions - Private Hire Vehicle Licenses (excluding Motorcycles)

- a) Every private hire vehicle must display a tariff card inside the vehicle and the fare must be calculated in accordance with the rates set by the Operator. *(Exemption see (f) below).*
- b) Operator door signs must be displayed on both the front or both the rear doors of the vehicle whilst working. *(L&R 30th July 2012) (Exemption see (f) below).* The signs must not exceed the maximum dimensions of 24 inches by 10 inches (61cm x 25.4cm). The signs must include:
- The statement “PRIVATE HIRE ONLY” in 1 inch (2.54cm) high letters or larger along at least three quarters (75%) of the sign’s length;
 - The telephone number and the name of the operator the vehicle is working through at the time.
 - Describing the vehicle as a TAXI or CAB and displaying the telephone number of a mobile phone carried within the vehicle is prohibited.
- c) A rear window sign measuring a maximum of 12 inches by 3 inches (30.5 x 7.6cm) and containing the Operators trading name, telephone number and a Council approved slogan may be fitted.
- d) Commercial Advertising is permitted by way of magnetic or permanently affixed signs of maximum dimensions 24 inches by 10 inches (61cm x 25.4cm) displayed on each rear door of the vehicle. Such signs must comply with the Code of Advertising Standards and any sign promoting alcohol or tobacco or the sex industry is forbidden.
- e) A private hire minibus / multi-purpose vehicle with a seating capacity of between 6 and 8 passenger seats is permitted to have a full livery advertisement provided that:
- The signs include the words PRIVATE HIRE ONLY in capital letters of a minimum 3 inches (7.6cm) in height;
 - The signs are permanently affixed or ‘sign written’.
 - The signs are displayed on the sides and rear of the vehicle only.
- f) A vehicle can be exempted from 8(a) and 8(b) when a vehicle is subject to an exemption notice granted by the Council for a full day hiring (24 hours). The exemption notice must be carried in the vehicle and produced upon demand.
- g) Taximeters – if used, a taxi meter must be so fitted so as to be easily seen by the hirer of the vehicle. Any meter must be checked and sealed by an Authorised Officer or Agent of the Council and that person must issue a sealing receipt slip.

Part 9. Additional Licensing Conditions – Hackney Carriage Vehicle Licenses (excluding Horse Omnibuses)

- a) A taximeter must be fitted to the vehicle, calibrated and sealed to show the tariffs set by the Council.
- b) The luggage compartment of a metropolitan type hackney carriage shall only be used for the carriage of luggage except where a wheelchair bound passenger is to be carried in the main passenger area. In such a case and provided the vehicle is fitted with a manufacturer / type approved and fitted tip seat in the luggage area, the driver may permit one able bodied passenger to travel in the luggage compartment to provide more space in the passenger area.
- c) Every hackney carriage shall display the applicable tariff card inside the vehicle and the fare must be calculated in accordance with the rates set by the Council. Rates cannot be more than the maximum currently permitted by the Council.
- d) An illuminated interior identification sign wired to the vehicle's ignition system, or alternatively a 'Moglo' licence plate, showing the hackney carriage licence, shall be fitted inside every hackney carriage, (until 2nd February 2013), then a 'Moglo' licence plate showing the hackney carriage licence number shall be fitted inside every hackney carriage. (*L&R 30th July 2012*)
- e) All Sefton licensed hackney carriages shall bear a roof-sign identifying the vehicle and this sign shall:
 - (i) Unless fitted in a roof bubble, be yellow to the front and red to the rear;
 - (ii) Metropolitan type vehicles and other vehicles with a manufacturer fitted roof bubble must display the word "TAXI";
 - (iii) All other saloon/ estate/ MPV hackney carriage vehicles must display the words "TAXI HACKNEY" or "HACKNEY TAXI" to the front of the sign;
 - (iv) Non manufacturer roof signs shall have a minimum width of 420mm and a minimum height of 110mm;
 - (v) The following words in **BLACK BOLD UPPERCASE TEXT** shall be displayed on the front, the size of which shall not be less than the dimensions as specified:
 - The word "TAXI" shall have a minimum height of 70mm and a minimum width of 340mm when measured from the outer edge of the first letter to the outer edge of the last letter, all letters shall be in proportion with one another, with a minimum stroke size of 14mm;
 - The word "HACKNEY" shall have a minimum height of 30mm and a minimum width of 220mm when measured from the outer edge of the first letter to the outer edge of the last letter, all letters shall be in proportion with one another, with a minimum stroke size of 8mm.

- (vi) Be securely attached to the vehicle and maintained in a good condition with all wording clearly legible; and
- (vii) Be connected to the taximeter so that when the vehicle is available for hire the sign is illuminated and is not illuminated when hired.

(L&R 30th July 2012)

- f) A magnetic or permanently fixed sign may be displayed on both front doors of a licensed hackney carriage. This may include the Sefton logo together with the words "For Immediate Hire" and a Sefton based radio system name and telephone number.
- g) A rear window sign may be fitted, measuring a maximum of 12 inches by 3 inches (30.5cm x 7.6cm) and may contain the radio system name, telephone number and a slogan.
- h) Commercial Advertising is permitted by way of magnetic or permanently affixed signs of maximum dimensions 24 inches by 10 inches (61cm x 25.4cm) displayed on each rear door of the vehicle. Such signs must comply with the Code of Advertising Standards and any sign promoting alcohol or tobacco or sex industry is not permitted.
- i) A metropolitan type hackney carriage is permitted to use full livery and 'super side' advertisements. Such signs must comply with the Code of Advertising Standards and any sign promoting alcohol or tobacco or sex industry is not permitted.

Part 10. The Hackney Carriage Byelaws (Sealed - 30th November 2004)

Note – it was suggested we remove and place a link? Not all agreed – Neither does AN

Interpretation / Explanatory Note

This section reproduces the Byelaws made under the Town Police Clauses Act 1847 (Section 68) and the Public Health Act 1875 (Section 171) by Sefton Council. The Byelaws define specific 'rules' governing the operation of a hackney carriage.

The Byelaws are currently under review and subject to change because of changes to national legislation and guidance. This legal process can take up to a year to resolve and in the interim the Council has sought to clarify the key points under review by inserting an explanatory paragraph after the relevant sections.

The Sections in question are:

- 3(i) (h) – Carriage of Fire Extinguisher;
- 11 – Smoking in Vehicles; and
- 19 – Lost Property.

Interpretation.

- 1 *Throughout these Byelaws "the Council" means the Sefton Metropolitan Council and "the district" means the Metropolitan Borough of Sefton.*

Displaying the Hackney Carriage Licence Number.

2(i) *The proprietor of Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the Carriage or on plates affixed thereto.*

2(ii) *A proprietor or driver of a Hackney Carriage shall:*

- a) *Not wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire.*
- b) *Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.*

Furnishing Hackney Carriage Vehicles

3(i) *The proprietor of a Hackney Carriage shall:*

- a) *Provide sufficient means by which any person in the carriage may communicate with the driver;*
- b) *Cause the roof or covering to be kept watertight;*

- c) *Provide any necessary windows and a means of opening and closing not less than one window on each side;*
- d) *Cause the seats to be properly cushioned or covered;*
- e) *Cause the floor to be provided with a proper carpet, mat or other suitable covering;*
- f) *Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;*
- g) *Provide means for securing luggage if the carriage is so constructed as to carry luggage;*
- h) *Provide an efficient fire extinguisher which shall be carried in such position as to be readily available for use; and***
- i) *Provide at least two doors for the use of persons conveyed in such carriages and a separate means of ingress and egress for the driver.*

Explanatory Note re Carrying a Fire Extinguisher – the Council’s current advice in the event of fire is to immediately evacuate the vehicle and call the Emergency Services. If carried a fire extinguisher must comply with the current Fire safety standards.

- 3(ii) *A proprietor of a Hackney Carriage shall not, during the currency of the licence of a carriage, install without the consent of the Council any fitting which interferes with the reasonable comfort of the passengers (including a wireless transmitting or receiving set) which was not installed at the time of the issue of the licence.*
- 4 *Subject to the provisions of Byelaw 5, a proprietor or driver of a Hackney Carriage shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.*
- 5. *The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:*
 - a) *The taximeter shall be fitted with a flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter.*
 - b) *Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;*
 - c) *When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council.*

- d) *The word "Fare" shall be printed on the face of the taximeter in plain letters so as to clearly to apply to the fare recorded thereon;*
- e) *The taximeter shall be so placed so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and*
- f) *The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.*

Conduct of the proprietors and drivers of Hackney Carriages.

- 6. *The driver of a hackney carriage shall when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;*
 - a) *Before beginning the journey for which a fare is charged for time and distance bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and*
 - b) *Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.*
- 7. *The proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.*
- 8. *The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:*
 - a) *If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to another stand;*
 - b) *On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;*
 - c) *From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.*
- 9. *A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such a*

carriage and shall not make use of the services of any other person for the purpose.

10. *The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.*
11. ***The driver of a Hackney Carriage which is not provided with a separate compartment for the driver shall not at any time when driving on hire smoke tobacco or like substance, or play a wireless set, except with the consent of the hirer.***

Explanatory Note re Smoking in a vehicle – The Health Act 2006 prohibits smoking in a vehicle. Drivers and passengers are no longer permitted to smoke and it is the drivers responsibility to ensure compliance

12. *The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.*
13. *A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.*
14. *If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.*
- 15(i) *The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:*
 - a) *Convey a reasonable quantity of luggage;*
 - b) *Afford reasonable assistance in loading and unloading;*
 - c) *Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.*
- 15(ii) *The driver of a Hackney Carriage so constructed as to carry luggage in a compartment adjoining the driver shall not use or permit the use of the said luggage compartment for any purpose other than the conveyance of luggage.*

Fixing the rates or fares to be paid for hackney carriage services

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

- b) *Provided always that where a Hackney Carriage shall be hired by distance and time the proprietor and driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of fares which it may or may not be possible to record on the face of the taximeter.*
- 17
- a) *The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.*
 - b) *The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently suffer or cause the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying, standing or being used for hire.*

Securing the safe custody and re-delivery of any property of lost property.

18. *The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as reasonably practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.*
19. *The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him.*
- a) ***Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to a Police Station within the District and leave it in the custody of an Officer in charge on his giving a receipt of it; and***
 - b) *Be entitled to receive from any person to whom the property shall be re delivered an amount equal to five pence in the pound of its estimated value (or the fare from the distance from the place of finding to a Police Station within the District, whichever be the greater) but not more than five pounds.*

Explanatory Note re Lost Property – the Police are no longer accepting custody of lost property, drivers are therefore requested to deposit and property found with the proprietor and report the matter to the Police or returned the property to the rightful owner within 24 hours.

Penalties for breach of the Byelaws

20. *Every person who shall offend against any of these Byelaws shall be liable, upon summary conviction, to a fine not exceeding level 2 on the standard scale. In the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction.*

Part 11. General Conditions (All Drivers & Proprietors)

1. In the event that the driver / vehicle is unable to complete a journey for any reason no fare shall be charged in respect of any distance travelled unless the reason the journey was curtailed is beyond the control of the driver.
2.
 - a) No Smoking is permitted in a licensed hackney carriage or licensed private vehicle, (Health Act 2006)
 - b) Drivers and passengers are no longer permitted to smoke and it is the driver's responsibility to enforce this requirement. Any breach of the legislation may result in a Fixed Penalty Notice being issued against the driver of the vehicle.
 - c) All vehicles must display at least one No Smoking Sign in a prominent position.

Part 12. Licensing Enforcement

It is the duty of the Council's Taxi Licensing Unit to ensure the licensing legislation and conditions are adhered to. This section explains the legislation and provides guidance as to what action an officer may take to remedy non compliance.

1. Town Police Clauses Act 1847:

- a) Errors or omissions on an application for a hackney carriage licence – Application will fall or licence suspended until errors or omissions are corrected.
- b) Failure by proprietor to disclose change of particulars within 7 days – licence suspended until errors or omissions corrected.
- c) Plying for hire without a licence – matter reported with a view to prosecution (may include charge for no insurance if applicable).
- d) Driver acting without a licence or a proprietor employing unlicensed drivers – matter reported with a view to prosecution.
- e) Failure by proprietor to retain licenses of drivers - Warning on first and second occasion, matter reported with a view to prosecution on third offence within a rolling three year period.
- f) The Council may revoke the licence of a driver or proprietor who is convicted of two hackney carriage related offences.
- g) Failure by the proprietor or driver to display the number of persons the vehicle is permitted to carry or if the proprietor or driver refuse to carry the prescribed number - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- h) A driver standing for hire who refuses a lawful request to drive a hackney carriage without reasonable cause or a driver who demands more than the fare agreed. - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- i) Leaving a hackney carriage unattended - Warning on first and second occasion, matter reported with a view to prosecution on third offence.

2. Local Government Miscellaneous Provisions Act 1976

- a) Driving without the appropriate licence – matter reported with a view to prosecution.
- b) Failure to notify the Council of transfer of interest - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- c) Failure by a proprietor:
 - to notify the Council of location where vehicle is stored
 - to report an accident within 72 hours
 - to produce licence or insurance on request –

Warning on first and second occasion, matter reported with a view to prosecution on third offence.

- d) Failure by a driver to produce licence upon request - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- e) Failure by Driver to carry 'badge' at all times - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- f) Failure by an operator to produce licence upon request - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- g) Failure to provide information or provision of false statements – matter reported with a view to prosecution.
- h) Failure to return 'plates' - Warning on first and second occasion, matter reported with a view to prosecution on third offence.
- i) Obstructing an Authorised Officer – matter reported with a view to prosecution.

3. Road Traffic Act 1988 etc

- a) Vehicle in unroadworthy state – Road Vehicles (Construction and Use) Regulations. – vehicle stop notice & matter reported with a view to prosecution
- b) Driving without valid insurance – matter reported with a view to prosecution.

- 4. This list is not exhaustive and each case will be considered on its individual merits

4. Suspension and Revocation of Licenses

- a) The Council has the right to suspend or revoke any licence in certain circumstances such as conviction of offences involving dishonesty, indecency or violence. This can be an immediate suspension or revocation in the interests of public safety.
- b) The Council recognises the impact a suspension or revocation may have on a driver's livelihood and will use these powers proportionately.
- c) Typical examples of when the Council will use these powers in relation to driver licenses are listed below:

Violation	Sanction	Typical Duration
Driving with no insurance	Immediate suspension of driver licence	Until insurance produced
Driving without a drivers 'badge'	Immediate suspension of driver licence	Until in possession of 'badge'
Substantiated allegation of any form of assault	Immediate suspension of driver licence and or revocation	Determined by merits of case

- d) Typical examples of when the Council will use these powers in relation to vehicle licenses are listed below:

Violation	Sanction	Typical Duration
Vehicle has loose body parts; bonnet or boot does not shut; door/door locks do not shut; insecure windscreen	Immediate suspension of vehicle licence (Stop Notice)	Until faults rectified
Driving a vehicle in an unroadworthy / dangerous condition; eg 2 or more defective or underinflated tyres	Immediate suspension of vehicle licence (Stop Notice)	Until faults rectified
Driving with inoperative lights	'24 hour Defect Notice'	Driver has 24 hours to rectify and present vehicle for inspection.
Failing to comply with a 'Defect Notice'	Immediate suspension of vehicle licence (Stop Notice)	Until faults rectified

- e) This list is not exhaustive and each case will be considered on its individual merits.

Annex 1

STATEMENT OF POLICY AND GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

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

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

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

Thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee/ Panel (or other relevant decision-making body). Whilst Officers and the Committee/ Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.

Background

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
2. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions and/or arrests and pending prosecutions.
3. The Council must ensure:
 - That a person is a fit and proper person.
 - That a person does not pose a threat to the public.
 - That the public are safeguarded from dishonest persons.
 - The safeguarding of children, young and vulnerable persons.
4. The public do not normally attend Licensing hearings for hackney carriage or private hire applications. The Licensing Committee/ Panel are required to take account of current UK and European legislation in reaching their decisions.
5. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
6. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 of the Act (i.e. suspension, revocation or refusal to renew a licence).
7. Applicants should be aware that the Council is empowered by law to check with the Disclosure and Barring Service (previously the Criminal Records Bureau) for the existence and content of any criminal record and other intelligence held in their name. Information received from the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
8. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. The Council will however consider all information on an enhanced DBS and takes a serious view of any special Police warnings contained therein. Whether or not an applicant will be granted a licence will depend

upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.

9. The Council may not be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
10. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of conviction, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
11. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
12. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual's application.

If an applicant has a conviction for an offence not covered by the guidelines regard will be had to the factors at paragraph 10 when deciding whether any action should be taken. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

13. The guidelines are not an attempt to define what is a "fit and proper person".
14. Any applicant refused a driver's licence on the ground that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
15. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences.
16. It is common practice for Applicants to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Licensing Authorities may use the same application form that allows the applicant to specify if they are applying for both types of driver's licences or only one type. This provides an efficient service for the customer and saves needless duplication. For dual applications the Licensing Committee/Panel are asked to apply the fit and proper test to each individual application. Similarly were an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Committee/Panel the fit and proper test will be applied individually to each Licence.

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

General Policy

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
 - a) Remain free of conviction for an appropriate period; and
 - b) Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence. (see (4) below).
 - c) **For the purpose of clarity the disqualification period runs from the end of any sentence, for example custodial sentence or community service.**
4. It should be noted that serious offences and multiply repeat offences will be considered despite being outside the general disqualification period. For example:
 - There may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date.
 - Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
 - In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
5. The following examples afford a general guide on the action, which might be taken where convictions are disclosed:
 - a) Offence of Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust.

Passengers may include especially vulnerable people. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing.

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

For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, which are less than *3-5 years* old, is unlikely to be considered favourably.

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

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

b) Violence

1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years).

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

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons. Where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of *5 to 10 years* free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

2. Offences against Other Persons.

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

In other cases a period of *3 to 10 years* free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

In particular:

- i) An application will normally be refused where the applicant has a conviction for an offence or similar offence(s), which replace the offences below:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving

- ii) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than *10 years* prior to the date of application:
 - Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Grievous bodily harm with intent (s.18 Offences Against the Person Act) 1861
 - Grievous bodily harm without intent (s.20 Offences Against the Person Act) 1861
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Violent disorder

- iii) An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than *5 years* prior to the date of application:
 - Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)

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

iv). An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 - 5 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act) 1861
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Criminal damage

c) Drugs

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

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

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

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

d) Sexual and Indecency Offences

Any applicant currently on the sex offenders' register would *not normally be granted a licence*.

i) Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally to be refused.

ii) Offences against persons other than children / young persons

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (*usually between 5 and 10 years*) free from any such conviction.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

e) Drunkenness

i) With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction, which does not result in the normal obligatory disqualification (exceptional circumstances only),, for an offence within 1 year of the date of the application. More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to merit refusal.

ii) With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink driving offence, at least *1 years free* from conviction should normally elapse from the date of the restoration of the DVLA

licence before an applicant is considered for a licence. In addition, applicants will normally be required to show a period of at least 3 years has elapsed after completion of detoxification treatment for alcoholism.

iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will generally be required to show a period of at least 1 years has elapsed after completion of detoxification treatment for alcoholism.

f) General Motoring Convictions

- i. A driver's licence will only be granted if the Council is satisfied that the applicant is a fit and proper person – the Council will consider all information available including relevant motoring convictions and fixed penalties. Private hire and hackney carriage drivers are considered professional drivers and must be aware of the safety of their passengers, the safety of their vehicles and other road users at all times. As such, traffic offences may show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or due to the manner of their driving.
- ii. When considering new applications and renewals of existing licences, the number, type and frequency of offences will be taken into account. In some cases it may be appropriate to issue a short licence together with a warning as to future conduct. If a significant history of offences is disclosed, an application may be refused.

g) Mitigation Panel

- i) When considering licence applications, the mitigation panel will consider all relevant motoring offences and may decide to refuse an application due to the serious nature or number of offences. Each decision will be made on an individual case-by-case basis and it is not possible to list all circumstances when an application may be refused here.
- ii) The panel will give consideration to all offences but those of a more serious nature will give more cause for concern and the panel would expect to see a significant period of time free of convictions upon application.
- iii) Any applicant who is refused a licence will be offered the chance to appeal the panel's decision in the Magistrates Court.

h) Plying For Hire

In the case of a private hire driver found guilty of an offence of plying for hire, Committee / Panel would normally order the licence to be revoked or suspended.

i) Breach of Conditions, Bye-laws and complaints

Any serious or repeated breach of conditions by a private hire driver or similar breach of bye-laws by a hackney carriage driver will be referred to the Committee/ Panel. A driver brought before the Committee / Panel without an associated conviction would be dealt with by formal written warning or period of suspension of up to 3 months.

j) Reapplication

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

k) Other Offences

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

ii) One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws, is to ensure the protection of the travelling public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence if he/she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

Annex 2

Horse Drawn and Pedicab Omnibus Conditions of Licence

1. Interpretation

- 'The Council' – Sefton Metropolitan Borough Council
- 'The District' – Sefton MBC Boundary
- 'The Vehicle' – Any pedicab, or horse drawn cart, carriage, landau, wagonette, omnibus or similar non-motorised vehicle let for hire for the carriage of passengers and/or goods, at separate fares.
- 'The Driver' – means the person in charge of the pedicab or omnibus at the material time.
- 'The Proprietor' as defined in Section 80 Local Government (Misc Provisions) Act 1976.

2. Vehicle and Fittings Specification

Any pedicab or horse drawn omnibus must be fitted with:

- a) Fixed seating with a carrying capacity of 16 inches (40cm) per person conveyed, measured along the front edge of the seat, excluding wheel arch or similar restrictions.
- b) Sufficient access steps, doors and sides, designed so as to ensure safe access for and carriage of, the passengers to be conveyed in the vehicle;
- c) Sufficient means of securing the carriage against adverse weather conditions to ensure the comfort of passengers conveyed therein in inclement weather;
- d) An independent, efficient and effective braking system;
- e) An efficient, working, fire extinguisher to a minimum standard BS EN3:1996 complete with gauge:
- f) Sufficient working front and rear obligatory lamps and reflectors so as to warn other road users of the presence of the omnibus in conditions of poor lighting and restricted visibility; and

- g) Any horse drawn omnibus must be fitted with sufficient harnesses and tack to ensure that the driver at all times is able to effectively control the horse and steer the carriage as required.

3. Standard Vehicle and Insurance Requirements:

- a) The vehicle and all its fittings and equipment, will at all times while in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
- b) The vehicle must, at **all** times whilst licensed, be the subject of adequate Public liability and Hire/Reward Insurance cover appropriate to the use of the vehicle as an omnibus on the public highway. A certificate and / or a policy covering “third party” risks must be produced to the Council prior to a vehicle being licensed as a horse drawn or pedicab omnibus. A copy of the insurance certificate must be attached to the licence application.
- c) A certificate of fitness and safety for the vehicle, fittings and equipment must be produced prior to the vehicle being licensed.
 - In the case of a horse drawn vehicle any such certificate must result from an examination of the carriage by or on behalf of the British Driving Society or qualified carriage builder / repairer and must not have been issued more than one month prior to the issue of the licence and remains valid for a maximum of twelve months or as the Council deems fit.
 - In the case of a pedicab vehicle any such certificate must result from an examination of the carriage by or on behalf of a qualified cycle and pedicab examiner and must not have been issued more than one month prior to the issue of the licence and remains valid for a maximum of twelve months or as the Council deems fit.
- d) Once a licence is in force, the specification, design, condition or appearance of the vehicle must not be changed without the prior written approval of the Council. If any material specification is altered the Council may require a further certificate of fitness be produced.
- e) An Authorised Officer of the Council or Police officer shall, at all times when the carriage is not hired, be permitted to inspect the vehicle, harnesses and fittings so as to ascertain the fitness of the omnibus for continued use for hire and reward.

4. Identification Plates

The Council will provide at least one licence plate, identifying the vehicle as a licensed omnibus. Any such plate will have its number, expiry date of licence, and the number of persons which may be carried displayed upon it. Each plate must be affixed as directed by an authorised officer of the Council so that the above details are clearly visible. An authorised officer of the Council or a Police Officer may remove the plate in appropriate circumstances, upon the issue of a Section 68 "Stop" Notice.

5. Vehicle Markings

- a) The proprietor of an omnibus must clearly display on the vehicle the number of passengers permitted, as shown in the licence and on the plate. This information must be visible to passengers at all times.
- b) The proprietor must affix to the vehicle, in a prominent position such as to easily read, a tariff of the fares applicable per passenger carried.
- c) The proprietor must display any sign or notice relating to horse or pedicab omnibuses, which the Council may from time to time require, or which may be required by any statutory provision.
- d) Commercial Advertising is permitted by way of magnetic or permanently affixed signs of maximum dimensions 24 inches by 10 inches (61cm x 25.4cm) displayed on each rear door of the vehicle. Such signs must comply with the Code of Advertising Standards and any sign promoting alcohol or tobacco is forbidden.

6. Welfare of Horses

- a) No horse shall be used in connection with a licensed horse drawn vehicle unless a veterinary surgeon has examined the horse within the preceding twelve months and issued a certificate of fitness in respect of that horse. The owner shall provide photographs (from each side and head on) of each horse used and shall carry the same on the omnibus. The veterinary surgeon must certify the photographs as being true representations of the horse that is subject of each certificate of fitness.
- b) The horse must be sound and free from lameness, should be at least six years of age and must not be employed whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse be not of six years of age then specific certification must be obtained at the applicant's expense from the British Driving Society as to that horse's suitability for use.

- c) The person in charge shall examine the horse and omnibus carefully at the start of each day to ensure the health of the animal and good condition of the vehicle and harness.
- d) The horse shall not be in harness for more than six hours in any one day. During this six hours no more than three consecutive hours may be spent working without the horse being allowed at least one hour's rest, which will include the provision of food and water.
- e) The licence holder must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horse's welfare.
- f) The horse must be regularly and competently shod.
- g) If in the opinion of an Authorised Officer of the Council or Police Officer, the horse appears unfit for work the use of that horse shall cease until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are the responsibility of the vehicle proprietor.

7. Scale of Charges

The scale of charges, or tariff, must be displayed from the omnibus, in such a position that a prospective passenger can see the tariff prior to boarding the vehicle. A proprietor must lodge their proposed tariff with the Council a minimum of fourteen working days prior to the tariff becoming effective.

8. Fare to be Demanded

The driver shall not demand from a passenger any fare in excess of the fare tariff lodged with the Council and displayed from the omnibus.

9. Change of Vehicle by an Existing Proprietor

An existing proprietor must notify the Council of any change of horse or vehicle, from those recorded with the Council, before such change occurs. The existing licence and plate must be placed on hold with the Council before selling a licensed vehicle. Applications for the substitution of vehicles must be made on the official form as a new licence, following the licensing procedure supplied by the Council.

10. Transfer of Ownership of a Licensed Omnibus by an Existing proprietor to Another Person.

- a) The purchaser of a licensed vehicle must apply to the Council for plate and licence in accordance with normal licensing procedure. The old proprietor is under a legal duty to notify the Council of such a change of ownership and must do so in writing, within fourteen days of the transfer becoming effective.
- b) The transfer to a new proprietor of an existing licence in no way guarantees that the Council will renew any such transferred licence should the new owner not comply with any criteria that may from time to time be in force.

11. Accident Damage

If the vehicle or horse is involved in a road traffic accident, where the vehicle is damaged and/or there is injury to either horse or persons, passenger or pedestrian or where the police or emergency services attend, the details must be reported in writing, within 72 hours, to the Licensing Section of the Council.

12. Horse Drawn Omnibuses – Removal of Faeces

The proprietor shall ensure that the design of the omnibus is such that, as far as is practicable, no faeces will be deposited on the highway. Any device used must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway are to be removed as soon, as is practicable by the driver.

13. Change of Address

The proprietor must notify the Council of any change of address or any conviction or caution imposed on him/her, in writing, within seven days of the relevant occurrence.

14. Convictions

The proprietor must notify the Council, in writing, within seven days of conviction.

15. Minimum Standards for Drivers

No omnibus proprietor may employ the services of a driver unless the driver is a holder of an appropriate class of omnibus driver's issued by the Council. The minimum requirements for the issue of such a licence are:

- Horse Drawn Vehicles – possession of a valid certificate of driving competency issued by or on behalf of the British Driving Society.
- Pedicab Vehicles – possession of a valid cycling proficiency certification.

16. Deposit of Drivers Licences

If the proprietor permits or employs any other person to drive the vehicle as an omnibus vehicle, he must retain the person's omnibus driver's licence until the driver ceases to be permitted or employed to drive this or any other of the proprietor's omnibus vehicles.

17. Permitted Times and Routes For Use

An omnibus shall only ply or stand for hire within the District:

- a) At separate fare stages;
- b) On routes and from stands that have been previously registered with or appointed by the Council. The Council shall, from time to time, serve notice of any restrictions by means of schedules issued to all omnibus proprietors;
- c) When not in contravention of any Road Traffic Orders;
- d) With all obligatory road lamps and reflectors lit and effective, when lighting conditions require them;
- e) On any roads and at any times that the Council has not previously prescribed as being too congested for the use of the relevant type of omnibuses.

18. Legal Notice

Contravention of these Licensing Conditions can also lead to the suspension or revocation of a licence.

Annex 3

Motorcycles Conditions of Licence

(L&R 24th September 2012)

1. Pre-requisites for the issue of a motorcycle private hire vehicle licence:
 - a) Motorcycles must be approved for road use and comply with the current provisions of the Road Vehicles (Construction and Use) Regulations as amended and the Vehicle Lighting Regulations as amended;
 - b) The motorcycle must have a minimum engine size of 750cc;
 - c) Passengers must not hold any luggage and therefore a minimum of two panniers must be securely fitted and any such fitments must not exceed any manufacturer's loading instructions;
 - d) Standard footplates must be fitted for use by pillion passengers;
 - e) The vehicle must have hire and reward insurance and additional fittings or vehicle modifications must be declared and comply with motorcycle and components' manufacturers recommendations for such additional equipment; and
 - f) Anti-lock brakes (ABS) must be fitted.
2. Pre-requisites for the issue of a motorcycle private hire rider's licence:
 - a) All motorcycle private hire drivers (riders) must obtain, as a minimum, the Institute of Advanced Motorist or The Royal Society for the Prevention of Accidents (RoSPA) advanced rider schemes or another course which is demonstrably equivalent or superior before being licensed;
 - b) All riders must hold a current valid full motorcycle driving licence issued by the DVLA for the type of vehicle being used and have a minimum of 5 years experience of riding motorcycles, after the issue of a full licence.
 - c) All riders must be able to communicate with passengers in English. This is particularly important with respect to the communication of safety instructions.
3. Licensing Conditions attached to motorcycle private hire vehicle licence:

- a) The vehicle must be operated in accordance with the manufacturer's specifications in all respects;
 - b) Motorcycles will only be granted a maximum 6 months licence subject to a satisfactory compliance test;
 - c) The display of the disc and any permitted signage must not interfere with the safety or operation of the vehicle;
 - d) The vehicle should not be loaded beyond the manufacturer's recommendations;
 - e) Luggage must be made secure so as not to affect the stability of the vehicle or the visibility of the driver;
 - f) Luggage must not be carried by passengers; and
 - g) The vehicle should be able to accelerate and maintain a road speed appropriate to the traffic conditions in which it operates.
4. Licensing Conditions attached to motorcycle private hire driver licences:
- a) The driver and the passenger must comply with the requirement to wear a safety helmet, the helmet(s) must satisfy the safety requirements in force at the time and properly fit the individual user and be securely fastened;
 - b) The driver should wear protective clothing to guard in the event of an accident;
 - c) The driver should also offer a passenger, protective clothing, the minimum being gloves, a jacket and trousers. All should be CE marked.
 - d) The driver and passenger should be linked through the helmets via a driver / pillion intercom system. The driver should instruct the passenger on how to use the system.
 - e) The driver should, at the point of pick-up determine whether a passenger is experienced on a motorcycle. The driver should remind pillion passengers that they have chosen to accept some risk and their co-operation is essential to the safety of both. The driver should refuse to carry a passenger who cannot be carried safely; *for example: because the passenger appears to be under the influence of alcohol or drugs.*
 - f) If the pillion passenger cannot reach the footrests, travel should not be allowed to occur; and

- g) The driver should ride safely at all times giving due regard to the safety of his / her passenger, environmental factors, traffic conditions and other road users.
5. Licensing Conditions attached to motorcycle private hire operator licences:
- a) The operator's website (if any) should display an image of the private hire operator's licence, and the operator should provide a copy of the licence to passengers on request;
 - b) Operator's must indicate how they propose to meet the requirement for drivers on their circuit to ensure that passengers have properly fitting and secured helmets and adequate protective clothing, including gloves, jacket and trousers;
 - c) Operators must advise passengers, at the time of booking, that they should wear sturdy boots which cover their ankles and they should alert the hirer to maximum luggage dimensions and weights;
 - d) Operators must provide a written statement to the Council setting out how they intend to assess any riders who want to join their operation;
 - e) If helmets are to be shared between drivers and passengers, operators must indicate how they will ensure adequate hygiene and fitment between users;
 - f) Operators must implement and ensure compliance with a health and safety policy;
 - g) Operators should ensure that suitable maintenance plans are in place for motorcycles on their circuits and they should hold service records for those vehicles in accordance with manufacturers recommended service plans;
 - h) If the pillion passenger cannot reach the footrests, travel should not be allowed to occur; and
 - i) Operators should not accept bookings which involve carrying a passenger who is under 16 years of age.

Annex 4

The Issue of Hackney Carriage Vehicle Licences

(L&R 22nd February 2010)

THE PROCESS FOR THE DETERMINATION OF APPEALS AGAINST THE REFUSAL TO ALLOW THE “RENEWAL” OF AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE

1. Under the terms of the Council’s Constitution the Head of Environment has full Delegated Powers to determine the allocation of licences relating to the Hackney Carriage and Private Hire Licensing regime. These powers are in turn delegated to appropriate officers to exercise on a day-to-day basis. Elected Members are not involved in the consideration/determination of individual Hackney Carriage Vehicle Licences.
2. The provision for the issue of Hackney Carriage Licences is made under the Town Police Clauses Act 1847 (“The 1847 Act”), which states that Hackney Carriage Vehicle Licences shall be in force for 1 year only. A decision to refuse, suspend or revoke a Hackney Carriage Licence is subject to appeal to the Courts.
3. Council policy allows a licence holder to “renew” a Hackney Carriage Vehicle Licence, provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will be refused. There is no route of appeal to the Court in relation to such a refusal. In light of this, a route of appeal against a refusal to “renew” an expired licence will be provided through the Corporate Complaint process and whenever a request to “renew” an expired licence is refused, the person making the request will be advised of this process.
4. In recognition of the restriction on Hackney Carriage Vehicle Licences issued by Sefton and the consequent impact on a person’s livelihood as a result of the expiry/loss of such a licence, together with the need to ensure that regulation is carried out consistently, proportionately and transparently any such complaints will be dealt with as Stage 2 Corporate Complaints and determined by the Head of Service.
5. A Complaint/Appeal against refusal to allow the “renewal” of an expired licence should normally be submitted by the complainant/appellant, to the Head of Service, **within 14 days of the date of that refusal**. The Head of Service will then, consistent with the Corporate Complaint procedure consider and determine the Complaint/Appeal within 14 days of its submission. Where consideration/determination requires a longer period the appellant will be advised of this together with the date by which they should expect the Complaint/Appeal to be determined.

6. The basis for determining any such complaints/appeals shall include consideration of the following criteria:
 - Evidence that the party concerned had a reasonable claim on the licence in question prior to its expiry;
 - Evidence that the party concerned made reasonable attempts to renew the licence prior to its expiry;
 - Evidence of exceptional circumstances that prevented “renewal” of the previous licence prior to its expiry;

The above list is not exclusive, additional relevant criteria may also be taken into account.

7. Having considered and determined a Complaint/Appeal against a decision to refuse the “renewal” of an expired licence, the Head of Service will provide a written response to the complainant/appellant detailing the outcome of that consideration, including the basis for determination. Any subsequent Complaint/Appeal against the decision of the Head of Service will be dealt with as a Stage 3 Corporate Complaint.

METHODOLOGY FOR ALLOCATING VACANT LICENCES FROM WITHIN THE RESTRICTED 271 HACKNEY CARRIAGE VEHICLE LICENCES

1. Where a Hackney Carriage Vehicle Licence, from within the restricted 271 licences that Sefton currently issues, is “vacant” (i.e. is unassigned to a licence holder) as a result of revocation, surrender or having otherwise expired, the Council needs an agreed methodology by which to fairly allocate that licence.
2. Any Hackney Carriage Vehicle Licence applications will be held on a chronological “first come, first served” waiting list (*determined by transaction number in Sefton Plus*) and that in the event of the number of “live” Hackney Carriage Vehicle Licences falling below the restricted number, as a result of there being a “vacant” licence(s) (i.e. unassigned to a licence holder) the opportunity to obtain a vehicle licence will be offered to the next name on the waiting list.
3. Any application would be required to detail the vehicle for which the licence application is made, as any licence issued resides with the vehicle. The said vehicle must be capable of meeting Sefton Council vehicle licensing criteria. Only one place per individual/company will be entertained on the waiting list and all applications must be refreshed by the applicant on an annual basis. An applicant will not be permitted to reassign a lodged application/position within the waiting list to another person.
4. The waiting list will be held on the Service’s administrative database and will be reviewed on an annual basis. It is the **applicant’s responsibility** to ensure their contact details are correct and that the Service Department is advised of any material changes to the application.

5. **Any written offer of a licence will be open for 14 days** – failure to complete the application process will mean the licence will be offered to the next person on the waiting list. The Built Environment Department will communicate any offer to the contact name/address held on record only.

METHODOLOGY FOR ALLOCATING ADDITIONAL HACKNEY CARRIAGE VEHICLE LICENCES, ABOVE THE RESTRICTION OF 271. (Currently not required)

Referred to Trade Working Groups

Annex 5

Appointed Compliance Test Facilities

(L&R 18th January 2010 & 5th July 2010 & 6th June 2011)

In respect of hackney carriage and private hire vehicle licensing, the Council is currently authorised by the DfT Vehicle Inspectorate Agency to test vehicles under a Compliance Testing Scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The current certification was obtained on 8th July 1998.

The authorisation requires Sefton Metropolitan Borough Council to only appoint testing facilities which are Vehicle and Operator Services Agency (VOSA) approved 'MOT' facilities. In addition the Local Government (Misc. Provisions) Act 1976 requires the Council to appoint facilities that are based within the political boundary as the Council can only require vehicles to be tested at facilities which are within the area of the Council.

The current appointed testing facilities are:

Facility	Location	Date of Appointment
Beach Garage	Litherland	Pre 2000
E. Hilderley's & Co	Bootle	Pre 2000
Virginia St Service Station	Southport	Pre 2000
Berry Street Garage	Bootle	18 th January 2010
Autotechnics (NW) Ltd	Southport	5 th July 2010
Catterall Motors	Formby	5 th July 2010
Delta Garages Ltd	Crosby	5 th July 2010
Maghull Garages Ltd	Maghull	5 th July 2010
RSM Services	Southport	5 th July 2010
S&R MOT Centre Ltd	Formby	5 th July 2010
The Bootle Motor Company	Bootle	5 th July 2010

Full details of the compliance test are contained in the Council's 'Compliance Testing Station Handbook (L&R 6th June 2011).

Annex 6

Drop Off Facility

(L&R 28th May 2012)

Vehicle Licences may be renewed by completing an application in person at either of the One Stop Shops in Bootle or Southport.

Alternatively, applicants may now choose to use the new “**Taxi Licensing Drop Off**” facility. This facility is available at **Bootle One Stop Shop only**.

If you opt to drop off your renewal application, you will need to:

1. Complete the application form sent to you with your renewal reminder letter.
2. Provide all relevant evidence required for your renewal. (see below)
3. Make the appropriate payment at the One Stop Shop payment kiosk and enclose proof of payment with your application. (or enclose a cheque)

You will then be able to put everything in an envelope provided at the reception desk and leave your application for us to process.....**No Queuing! ... No Waiting!**

Details of the evidence you must provide, the amount you are required to pay & additional further information will have been sent to you in your renewal reminder letter.

Drop off applications may take up to **5 working days** to process. You will then be notified when the renewed licence and plates are ready for collection.

It is therefore very important that drop off applications are submitted well in advance of the licence expiry date.

Whether renewing your vehicle licence in person or by drop off, you will need to provide:

- **The current vehicle registration document**
- **A valid Mechanical Fitness Certificate** issued no more than 28 days prior to the current licence expiry date by one of our appointed testing stations. .
- **Valid current Public Hire or Private Hire Insurance certificate/cover note** for the vehicle (dependent on the type of vehicle licence you are renewing). This must be proposed in the same name(s) as at least one of the licence applicant(s).
- **Your Licence fee.** The amount due will be specified in your renewal reminder letter.
- **Taximeter Sealing receipt.** If you have a meter fitted you must produce a receipt when renewing your licence unless the meter has remained sealed since you last produced a receipt.

Please note that your old Internal & External Vehicle Licence Plates must be returned when collecting your new plates.

Annex 7

Traffic Regulation Orders / Hackney Carriage Ranks

(Cabinet Member – Technical Services 27th September 2006)

(L & R 4th September 2006)

(Updated to reflect changes to Department & Officer titles)

1. Throughout the Borough, there are currently designated Hackney Carriage Stands, which allow Hackney Carriages to wait and ply for hire.
2. The majority of these were established many years ago and requests are received on a regular basis to change their location to reflect changes in circumstances or to address new customer needs.
3. Hackney Carriages and Private Hire Vehicles are recognised as an important mode of transport, and form a major part of public transport provision throughout Sefton.
4. The following procedures have been adopted as the formal process for requesting and establishing new facilities for Hackney Carriages or Private Hire vehicles:-
 - i) Any requests should be made on headed notepaper from the relevant Association making the request. This should be forwarded to the Department of Built Environment and should identify locations for the proposed facilities and reasons for the request, i.e. changes in customer requirements, new restaurants / clubs, parking issues, etc.
 - ii) A site meeting would be arranged between a representative from Traffic Management and the applicant. This should only involve the one person who has made the application, with no other trade members. The site meeting will establish the exact location of the facility and will verify that it is physically possible to fit the facility in at that location.
 - iii) After the site meeting, the application will be forwarded to representatives on a list of consultees. These will include all trade group representatives (both sides of the trade), Merseytravel (Bus Services/accessibility issues}), Merseyside Police, Sefton Council's Parking Services Team, Sefton Council's Trading Standards & Licensing Team, Sefton Council's

Access Officer and all frontagers (residents or businesses) directly adjacent to the facility. If the original application states that the facility is being provided to address anti-social behaviour, then Merseyside Police will be reminded of this and will be requested to respond to both the traffic aspect and also the anti-social behaviour aspect.

- iv) All written comments received as part of the consultation will be reported verbatim in a report to the relevant Area Committee. The report will highlight the request for the facility, copying the original application, and will identify any objections or comments from the consultees, together with any changes and recommendations suggested by the Director of Built Environment. Area Committee Members will then decide whether to support the application or not.
- v) If approved, and if the cost can be accommodated within the Taxi Licensing (current) annual budget of £3000, then the scheme will be progressed and the legal procedures will start. This involves advertising the intent within the local press and giving a 21-day objection period. At this stage, anyone can object, but it is hoped that any genuine objections or concerns would have already been identified within the consultation process.
- vi) If the cost cannot be accommodated within the current budget, the Area Committee report will identify this and the resolution would indicate that the facility is approved *subject to the approval of finances from the Licensing & Regulatory Committee*. This approval from Licensing & Regulatory will be sought before the legal advertising process commences.

Annex 8

Trade Organisations

(L & R 31st March 2008)
 (Updated to reflect membership changes)

Note – Can we include & publish contact information for trade reps – yes providing written permission granted – [asked for this in trade meeting and didn't get a consensus view.](#)

Association	Member	Substitute
Hackney Trade Associations		
North West Taxi Association	Mr J Bridson	Mr T Jones
South Sefton Hackney Carriage Association	Mr R Jarman	Mr I Stanton
Unite The Union	Mr T McIntyre	
Southport Station Taxi Association	Mr J Murrison	Mr B Howard
North Sefton Hackney Night Drivers Association	Mr W Richie	Mr G Wilkinson
North Sefton Hackney Carriage Association	Mr G Halsall	Mr J Hannah
Private Hire Trade Associations		
Central Cabs	Mr A Campbell	
Sefton Licensed Operators and Proprietors Association	Mr T Evason	Mr T Burke
Berry Street Garage Association	Mr J Johnson	Mr M Denning
Delta Merseyside Ltd	Mr P McLaughlin	Mr G Beesley
Sefton Private Hire Fleet Operators Association	Mr M Sanders	

Annex 9

Frequently Asked Questions

Question	Answer
I'm a driver, can I smoke in my own hackney carriage or private hire vehicle?	No – Smoking in a working vehicle is prohibited – if caught you may receive a fixed penalty notice.
What Do I do if my passengers smoke?	As the driver it is your responsibility to enforce the no smoking ban within your vehicle. The Council provides free no smoking stickers but as driver you are responsible for the passengers in your vehicle
Can a Sefton licensed private hire driver work for an operator licensed by another Council?	No – all three licenses, (driver, vehicle & operator) must be licensed by the same Council
Can a Sefton licensed hackney carriage ply for hire in Liverpool or another area?	No – although pre-booked work can be carried out by these vehicles.
Who can drive a licensed hackney carriage or private hire vehicle?	Only a person holding a valid driver's licence (except if the vehicle is being driven to a pre-booked compliance or licensing test).
I'm a private hire driver, can I accept a booking directly?	No – all journeys must be pre-booked via your licensed operator.
Do I need special insurance to drive a hackney carriage or private hire vehicle?	Valid insurance is required by the Road Traffic Act and should specifically the type of work you carry out. If you have any doubt about you cover you should contact your insurance provider.
When do I need to produce my insurance documents?	An valid insurance certificate must be produced at the One Stop Shop when you apply or renew your vehicle licence. It should also be produced if requested by a Taxi Licensing Enforcement Officer or a police officer.
I have received a vehicle defect / stop notice, what do I do?	You need to arrange for the faults to be corrected and then take to vehicle to a Sefton appointed Compliance testing centre (see Annex 5) or contact the Taxi Licensing Enforcement Officer who issued the notice.

I am an existing driver and need to obtain the VRQ how long do I have to take qualification??	You will need to have obtained the VRQ by 31 st December 2015. If you do not currently have the VRQ then can only be issued with a driver licence to that date.
Where to I go to apply for a licence or renew an existing licence	The Council's One Stop Shops, at either Stanley Road Bootle or Cambridge Walk, Southport.
I have a question about the licensing process who should I speak to.	In this first instance you should speak to a Customer Services Advisor in the One Stop Shops.
I am not happy with the way my enquiry / licence application has been dealt with.	You should make a Corporate Complaint by telephoning the Council's Contact Centre, or visit the One Stop Shop in person or complete the 'online' complaint form. The matter will then be investigated
I am a driver / proprietor and I have been asked to present my vehicle for testing /checking. Do I have to attend?	Yes – the Council is permitted by law to require up to three vehicle examinations a year. One is required when the vehicle licence is issued or renewed at the driver's/ proprietor's expense, the others are as requested by the Taxi Licensing Enforcement Team and will not be charged for. In addition an authorised officer may inspect any vehicle as a matter of routine whilst it is under licence.
Can an officer ask me to produce the vehicle registration document or insurance certificate?	Yes – an enforcement officer is entitled to check relevant documentation.
Where do I get information about Council decisions about taxi licensing?	The Council publishes the agendas and minutes of all its Licensing & Regulatory Committee meetings on the Council's website.
Where do I get information about trade consultation with the Council?	<p>The Council holds quarterly trade consultation meetings between officers and representatives of the hackney carriage and private hire trades. The current trade representatives are listed in Annex 8. The agendas and minutes of these meetings are published on the Council's website.</p> <p>There is also one annual consultation meeting involving 3 Councillors who sit on the Licensing & Regulatory Committee, officers and trade representatives.</p>

Taxi Etiquette	<p>At the request of the Hackney Carriage Trade Working Group, the good practice guide published by the National Taxi Association is appended to this document as a guide for new drivers.</p> <p>It is not a legal requirement to follow the guide and it included for information only. The Council accepts no responsibility for its content.</p>