Statement of Taxi Licensing Policy

This Policy is currently under review

St.Helens Council

Downloadable : www.sthelens.gov.uk/licensing
Email : taxilicensing@sthelens.gov.uk to request a copy
Telephone : 01744 676770

This document can be made available in different languages and formats includling Braille and large print.

To request this please email us at : taxilicensing@sthelens.gov.uk

Privacy Policy

Here at St Helens Council we take your privacy seriously.

We will only use your personal information to administer your application and provide the products and services you have requested from us.

From time to time we may need to contact you with details of the service or information we require from you and we will do this using the contact information you provided on your application form.

This can either be by post, email, telephone or text message.

The Council has a duty to protect the public and we implement a number of security measures to maintain the safety of your personal information. Please be aware however that the information you provide on an application may be shared with other public bodies where required, such as Council Departments and Government Services, which may be used for the prevention of fraud or other serious offences.

If you require a copy of the data we hold or believe it to be inaccurate please contact the Council's Data Protection Officer by email on dataprotection@sthelens.gov.uk

Any further information held by the Council about the individuals will be held securely and in compliance with the law. Information will not be held for longer than required and will be disposed of securely.

Please see the link attached for further information regarding retention periods. Licensing and Land Charges Retention Table

Should you have any concerns over the way we handle your information you may contact the Information Commissioner's Office:

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Online: https://ico.org.uk/

Post: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

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Part A
General

1. Introduction

In St. Helens we recognise that Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are a flexible form of transport that can play an increasingly important role in improving accessibility and sustainable travel. They are used by all social groups and are able to provide safe, secure and comfortable transport, providing an on-request 'door to door' service in various circumstances, including where public transport may not be available e.g. outside 'normal' hours of operation such as in the evenings or on Sundays, in rural locations or for those with mobility difficulties.

The provision is undoubtedly considered valuable not just by those who work or reside in the borough, but also to our visitors. Taxis are usually the first contact many visitors have with an area and as such, it is essential that standards are high so that those accessing the service can be confident of the quality of that service. As a borough which has recently placed regeneration at its forefront, it is essential that those who can play a part in developing a positive image of the borough do this effectively. Local knowledge of not just routes and places but visitor destinations will become more valuable and our Essential Skills Assessments will begin to develop this.

The borough is undoubtedly entering a period of regeneration and this policy aims to set out the high standards we expect from those who wish to provide this service in St. Helens.

A geographical map of the borough of St. Helens is included in Appendix A.

2. Powers and Duties

St. Helens Council ("the Council") has the responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the Borough of St. Helens.

This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 (TPCA '47), the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A '76), as amended and the Transport Act 1985 (TA '85), which places on the Council a duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles. The power to control all private hire activities follows the adoption on 2 January 1979 by the Council of Part II of the LG(MP)A '76 (as amended).

The aims of the Council within this policy are to;

- protect the public
- encourage and support the provision of taxis and private hire vehicles
- maintain high standards
- support and develop the private hire/taxi trade

3. Objectives

In setting out its policy, the Council seeks to promote the following objectives:

- the protection of public health and safety

- ensuring that hackney carriage and private hire vehicles are mechanically safe, clean and reliable
- the preservation of a professional and responsible hackney carriage and private hire trade
- the protection of the environment
- to encourage high standards of service and competence in the local hackney carriage and private hire trade
- ensuring that drivers, proprietors and private hire operators are 'fit and proper' persons
- to provide clarity to all relevant parties with respect to the Councils expectations of licence holders and applicants and the decision making process

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

The Council expects licence holders to promote the Hackney Carriage and Private Hire trade by:

- complying with all the conditions of their licence, byelaws and this Statement of Licensing Policy for Taxi Licensing
- paying attention to personal hygiene and dress so as to present a professional image to the public
- respecting authorised officers during the normal course of their duties
- Giving due consideration to their passengers at all times

4. The Policy

This policy does not replace the legislation governing hackney and private hire operations, nor does it set out what that legislation is. It gives guidance on this Council's particular requirements in complying with that legislation, it is expected that hackney carriage and private hire operations will always be conducted lawfully.

This policy sets out the approach the Council will undertake in exercising its discretion in carrying out its regulatory functions whilst considering, or making decisions, on applications.

Nothing in this Policy Statement will undermine the rights of any person(s) to apply for authorisations under the licensing regime and have the application considered on its own individual merits. However, the Council will expect all applicants to comply with the requirements set out in this Policy Statement.

Where it is necessary for the Council to deviate from this Policy Statement, clear reasons for doing so will be provided.

5. Policy Aims

The Council's primary aim is to protect the public and to ensure they have reasonable access to safe and legal hackney carriage and private hire services. Its purpose is to prevent licences being given to, or used by persons who are unsuitable to become licensed drivers.

When deciding on a licence application we will:

- take into account the applicants driving record
- their mental and physical fitness to drive

- their honesty and general good character
- ensure that the applicant would not take advantage of their position as drivers, to abuse or assault the public who use their vehicles.

The policy is intended to advise and assist applicants and licence holders on the law relating to the operation of hackney carriages (commonly called taxis) and private hire vehicles and to the administrative procedures involved in applying for and renewing licences.

The Policy shall apply to all new applications, renewal applications, transfers and other areas connected to the following licences:

- Private hire vehicle proprietor
- Private hire or Hackney Carriage driver
- Private hire operator
- Hackney carriage proprietor

The policy shall also clearly state the methods of disciplinary and enforcement measures that may be used.

6. Best Practice Guidance

The policy has taken into account the current Guidance document provided by the Department of Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (October 2010). The Council has also considered neighbouring authority policy documents to ensure a co-ordinated area approach.

7. Regulatory Functions

In carrying out its regulatory functions, the Council will have regard to this policy document, relevant legislation, case law, national guidance and the objectives set out above.

8. Implementation

This policy will take effect from 1 March 2016 for a period of 3 years. The policy will be reviewed on a constant 3-year cycle and amended as and when necessary to reflect any changes in legislation or case law.

9. Consultation

In preparing this policy the Council has undertaken and had regard to the comments received following extensive consultation. Details of those consulted can be found in Appendix B.

The Policy and associated documentation are available for inspection on the Councils website at; www.sthelens.gov.uk

10. Equality and Diversity

This Policy Statement considers the Equality Act 2010 which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity; and foster good relations in relation to the protected characteristic of race, gender, disability, age, sexual

orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership, and religion or belief.

The Council will have regard to the relevant legislation and ensure that all applications are determined in a non-discriminatory manner.

In formulating this policy we have taken into account the need to provide for disabled people and to protect vulnerable groups. All of our hackney carriage vehicles and some private hire vehicles are currently wheelchair accessible and we are in the process of commissioning a new Unmet Demand Survey to assess the borough's needs.

All licensed drivers, proprietors and operators should ensure that they are aware of their own duties under the Equality Act 2010 as they are providing a service to members of the public.

11. Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility impairments in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that:

"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, health care, as well as social and family life is significantly improved when journeys become accessible."

The Council considers it crucial that people with impairments have access to all forms of public transportation and will keep this section of the policy under review and will conduct regular Equality Impact Assessments.

It is arguable that different accessibility considerations should apply between hackney carriage/private hire vehicles in that hackney carriages / private hire vehicles can be hired in the street or at a rank, by the customer dealing directly with the driver. Private hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience. Having a reasonable number of accessible hackney carriages licensed within the Borough significantly assists those who are impaired. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant Equalities and Disability legislation.

The private hire trade should however, be aware of a Good Practice Guide produced by the Equality and Human Rights Commission as private hire operators also have a duty under the Equality Act 2010 (EA10) and other legislation to ensure disabled people are not discriminated against, or treated less favourably.

Section 168 of the EA10 imposes a duty on drivers to carry 'Guide and Hearing' (Assistance) Dogs free of charge. An exemption to this requirement is provided where a driver has a certified note showing a 'Proven Medical Condition' which precludes such action.

Drivers who, for medical reasons, are unable to accept wheelchair passengers, or guide/hearing dogs are able to apply to the Council for an exemption certificate. On 25 March 2016 the Council introduced a 'Medical Exemption Procedure' for those who wished to seek exemption under this act. The full procedure can be found at Appendix R.

12. Administration, Exercise and Delegation of Functions

The Licensing Authority is involved in a wide range of licensing decisions and functions. The Licensing and Environmental Protection Committee has delegated responsibility for exercising the management of the licensing regime in the Borough under the Local Government (Miscellaneous Provisions) Act 1976.

The Councils Assistant Chief Executive, Legal and Administrative Services has delegated responsibility for the day to day management of the hackney carriage and private hire licensing function to the Licensing Manager. This includes specific powers in consultation with Legal Services to determine applications for licences relating to hackney carriage and private hire vehicles, drivers and operators, including, the suspension of vehicles, drivers and operators in accordance with the Council's agreed policies.

The Assistant Chief Executive has authorised the Licensing Manager and Licensing Officers to exercise these powers. The Licensing Manager has the authority to determine whether an applicant is a 'fit and proper' person to hold a licence. Where the Licensing Manager is not satisfied that the applicant is 'fit and proper' due, for example, to the existence of previous convictions, the matter will be referred to the Licensing and Environmental Protection Committee for a final decision, unless the Licensing Manager, in consultation with the Assistant Chief Executive or their deputy determines that the matter is able to be dealt with, without referral to the Committee. The circumstances in which the Licensing Manager has the authority to refuse an application for a hackney carriage/private hire driver's licence or suspend, refuse to renew, or revoke an existing driver's licence are:

a. Where the applicant/licence holder has 5 or more criminal convictions
b. Where the applicant/licence holder has had a hackney carriage/private hire driver's licence revoked or their application refused within the last 12 months either by St Helens Council or any other licensing authority.

Generally, a licence will not be granted in the above circumstances. However, each case will be considered on its own merits and applicants/licence holders will be given an opportunity to present their case to the Licensing Manager.

All other applications in which the Licensing Manager has concerns as to whether the driver is 'fit and proper' will be referred to the Licensing and Environmental Protection Committee for consideration.

If an applicant is referred to the Committee they will be notified in writing of the date and time of the hearing, with an invitation for them to attend. A copy of the Committee Report, detailing the reason for referral, will also be forwarded to the applicant.

The Committee will sit to hear all applications for new licences, reviews of existing licences and applications to renew existing licences referred to it by the Licensing Manager. In practice this will mean those applications that have specific problems/issues, raised by Licensing Officers that give rise to serious concern that the granting of the licence would undermine the objectives listed at point 3 above.

The Committee may take any of the steps below, after consideration of the referral and supporting evidence. A breach of a condition or byelaw will be considered as an offence in this context:

- Suspension or Revocation of the Licence;
- Refusal to Renew;

- Issuing of warning or cautions;
- Any other action deemed to be reasonable or appropriate.

All decisions made by either the Committee, the Assistant Chief Executive or the Licensing Manager will be confirmed in writing.

13. Child Sexual Exploitation

The Council takes very seriously instances of this nature and as such, has committed to being part of the Merseyside campaign to raise awareness of this. Awareness raising sessions, along with a sustained media campaign have been utilised to draw both the public and the driving community's attention to this area.

As a licensed driver, it is really important that you are vigilant and that any suspicions you have in relation to this are reported immediately to the Police via the Crimestoppers number 0800 555 111. All reports are treated in the strictest of confidence. You can also report via the Crimestoppers website by completing the form at www.merseyside.police/crimestoppers.

In April 2018 the council introduced 'Manadatory Safeguarding Awareness sessions' for all licensed drivers, Operators and base staff. All new applicants will be expected to participate in these sessions and those already licensed will also complete the new sessions. Those attending the sessions are issued with a 'Safeguarding Awareness Licensed Drivers Handbook' which can be referred back to during the course of their duties.

14. Complaints Procedure

The Council recognises the high standards of the hackney carriage and private hire trade, and expects all licence holders to maintain these standards at all times. However, it is recognised that there may be occasions when transport users, members of the public, or other members of the trade may wish to make a complaint. In order to ensure that all complaints are dealt with in an equitable, open, honest and transparent manner, all complaints will be managed and investigated in accordance with the Councils Complaints Procedure attached at Appendix C.

The Council recognises that some complaints can be frivolous or vexatious and complaints of this nature may not be investigated further.

Licensed drivers and operators are required, under current legislation, to assist officers undertaking investigations and to make themselves available for interview at a mutually convenient time and place, or to provide requested information within a reasonable amount of time.

15. Enforcement

The Council is responsible for taking enforcement action against the drivers, vehicles and operators it has licensed if they fail to comply with the conditions and regulations under which the various licences are issued. Conditions relating to licensed vehicles, operators and drivers are intended to protect all passengers, especially those who are most vulnerable, as well as the drivers themselves.

Enforcement covers offences relating to private hire operators and vehicles and offences committed under hackney carriage legislation, driver behaviour, condition of vehicles and the investigation of complaints made by the public against any licence holder.

The Council will maintain a consistent and proportionate enforcement regime in the best interests of all concerned and in line with the St Helens Council Regulatory Services Enforcement Policy which can be found at Appendix D.

Licensing and enforcement is carried out by licensing officers and enforcement officers appointed as authorised officers for that purpose. Such officers have been issued with written authority as well as a Council identity badge.

From time to time Police Officers and/or Authorised Officers of the Council will carry out inspections of premises/vehicles**/**drivers to ensure compliance with the relevant conditions issued with the licence. Any reports submitted in relation to premises/vehicles/drivers will be retained by the Licensing Team and taken into consideration as appropriate. In certain cases licences may be suspended, in which case licence holders must follow the instructions given at the time of the suspension.

"Mystery Shoppers" and "Test Purchases" will be used by the Council in undertaking enforcement activity.

16. Conduct Matters

Normally any conduct matters that could result in the revocation or suspension of a licence will be referred to the Licensing and Environmental Protection Committee ('the Committee'), who will decide the appropriate action. In urgent or very serious matters these decisions may be taken by officers under the delegated powers referred to above.

17. Licensing and Environmental Protection Committee

If your case is referred to the Licensing and Environmental Protection Committee, you will be asked to attend a pre-committee interview. This will be a documented record of the reason for referral, your responses to these matters and to outline the committee procedures to you.

The Committee will comprise of 15 Councillors. The Committee will be advised by a Legal Officer. The Licensing Manager and/or Officers will be in attendance at the committee to present a report to Councillors on the matter to be determined. Licensing Officers may call an 'expert witness' to provide professional advice, on matters such as Safeguarding, to the Committee. Neither the Legal Officers nor Licensing Officers take part in the decision making process.

A number of cases may be dealt with on the same day. Each matter will be considered in private, the public and other applicants will not have access to the meeting. Whilst the members of the Committee will attempt to be as punctual as possible, there may be situations that arise where a particular matter takes longer than expected, resulting in delays in the timing of subsequent cases.

When it is time for a case to be heard, the driver/applicant/operator will be called before the Committee, along with any representatives whom they wish to speak on their behalf, in order that they may present their case.

Upon conclusion of the matter, a verbal response will be given to the driver/applicant/operator which will then be confirmed in writing.

The procedure to be followed at committee can be found at Appendix E.

18. Right of Appeal

Should the Committee decide to refuse the grant of a vehicle, operator or driver licence, or decide to suspend, revoke or refuse to renew a licence the person affected by any such decision will have a right of appeal. Any appeal must be lodged at St. Helens Magistrates Court within 21 days of the receipt of the written decision. In the case of the refusal to grant a Hackney Carriage Proprietor's Licence the appeal must be made to the Crown Court.

NB. There is no right of appeal in respect of a decision to suspend a vehicle licence.

On determining an appeal the Magistrates' Court may:

- Dismiss the appeal;
- Substitute for the decision any other decision which could have been made by the Licensing Authority;
- Remit the case back to the Licensing Authority to dispose of in accordance with the direction of the Court; and
- Make such order as to costs as it thinks fit.

As soon as the decision of the Magistrates' Court has been made, the Licensing Authority will not delay unnecessarily its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example as a result of a judicial review), or where the Council considers an appeal against any decision. Please refer to Appendix S which details prosecutable offences under the existing law.

19. Prosecution

The decision to prosecute is a very significant one as it may impact on the licence holder's future employability. Generally, prosecution will be restricted to those circumstances where the law is blatantly disregarded, requirements of the Council are not complied with and / or there is serious risk to the public.

The circumstances which may warrant prosecution may include, but will not be restricted to, one or more of the following:

- Blatant disregard for legislation or this Policy, particularly where the economic benefits of breaking the law are substantial and provide significant advantage over those licence holders who are law-abiding;
- When there appears to be blatant and / or reckless disregard for the safety of passengers or other road users;
- Where there have been repeated breaches of legislation or requirements of this Policy;
- Where a particular type of offence is prevalent;
- Where a particular contravention has caused serious public concern.

When circumstances have been identified which may warrant a prosecution all relevant evidence and information must be considered to enable a consistent, proportionate and reasonable decision to be reached.

In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, it must be established that it is in the public interest to prosecute. The 'Code for Crown Prosecutors', issued by the Crown Prosecution Service, provides guidance which will be considered, including relevant public interest criteria.

A decision on whether to prosecute may consider, but not be limited to, the following:

- the seriousness of the alleged offence;
- the risk of harm to the public
- identifiable victims;
- failure to comply with a statutory notice;
- disregard of safety for financial reward;
- the previous history of the party concerned;
- repeated offences leading to a history of similar offences;
- failure to respond positively to previous enforcement action;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case, for example, establishing legal precedent, and
- any other matters deemed as appropriate.

As a method of dealing with less serious matters, the Council will issue warnings and cautions as are appropriate to the circumstances.

20. General Requirement

Licensed drivers, operators and the proprietors of licensed hackney carriage and private hire vehicles must comply fully with the relevant licence conditions made by the Council. Any person aggrieved by any of the conditions may appeal to a Magistrates' Court within 21 calendar days from the date of receipt of the conditions, following the grant of the licence.

21. Obstruction of Officers

It is an offence to:

- wilfully obstruct an Authorised Officer of the Council or Police Officer
- fail to comply with any reasonable requirement of an Authorised or Police Officer
- fail to give an Authorised or Police Officer any assistance or information they may reasonably require

It is expected that all Council staff be treated in a courteous manner at all times. Applicants who behave in an unacceptable manner (eg. Use of foul or abusive language, raised voice) will not be dealt with until they present with a calmer manner.

NB: The Council will consider taking action against any individual who abuses Council staff. The matter will also be reported to the Police where appropriate.

22. Enquiries/Correspondence

All correspondence should be addressed to the Licensing Section, Chief Executives Department, 3rd floor Wesley House, Corporation Street, St Helens WA10 1HF or by e-mail to taxilicensing@sthelens.gov.uk.

The Team will issue pre-arranged appointments to individuals applying for or renewing licences, and for all matters relating to Licensing. Appointments can be made via telephone on 01744 67 6770 or via email taxilicensing@sthelens.gov.uk.

During particularly busy periods the telephone may be diverted to the answer phone/recording system which is monitored regularly, messages can be left relating to licensing matters.

Part B
Driver Licences

23. Fit and Proper Person

Licences are issued subject to the Council being satisfied the applicant is a 'fit and proper' person to hold a driver's licence. It is for the applicant to demonstrate this to the satisfaction of the Council as the Council is under a duty to establish that each applicant is 'fit and proper'.

To assess a driver's suitability and status as a 'fit and proper person', the Council will carry out an enhanced check with the Disclosure and Barring Service (DBS) (previously known as Criminal Records Bureau (CRB)). No licence will be considered until the results of that check have been received. The Council must have regard to relevant information in determining the fitness and propriety of all applicants.

There is no absolute definition as to what constitutes a 'fit and proper person'. However, considering the range of passengers that a driver may carry (e.g. elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on drivers using a common sense approach. Some areas that give rise for particular concern include:

- **Honesty and trust** – drivers and operators often have knowledge that a customer is leaving a house empty, opportunities may arise to defraud drunken, vulnerable or foreign visitors or to misappropriate property left in cars. Any passenger would expect any article left in a vehicle by them to be returned, they would also expect to be charged the correct fare for a journey and to be given the correct change. Licence holders must respect confidentially at all times and always carry out their duties in the best interests of the passengers.

- **Abuse** – licence holders can be subjected to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the licence holder, towards members of the public, Council Officers or any other person.

- **Safety** – those paying for a transport service rely on their driver to get them to their destination safely.

- **Health** – The health of a driver is an important aspect of their fitness to hold a licence. All applicants will be required to pass a Group 2 medical examination as specified by the Driver Vehicle Licensing Agency (DVLA) before a licence is granted. Medical examinations then become age related – requiring additional examinations at 45 years and then every five years up to 65. From the age of 65 medical examinations become an annual requirement. Where there are any concerns about a driver's health an additional medical may be required. All medicals are at the expense of the applicant/licence holder and are only valid if conducted by the applicant/licence holders own GP or agency nominated by the Local Authority.

- **Communication skills** – the ability to communicate clearly with customers is an important requirement. All applicants must be able to converse with a good basic standard of the English language. This will be assessed by Officers during the application process by submission of a written and verbal material. Should any applicants be judged not to have an appropriate understanding of the English language then they will be directed to relevant courses available in the area to

improve their skills. They will also be advised of a suitable time frame for reapplication.

- **Appropriate behaviour** – Licensed drivers must act appropriately at all times whilst undertaking their duties. Appropriateness will extend to courtesy to the passenger(s) and other road users alike. Drivers shall not engage in or otherwise encourage conversations which could cause discomfort to another person or persons, or other licensed drivers including asking personal questions about, or of, passengers or other people. Similarly, opinions on sexual orientation, age, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, disability, race or religion should not be discussed.

- **E Cigarettes, Vapours and Aromas**
  The use of e-cigarettes or any other cigarette substitute (Vapes, etc.) which may be perceived to appear as a cigarette is not permitted. Drivers should carefully consider the eating of pungent food stuffs within the licenced vehicle should be carefully considered. The journey should focus on the needs and experience of the passenger and, as such, it is expected that drivers do not eat or drink whilst operating the vehicle or with passengers present. They should also ensure that there are no lingering smells, vapours or aromas within the vehicle prior to a collection of a passenger.

24. Application Procedure

Pre-application

Please ensure that you have all the relevant supporting documents to hand that you will need to submit your application, these are detailed below in "Step 2 - Submit an application for a Hackney Carriage/ Private Hire Drivers Licence". You will not be able to submit your application without them. Please ensure that you submit all pages of the documents, both sides, as your application cannot be processed without them.

Step 1: Enhanced DBS Check & Digital ID Check

You will need to apply for an Enhanced DBS through the council's supplier Taxi Plus, and provide all the documents they ask you to upload in order for the digital identification process to take place.

The fee of £75.50 for the Enhanced DBS application will be paid directly to Taxi Plus via their website.

Important: All documents (including your DVLA driving licence) must be in your current address. These are the requirements of the DBS and not the Council.

Once you have received your DBS certificate you must keep this in a safe place as copies are not issued and you will need it in future. You must register with the DBS update service as soon as you receive your certificate as you can only do this within 28 days of the date on the certificate. Please be aware that it is a requirement to register with the DBS update service and if you do not register in the 28 day time frame, you will have to submit a further application for an Enhanced DBS.

What if I already have a DBS certificate that is registered with the DBS Update Service?

If you already have an "other workforce [taxi/ private hire/ hackney carriage] driver" Enhanced DBS certificate that is registered with the DBS update service you will need to submit this to Licensing Services when you attend your Taxi Driver Training, along with evidence of your subscription to the DBS update service. You must also complete our application for online checking of DBS certificates form in order to give us your consent to perform a check on your DBS. Bring this with you too.

Step 2: Submit an application for a Hackney Carriage/ Private Hire Drivers Licence

To submit your application for a Hackney Carriage/ Private Hire Drivers Licence you will need to complete the online application form. You MUST upload the following documentation at the end of the application or your will be unable to submit:

- DVLA driving licence (held for at least 12 months (both sides)
- A valid UK or Irish passport. For applicants who are not UK nationals by birth or by naturalisation you must produce a Home Office check code in order for us to check your right to work status, along with your passport.
- National insurance number (either the number card, official national insurance number letter from the DWP or the national insurance letter obtainable from the government gateway website)
- Bank statement (no older than 3 months), or council tax bill (current year). *Note: the bank statement must be an original (not a PDF downloaded from your online banking app), or if you do not have hard copy bank statements you must ask your bank to print one off for you and endorse it with a stamp and signature.*
- DVLA mandate check code
- HMRC tax check code (from 4 April 2022 if applicable). Please read the 'tax checks' section for full information.
- Recent colour passport-sized photograph (The photograph must include your head & shoulders and be taken with a white/pale background). Please note that this photograph should show the same likeness as the image on your DVLA Licence and Passport.
- Change of name deed poll, or marriage certificate if you have been known by another name.
- A certificate of good character (COGC) will need to be produced from any country (except the UK) where you have lived for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over, and must be no older than 6 months. The UK Government website has links to all Embassy and High Commission websites where you can find out how to apply for a COGC.

Note: The online application form accepts the following file types only: DOC, DOCX, GIF, JPG, PDF, PNG, TIF, TIFF, TXT, XLS, XLSX, MP3, MP4, M4A

IMPORTANT: Once you have submitted your application, you will receive an email acknowledgement with a reference number. This means that your application has been successfully submitted. Please do not contact us as your application will have joined our queue and we will not be able to deal with your enquiry. When we are ready to process your application, you will be contacted by a member of the team.

Step 3: Complete the Taxi Training

Following completion of steps 1 and 2, you will need to book onto the essential training course, which is comprised of safeguarding, and a disability awareness. Please be aware that your conversational and written English will be checked as part of the training in which you will be required to complete a form at the end of the session that will ask you some basic questions about what has been covered during the training.

You will need to bring the following **original** documents with you to the training:

- Your DVLA driving licence.
- Your valid passport.
- Your National insurance number (either the number card, official national insurance number letter from the DWP or the national insurance letter obtainable from the government gateway website)
- Your bank statement (no older than 3 months), or council tax bill (current year).
- A recent colour passport-sized photograph (The photograph must include your head & shoulders and be taken with a white/pale background).
- The change of name deed poll, or marriage certificate if you have been known by another name.
- A certificate of good character (COGC) will need to be produced from any country (except the UK) where you have lived for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over, and must be no older than 6 months. The UK Government website has links to all Embassy and High Commission websites where you can find out how to apply for a COGC.
- DBS certificate (if you have received this from Taxi Plus).
- Completed DBS online checking form (if you have received your DBS from Taxi Plus).
- Evidence of your subscription to the DBS update service (if you have received your DBS from Taxi Plus).
- Group 2 medical assessment (see step 4 below).

Please be advised if you cancel or request to reschedule your booking with less than 5 working days notice you will incur a charge.

Step 4: Obtain a Group 2 Medical Assessment from a GP who has access to your medical records

The Group 2 Medical Assessment form which you must take to your appointment with your G.P. can be downloaded from our website.

Medical assessments are valid for a period of 2 months from the date they're completed. Only pages 1 and 2 of the medical assessment need to be returned to us.

Step 5: Collect your Licence

Once you have registered with the DBS update service, obtained a group 2 medical assessment, completed the essential training, submitted your application for a Hackney Carriage/ Private Hire Drivers Licence, and provided all required original documentation you will be notified when you can collect your licence from St Helens Town Hall (providing there are no instances that would trigger a referral to the Licensing & Environmental Protection Committee in line with our policies).

25. Production of UK Driving Licence

The driving ability of an applicant starts with the requirement to have held a full UK licence, entitling them to drive a motor car for at least 1 year prior to a licence being granted. It is important that a current and valid UK driving licence is produced. UK driving Licences **must** show the correct details (including the current permanent residential address) – to be valid.

Therefore, a licence will not be granted to anyone who has not held a full driving licence, issued in accordance with article 111 of the Road Traffic Act 1972 (as amended), for a period of less than 12 months immediately prior to an application being submitted.

It is an offence for the proprietor of a hackney carriage or private hire vehicle to employ as a driver any person who does not have a driver's licence issued by the Council.

26. DVSA Driving Test

This section no longer applies.

27. Disclosure and Barring Service

A criminal record check on a driver is an important safety measure for all drivers. At present there are 4 levels of disclosure. All persons who are, or wish to become, licensed drivers must obtain a disclosure at the enhanced level 'other workforce' through the Disclosure and Barring Service (DBS) which provides details of live and spent convictions, police cautions, intelligence, and other information.

Applicants for Hackney Carriage/ Private Hire Drivers Licences must apply for an enhanced DBS through the Council's supplied Taxi Plus and pay to them all relevant fees in relation to the DBS application.

It is a requirement for all applicants for Hackney Carriage/ Private Hire Drivers Licences to subscribe their DBS certificate to the DBS update service and ensure that it remains subscribed in accordance with the motion passed on 9 December 2020 by the Licensing and Environmental Protection Committee.

Once a DBS check has been processed a copy of the disclosure report will be sent to the applicant directly to their designated home address. In order for the Council to consider a new or renewal application for a licence the disclosure report must be provided to the Licensing Team at the earliest possible opportunity (even if the report is clear of any convictions).

The Council will carry out checks of an applicants/ licence holders DBS certificate every 2 weeks via the DBS update service. Should an applicants/ licence holders DBS certificate not remain subscribed to the DBS update service, this will result in the suspension of their Hackney Carriage/ Private Hire Drivers Licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, as per the motion passed on 7 June 2023 by the Licensing and Environmental Protection Committee. In these circumstances applicants/ licence holders will be required to apply for a new enhanced DBS at their expense.

The Council will not divulge personal information disclosed as a result of the DBS check to any third party. However, to promote the licensing objectives the Taxi Licensing Team will share information with other relevant agencies for example; DVSA, Customs and Excise, the

Police and Benefit Agencies. Information will also be shared with internal departments within the Council where considered appropriate.

A certificate of good character must be provided from any person who has arrived in the UK aged 18 or older from the relevant Embassy or High Commission where they have lived for 12 months or more (whether continuously or in total) in the last 10 years, and must be no older than 6 months. The UK Government website has links to all Embassy and High Commission websites where you can find out how to apply for a certificate of good character.

Additionally, all applicants are required to show that they have a right to work in the UK. Where this is an interim authorisation i.e. whilst an application is being considered, you must immediately notify the Taxi Licensing Team on receipt/notification of that decision. (Please refer to Appendix F for requirements regarding proof of right to work).

Applicants for licences will be responsible for obtaining and paying for (where required) all the relevant documents required by the licensing process. The Council will not assist the applicant with this part of the process.

28. Relevance of Convictions and Cautions

As part of the application process all applicants for a driver's licence are required to disclose on their application form **all** convictions and cautions (motoring or otherwise) regardless of whether or not they would be deemed as spent under the Rehabilitation of Offenders Act 1974.

Applicants should be aware that the Rehabilitation of Offenders Act 1974 as amended identifies the occupations of hackney carriage/private hire drivers as "exempt" occupations. The effect of which is that no convictions are ever deemed "spent", irrespective of the date of the conviction/caution or the nature of the offence, therefore, they will always be disclosed and considered as part of the application process.

NOTE: It may be an offence under both the Local Government (Miscellaneous Provisions) Act 1976 and the Fraud Act 2006 if you make a false statement and/or provide false information during the application process. This includes not disclosing details of any convictions or cautions.

If an applicant is in any doubt as to whether or not a licence will be granted, contact should be made with the taxi licensing team BEFORE incurring any expense. Advice will be given in confidence in light of information provided.

If an applicant declares in his application a conviction involving for example; dishonesty, indecency, violence or a disqualification from driving or numerous offences of a similar nature, then a licence may not be issued immediately and could be subject to further checks.

In cases where a DBS check reveals that an applicant has convictions, the application will be dealt with in accordance with the Council's adopted convictions policy on the relevance of such convictions reproduced at Appendix G.

In assessing whether an applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merits. In doing this the Council will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether any cautions or convictions are capable of having relevance to the issue

of whether or not an applicant is a 'fit and proper person' to hold a licence. Officers may consult with the Safeguarding or any other relevant team in order to appropriately consider any issues identified.

29. Dress Code and Appearance

The Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress in order to maintain the profile of the licensed trade in St Helens.

Drivers are expected to dress in a neat and tidy manner that will not cause offence and act courteously both to passengers and other road users.

Acceptable standard of dress

- Tops should cover the shoulders and midriff (not sleeveless);
- Shorts may be worn in exceptionally hot weather but must be smart and knee length;
- Smart jeans or trousers;
- Dresses or skirts of suitable knee length as a minimum;
- Footwear should fit around the heel of the foot;
- Clothing should be kept in a clean condition, free from holes and rips;
- Words or graphics on any clothing must not be of an offensive or suggestive nature which may offend
- Other forms of dress may be acceptable – please ask for appropriate advice from the Licensing Team

Unacceptable standard of dress

- Bare chests;
- Unclean, damaged or inappropriate clothing/footwear;
- Clothing with offensive words, logos or graphics;
- Beach type footwear (e.g. flip flops and mules) or any other form of footwear not secured around the heel;
- Headwear that conceals (or partially conceals) the face of the driver; and
- Baseball caps
- Shellsuit tops or bottoms
- Tracksuit tops or bottoms

If drivers are in any doubt about the appropriateness of their proposed attire they should seek guidance from the Licensing Team. Please note that if you have a specific reason that you may wish to be considered for a particular item of clothing or standard of dress then in the first instance, please make written representation to; taxilicensing@sthelens.gov.uk

30. Fees and Charges

All fees and charges are payable in advance. The Council's preferred method of payment is by credit/debit card. Full details of all current fees and charges are given in Appendix H.

31. Dual Licences (Joint Driver Licences)

St. Helens Council grants joint driver licences that enable drivers to drive both hackney and private hire vehicles providing the permission of the registered owner of the vehicle and

appropriate insurance has been obtained in advance. This is to provide flexibility for professional drivers to drive any vehicle licensed by St. Helens Council.

32. Licence Renewals and Mandatory Checks

From **6 August 2018** you will no longer receive reminders for **required licence checks or renewals**. We are working to streamline this process, as since the introduction of 3 and 5 year licensing for drivers and operators respectively, licence holders no longer renew their licence checks on the on the same date. This has caused much confusion amongst the licensed community and so we will be delivering this element of the service slightly differently.

The general reminders service will be replaced by a new document called a **Renewal Information Document**. In this letter it will detail all the important renewal dates for the duration of this licence be it your driver, vehicle or operator licence.

An example is noted below of how your 'Renewal Information Document' might look.

Renewal Information
Hackney Carriage/Private Hire Drivers Licence HDXXX

Licence Expiry: 21 May 2020
DVLA Expiry: 21 May 2019
DBS Expiry: 30 November 2019
Medical Expiry: Not required in the duration of this licence

When you receive this document you must keep it safe as no further reminders will be sent to you.

It is your responsibility as the licence holder to ensure that your licence is renewed in good time and that all your mandatory checks are up to date.

Please remember that your mandatory checks are part of your conditions of licence can be revoked if you do not comply in the timescales provided.

For those of you who have provided us with email addresses, we will automatically send you a copy of your Renewal Information Document by this method.

33. Display of Badges

Drivers are issued with an identity badge which will display their unique licence number; the badge is to be worn or displayed so that it is plainly visible at all times, to passengers (or prospective passengers) and Authorised Officers, when driving a private hire / hackney carriage vehicle, attachment to a belt or hook at the waist is not acceptable. Failure to display your driver badge is a prosecutable offence under section 54(2) of the Miscellaneous Provisions Act 1976.

34. Grandfather Rights

St. Helens Council has considered the effect of when it previously changed from the Group 1 to Group 2 standard specifically in relation to the visual acuity test. St. Helens Council has granted "grand-father rights" to appropriate drivers who have been continually licensed prior to adopting the DVLA Group 2 standard with the following conditions:

- There being no significant deterioration in any other aspects of the drivers vision
- The driver not being involved in an accident in the proceeding 10 years, in which their eyesight might have been a factor
- The driver meeting all current DVLA Group 2 acuity standards

Subject to any renewal checks due for a DBS, Medical or expiry of DVLA Driver Licence, applicants may apply for a 3 year licence. The maximum duration for a Joint (Hackney Carriage / Private Hire) Driving Licence (JDL) is 3 years.

Any DVLA notifiable medical conditions **must** be notified to the Licensing Team **immediately**.

35. Driver Conditions

These are set out in Appendix J and are necessary and appropriate to all licensed drivers.

36. Production of Licence to Authorised Officer / Police Officer

A licensed driver must produce their driver's licence to an Authorised Officer or a Police Officer on request, either immediately (if available) or within 5 days either at the Council's offices (Wesley House) or at a nominated Police Station, as appropriate.

37. Suspension and Revocation of Driver's Licences

The Council may suspend, revoke or refuse to renew a driver's licence on the following grounds:

(a) that he/she has since the grant of the licence:

(i) been convicted of an offence involving dishonesty, indecency or violence: or

(ii) been convicted of an offence under, or has failed to comply with, the provisions of the TPCA or LGMPA; or

(b) any other cause deemed to be reasonable

Where such suspension, revocation or refusal to renew occurs the Council must give the driver notice of the grounds on which this action has been taken within 14 calendar days of the suspension, revocation or refusal to renew. There is a right of appeal against the Council's decision to a Magistrates' Court, within 21 calendar days from the date of receipt of the Council's notice.

38. Change in circumstances

Any relevant change in circumstances must be notified to the Licensing Team within set time limits of the change taking place – see relevant conditions to Licences in Appendix J, K, L and M. In particular, the driver must inform the licensing team within 48 hours of:

- Investigation into any criminal offence or activity.
- Warnings received – this to include any harassment, anti-social behaviour orders, or community resolution orders.
- Cautions received – issued by the police or any other agency.

- Criminal charges or convictions received. (In the case of motoring endorsements, the licence holder must notify the Council within 48 hours upon receipt of the initial notice from the Police.)
- Issue of any fixed penalty notice (within 48 hours upon receipt of said fixed penalty notice).
- Their arrest for any offence (whether or not charged). If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.
- Change in medical condition or circumstances or long term prescribed medication which may affect your ability to drive. If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council as soon as reasonably practicable.

Note: In the case of a motoring endorsement, do not wait for your licence to be returned from the DVLA before informing the Council.

The driver must disclose if they have been interviewed or are under investigation in respect of any offence, are on bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates Court or Crown Court have started against them.

The driver must notify the Council in writing of any change of contact details, address, telephone number or email address within 7 days of any such change.

The driver must notify the Council in writing of any change of Operator or if they have started to work for an Operator within 7 days of any such change.

The ’48 Hour Rule’

LICENCE HOLDERS ARE REQUIRED TO NOTIFY THE LICENSING TEAM WITHIN 48 HOURS OF RECEIVING NOTICE OF ANY INTENDED PROSECUTION, CAUTION, CONVICTION OR FIXED PENALTY NOTICE BEING RECEIVED FOR ANY OFFENCE, MOTORING, CRIMINAL OR OTHERWISE.

The ’48 Hour Rule’ information can be found at Appendix N.

Part C
Vehicles

39. First Application Appointment

Prior to incurring any expenditure, you are advised to contact the licensing team for general advice regarding vehicle suitability and compliance. NB: A suitability check for any proposed vehicle is available if deemed appropriate.

The following process must be followed for the application:

1 Complete the relevant online application forms and submit together with proof of ownership (either the logbook, new keepers slip, or bill of sale).

2 Once you have received confirmation that your application has been approved you must arrange for the vehicle to be tested at a VOSA approved MOT station located within the borough of St Helens. MOT certificates cannot be any older than 28 days at the point the vehicle licence is issued.

3 Following completion of the MOT test you must then submit the MOT certificate with a valid certificate of motor insurance (which covers for the purposes of hire and reward/ public hire) proof of current Road Tax, and evidence that your meter has been calibrated to St Helens rates if you're licensing a hackney carriage vehicle.

On satisfactory receipt of the above items you will be allocated an appointment in which you must bring your vehicle to St Helens Town Hall so it can undergo a compliance inspection. Once the vehicle has passed the compliance inspection the licence, plates, and disc will be issued. Vehicle licences will expire in line with the expiry date of the MOT certificate.

Renewal of a Vehicle Licence - All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed. Because of the limitation of hackney carriage vehicles and the needs of the travelling public, hackney carriage vehicle licences **MUST** be renewed prior to the expiry of the previous licence. Failure to do so may result in the loss of the proprietary interest in the plate. **Any applications not renewed prior to the expiry of the former licence will be treated as a new application.**

Applications for renewal licences can be made at any time up to one month prior to the expiry of the existing licence. If the renewal licence is issued during this period it will commence at the expiry of the current licence and run for 12 months in line with the expiry date of the vehicles MOT certificate. In certain circumstances (e.g. emergency replacement vehicles) the licensing team may issue a licence for a shorter period.

PLEASE NOTE: Replacement plates will not be issued without the surrender of the expiring/expired plates, except under exceptional circumstances as agreed by the Licensing Manager.

Changing the Vehicle - A change of vehicle will result in the requirement for a new application to be submitted.

Transfer of Ownership - If the proprietor(s) of a private hire vehicle wishes to transfer ownership of the vehicle to another person(s), the proprietor(s) must notify the Council of the name and address of the new proprietor(s) within 14 days of the transfer of ownership. The current proprietor(s) and new proprietor(s) must complete a transfer application form and

pay the relevant fee and produce current valid insurance, proof of road tax for the vehicle, and the vehicles logbook in the new proprietors name once it has been received from the DVLA.

Note: the logbook showing the new proprietor(s) details must be received prior to the expiry of the vehicle licence.

Fitness of Proprietors - Only persons deemed by the Council to be a 'fit and proper' person may hold a private hire vehicle proprietors' licence. In order to be deemed 'fit and proper' all applicants for a private hire vehicle proprietors' licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS) and produce it to the Council. The standard disclosure cannot be any older than 1 calendar month.

If an applicant currently holds a valid Hackney Carriage/ Private Hire Drivers Licence or an additionally conditioned private hire drivers licence then this is not required.

If the applicant is a company or partnership, a standard disclosure from the Disclosure and Barring Service (DBS) must be provided for each director and partner.

A standard disclosure from the Disclosure and Barring Service (DBS) will have to be provided annually by all private hire vehicle proprietors who do not hold a valid Hackney Carriage/ Private Hire Drivers Licence.

40. Limitation of Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provision on quantity restrictions for hackney carriage vehicles is set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed hackney carriages – if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet. In the event of a challenge to a decision to refuse a licence on these grounds, it would have to be established that the Council had been reasonably satisfied, that there was no significant unmet demand.

Applicants should be aware that the Council currently has a limit on the number of hackney carriage vehicles that may be licensed within the Borough. This does not however, imply that there is no regulation of hackney carriages, as the Council intends to rigorously maintain quality control in relation to both drivers and vehicles. The Council will need to satisfy itself that there is significant unmet demand before releasing further licences. "The Council will endeavour to commission a survey to ascertain the level of any significant unmet demand in accordance with Department of Transport Best Practice Guidance."

41. Insurance and Road Tax

Appropriate insurance and Road Tax must be in force at all times in relation to the use of hackney carriage/private hire vehicles, an appropriate policy of insurance must be in place before a licence can be granted. **It is an offence to drive a vehicle without the appropriate insurance or road tax in place.**

At any time during the term the vehicle is licensed an authorised officer of the Council may require the proprietor of the vehicle to produce evidence that the appropriate insurance and road tax remains in force. A failure by the proprietor to produce the certificate of insurance, or proof of road tax, within such timescale as may be specified by an authorised officer, is a

criminal offence and could also result in the licence being suspended or revoked by the Council.

42. Security/CCTV

The hackney carriage/private hire trade provides a valuable public service, especially late at night, when other forms of public transport are not always available. Security for drivers and passengers is a high priority. CCTV cameras can be a valuable deterrent to criminal activity as well as protecting the driver from unjustified complaints.

The procedure on installing CCTV in your hackney carriage/ private hire vehicle can be found on the Council's website: https://www.sthelens.gov.uk/article/9956/CCTV-in-Licensed-Vehicles and at **Appendix T** in this document.

43. First Aid Kits and Fire Extinguishers

As agreed by the Licensing and Environmental Protection Committee on 12 December 2018 the requirement to have a First Aid Kit and Fire extinguisher has been removed as a mandatory condition.

44. Spare Wheels, Space Saver Wheels and Kits

These may be used within a licensed vehicle providing that they are issued to manufactures standard. The documented evidence of this must be produced when upon request by an Authorised Officer or Police Officer.

NB: Licence holders are reminded of the intended use of a 'space saver wheel' or a 'space saver kit', is to complete the journey they were undertaking. Following completion of this, the vehicle must be taken off the road (not available for bookings/hire) to have a replacement wheel fitted immediately.

45. Trailers

The use of trailers is not permitted.

46. Vehicle Signage and Advertising

Within St. Helens hackney carriages and private hire vehicles are required to display Licence Plates externally on rear of the vehicle and to display a vehicle window disc (that is placed in the front windscreen of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed, protecting both the general public and correctly licensed drivers / vehicles from illegal operations. In order that these vehicles are easily identifiable to members of the public, particularly if they need to register a complaint with the Council, it is a requirement that internal Licence Plates are easily legible within the interior of the vehicle.

The following rules apply;

Vehicle Licence Plates

The rear vehicle plate identifying the vehicle must at all times be securely fixed externally to the rear of the vehicle in a prominent position ensuring that the whole plate is clearly visible. The plate must be fixed using the bracket provided by the Council.

The rear plate may not be displayed in the rear window of the vehicle.

The details contained on the rear vehicle plate must be clearly readable at all times.

The licence disc must be placed in the nearside of the front windscreen but placed so that it does not obscure the driver's vision.

The plate(s) remains the sole property of St Helens Council.

The licence holder must report lost or stolen hackney carriage/ private hire vehicle plates to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in the vehicle until the Council is satisfied that the vehicle is displaying the appropriate plates.

In the event of the vehicles licence expiring, being suspended, or revoked, the rear vehicle plate and window disc must be returned to the Council within 7 days in accordance with Section 58 of the Local Government (Miscellaneous Provisions) Act 1976.

Door Signage

A magnetic or adhesive door sign must be affixed on both front doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and all lettering shall measure not more than 4 inches in height and not less than 2 inches in height. The door sign shall contain the following information:

1. The words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases a maximum of 4 inches high. This wording must be positioned above all other information contained on the door sign.

2. The name of the Private Hire Operator for which work is being undertaken.

3. The preferred method of contact of the private hire operator for which work is being undertaken. This may include a landline telephone number (mobile numbers are not permitted), website address, smartphone/web app name, or similar.

   Example
   PRIVATE HIRE ONLY
   BROWN'S CARS
   01744 123456

4. The Council will have final approval on any vehicle artwork.

Private Hire vehicles must not display on the door sign any reference to the words 'hackney', 'taxi', or 'cab'.

No colour is specified but the signs should contrast with the vehicle bodywork colour on which they are displayed. A decision will be taken by the Licensing Manager if the signage does not significantly stand out and you may be asked to replace it.

Operator advertising on minibuses - in addition to the above operators may add further signage to a private hire vehicle showing the trading name and telephone number on the

sides and rear of the vehicle in letters not more than 10 inches in height. For the purposes of clarity, no signage will be permitted in any of the vehicles windows. This will require written approval from the Council prior to any signage being added to the vehicle. Where this signage is displayed without prior approval, an Authorised Officer can request it be removed.

Commercial Advertising

The proprietor(s) shall not cause or permit any sign, symbol, graphics, designs or embellishments, notice or advertisement to be displayed in, on or from the vehicle without the prior approval of the Licensing Authority. Where these are displayed without prior approval, an Authorised Officer can request they be removed.

Should the proprietor(s) wish to display advertising on the vehicle they must complete an application form, supply a copy of the artwork that is proposed to be displayed on the vehicle and pay the relevant fee. Where such approval is withheld, the applicant may appeal to the relevant Licensing and Environmental Protection Committee.

Advertising on private hire vehicles shall only be permitted on the rear side doors of saloon cars or the rear side panels only of minibuses or people carriers. The maximum size of the advertising panel shall be no more than 22 inches (width) x 18 inches (height). For the purposes of clarity, no advertising will be permitted in any of the vehicles windows.

Advertising on hackney carriage vehicles shall only be permitted on the side livery of vehicles, that is the front and rear wings and front and rear doors. For the purposes of clarity, no advertising will be permitted in any of the vehicles windows.

All paintwork shall be in a sound condition prior to fitting signs. If it is necessary to respray/paint the vehicle prior to fitting of signs, the proprietor shall ensure that the vehicle colour is maintained in a consistent form.

If advertising on the vehicle is withdrawn, the vehicle must be restored to its original colour.

All advertising will subsequently be checked during the six or twelve monthly compliance test examination and during any roadside inspections. If, in the opinion of the vehicle examiners or authorised officers, the advertising has become detached, defaced or in need of repair or is found to be concealing damage to the bodywork then the proprietor will, by the issue of a “vehicle defect notice” be required to carry out necessary remedial works.

Approved advertising on private hire vehicles must be permanently painted or stuck to a continuous flat surface and must be of such a form as not be become easily soiled or detached. Magnetic signs will not be permitted.

Any advertisement/sign/symbol/design/graphic/embellishment promoting alcohol or drug related items, tobacco, the sex industry, political messages, betting and gambling, or any matters considered inappropriate or controversial are not permitted.

47. Vehicle Age Restrictions

The Council accepts that vehicle standards should be based around quality control rather than a specific age of a vehicle. Therefore, there are no requirements relating to how old a vehicle must be when first presenting for licensing and there are no upper age limits to continue to licence a vehicle. Vehicles should however be kept in good working order, along with bodywork and cleanliness of the vehicle (inside and out).

48. Vehicle Test Appointments

No longer applicable.

49. Testing of Vehicles

No longer applicable.

50. Failure to attend vehicle test

No longer applicable.

51. Driver of Vehicle

No longer applicable.

52. Proprietors Compliance with Licence Conditions

The proprietor must ensure that all persons involved in the driving or operation of the vehicle are fully aware of the licence conditions set out in Appendix K and the proprietor must also ensure that the conditions are fully observed and adhered to at all times.

The proprietor of a licensed hackney carriage or private hire vehicle commits an offence if they permit any person to drive the vehicle who is not the holder of a joint hackney carriage/ private hire drivers licence issued by St. Helens Council. Any person who drives a licensed private hire vehicle also commits an offence if he/she is not the holder of a current hackney carriage/ private hire driver licence issued by St. Helens Council.

53. Private Hire Vehicle Conditions

These are set out in Appendices “K” and are necessary and appropriate to all vehicles.

54. Suspension of Licence

All vehicles must at all times be kept in a safe, tidy and clean condition. Compliance with vehicle conditions is essential and will be enforced by periodic and random vehicle inspections, carried out by an officer of the Council via roadside checks and at the Council’s testing facility. Where it is found that any vehicle is not being properly maintained, a defect notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be endangered, the further use of the vehicle will be suspended until the defects have been remedied. The suspension will remain in place until the vehicle has undergone a further test (at the proprietor’s own expense) and the suspension lifted by an Authorised Officer.

55. No Smoking

Revisions as per the Health Act 2006 which does not permit anyone to smoke in the licenced vehicle. The use of e-cigarettes or any other cigarette substitute (Vapes, etc.) which may be perceived to appear as a cigarette is not permitted within the licensed vehicle.

Any driver found or believed to be smoking in a vehicle will be required to have their vehicle inspected by an authorised officer. Should the vehicle fall below the standards acceptable to

the Authority, i.e. cigarette/cigar odour then the vehicle licence may l be suspended until such time that an authorised officer is satisfied that the matter has been resolved.

The Council's fixed penalty Notice Enforcement Strategy is at Appendix P.

In the first instance, any driver found smoking will be issued with a fixed penalty notice under the Health Act 2006 and the matter will be recorded on their licence records. If the fixed penalty notice is not paid within the specified timeframe, the matter will be referred to the Council's legal department to consider prosecution. If a driver is found smoking for a second time within a three year period, they will not be given the opportunity to discharge liability by way of a fixed penalty notice and the matter will be referred to the Council's legal department to consider prosecution. Any driver who is found smoking twice within a three year period will also be referred to the Licensing & Environmental Protection Committee who can take action against the driver including suspension or revocation of the licence.

Proprietors/ Drivers should note that a licensed vehicle remains licensed even when being used for social or domestic (not hire and reward) purposes and licence conditions will apply.

56. Celebratory Flags

On the occasion of major events (for example, a World Cup, Coronation, Royal Wedding etc) a maximum of 1 national flag may be flown on a licensed vehicle at the discretion of an authorised officer. Flags may only be flown or displayed during the period of the event and must be specifically related to the event. The flag must be of a size and type that will not obstruct the drivers view in any way, nor endanger the safety of other road users/pedestrians. All flags are flown at the vehicle proprietors own risk. The displaying of flags on vehicles is subject to agreement/approval of an authorised officer, if in doubt proprietors / drivers are encouraged to liaise with the Licensing Team.

57. Vehicle requirements

Every proprietor of a vehicle shall ensure that;

a) The vehicle together with all of its fittings and equipment is kept in an efficient, safe, watertight, clean and tidy condition and all relevant statutory requirements are fully complied with.

b) No alteration or change in the specification, design, condition or appearance of the vehicle is made without the approval of an Authorised Officer, at any time whilst the licence is in force.

c) Have the vehicle serviced in line with the manufacturer's recommendations and service/maintenance records to be produced on demand to a Police Officer or Authorised Officer.

58. Accident Notification

In every case where a private hire vehicle **sustains damage or is involved in an accident** the details of the vehicle and the damage sustained must be reported by the licence holder to the Council within 72 hours of the damage having been sustained. The licence holder must provide details of the accident and arrange for the vehicle to be inspected as appropriate. The licence holder will provide details of the incident and if deemed necessary the licence holder will complete an accident report.

The accident report shall contain the following information: the date and time of the accident, where the accident occurred, how the accident occurred, the damage the vehicle has sustained, and if there were any passengers in the vehicle at the time of the accident.

In every case where a private hire vehicle is involved in a **road traffic collision,** the details must be reported by the licence holder to the Council as soon as it is practicable and in any case no later than 72 hours after the collision occurring. The licence holder must provide details of the incident and arrange for the vehicle to be inspected as appropriate.

Where damage to the private hire vehicle affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Licensing Authority the vehicle must not be used for hire/reward.

For the avoidance of doubt, slight scratches or stone chips which do not materially affect the use of the vehicle do not need to be reported.

59. Additional Requirements for Drivers of Hackney/Private Hire Vehicles

A driver of a hackney carriage/private hire vehicle **must** carry up to the maximum number of passengers for which the vehicle is licensed, if required to do so by the hirer.

Legislation makes a distinction between hackney carriages and private hire vehicles. Hackney carriages may be hailed in the street or hired from a taxi rank. Private hire vehicles may only undertake journeys following an advanced booking being made through a private hire operator. Hackney carriages are also fitted with a meter set to an agreed tariff by the Council and drivers must not charge more than the fare shown, though they are permitted to charge a lower fare. The Council is unable to set a fare for private hire, although potential customers should be quoted an estimated fare, if requested, when they make their bookings.

Hackney carriages can work as a private hire vehicle but must not charge more than the metered fare when used in this way and must utilise the existing meter in the vehicle.

60. St. Helens Council bylaws with respect to hackney carriages

The Council have a number of bylaws covering the use of Hackney Carriages which can be viewed on the Council's website or copies made available if requested.

61. Plying and Standing for Hire

The driver of a hackney carriage standing on an appointed rank must, unless he/she has a reasonable excuse, drive to any place within the Council's area to which he is directed to drive by the hirer.

Licensed hackney carriages may ply for hire on any street within the St. Helens Council area. They may only stand for hire on the appointed taxi ranks as defined by Section 38 of the Town & Police Clauses Act 1847. Hackney Carriage vehicles SHALL NOT be left unaccompanied (parked) on taxi ranks AT ANY TIME.

Taxi ranks are appointed by the Council and any proposed changes to these ranks will be advertised.

Private hire vehicles must not ply for hire on any street and it is an offence to ply for hire without a hackney carriage licence. Any insurance for Private Hire would also be compromised in such instances. No vehicles, other than licensed hackney carriages, may wait on appointed ranks.

NB: It is an offence for any vehicle to be left unattended on a hackney carriage stand (this also includes hackney carriages). It is also an offence for any vehicle other than a hackney carriage to stop on a hackney carriage stand.

62. Identification Plates on Vehicles

A licensed vehicle must display the plates issued by the Council at all times. Plates issued remain the property of St. Helens Council.

The loss of, or damage to, a plate must be reported immediately to the Council, and upon payment of a fee a new plate will be issued. In the case of loss or theft, it must also be reported to the Police and the loss/crime number provided to the Council. Plates must be properly affixed to the vehicle using screws. The use of glue or cable ties or other similar attachments will not be permitted. These should be regularly checked to ensure that general vehicle usage has not caused the plates to 'loosen' in any way.

Identity plates are now changed routinely following each test and are emblazoned with the expiry date of each plate along with the plate number.

63. Suspension and Revocation of Vehicle Licences

The Council may suspend, revoke or refuse to renew a licence on the following grounds:

(a) The vehicle is unfit for use as a hackney carriage or private hire vehicle.

(b) Any offence under or non-compliance with the requirements of the TPCA or LGMPA.

(c) Any other reasonable cause.

Where such suspension, revocation or refusal to renew occurs, the Council must give the proprietor of the vehicle notice of the grounds on which this action has been taken within 14 days of the suspension, revocation or refusal to renew.

There is a right of appeal against the Council's decision to a Magistrates' Court within 21 days from the date of receipt of the Council's notice.

64. Vehicle Inspection

An Authorised Officer or Police Officer has the power to inspect and test any licensed vehicle or any taximeter fixed to such a vehicle, at any reasonable time. If either Officer is not satisfied as to the fitness of the vehicle or the accuracy of its taximeter he/she may, by notice in writing, require the proprietor of the vehicle to make the vehicle and/or its taximeter available for further inspection or testing, at such reasonable time and place as may be specified in the notice, furthermore he/she may suspend the vehicle licence until such time as he/she is satisfied as to the vehicle's fitness or the accuracy of its taximeter. The Council may require a hackney carriage or private hire vehicle to be inspected and tested and, if so required, the proprietor of a licensed vehicle must present it for inspection and testing by or on behalf of the Council within such period and such place as the Council may by notice reasonably require.

The proprietor of a licensed vehicle must supply the Council with written details of the address where the vehicle is kept when not in use, and must, if required by the Council,

allow the Council access to enable the vehicle to be inspected and tested there. All associated costs will be met by the driver or operator.

65. Fares for Hackney Carriages

The maximum fares chargeable by Hackney Carriage vehicles are fixed by the Council and are to be reviewed regularly. Drivers of Hackney Carriage vehicles are permitted to charge any fare for a journey, up to and including (but not exceeding) the fare displayed on the meter.

The current table of fares must be on display in the vehicle at all times.

Journeys which end outside St. Helens Council Area

For these journeys the fare is negotiable with the hirer. If any fare is negotiated before the hiring is made no fare greater than that displayed on the meter can be charged. The meter must be used in these circumstances.

Hackney Carriages used under Contracts for Private Hire

When used for private hire purposes hackney carriages must charge from the point of pick-up of the hirer to the point of drop off, the meter must be used. The fare charged cannot be greater than that displayed on the meter.

NB: *Whatever type of journey is undertaken in a hackney carriage, the taxi meter must be in operation even if the fare has been negotiated.*

66. Fares for Private Hire Vehicles

There are no statutory controls over the fares for private hire vehicles. Private hire vehicles do not have to be fitted with taxi meters, but where a taxi meter is fitted it must be appropriately tested.

NB: *It is an offence to tamper with or alter a taxi meter*

67. Meters / Data heads

Meters, where fitted, shall be of a type approved by the Council and shall be calendar controlled, locked and sealed by the manufacturer or supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver. Meters shall be positioned so that passengers in the vehicle can easily read the display.

68. Additionally conditioned Private Hire licences

For business's that wish to licence novelty or 'stretched' vehicles, or run an executive service where they can demonstrate a "non-standard" private hire service then St. Helens Council has Additionally Conditioned Private Hire Licenses. These are effectively private hire vehicle and driver licenses with extra conditions attached.

In order to demonstrate to St. Helens Council that a non-standard private hire service will be operated, a business case will need to be submitted detailing how your business differs from the "standard" private hire company's currently operating in the St. Helens area. Any person considering this type of licence should contact the Licensing Team in the first instance to discuss your application.

Where a private hire operator's licence is already held to operate Private Hire vehicles, a separate private hire operator's licence must be obtained from St. Helens Council when the business plan has been approved. This is due to the fact that there has to be a clear distinction between the 2 licenses.

IMPORTANT: Additionally Conditioned Licenses are issued at the discretion of St. Helens Council Licensing Team. Should the relevant criteria for these licenses not be met then standard private hire licences will apply.

69. Additionally Conditioned Driver Licences

Additionally, Conditioned driver licences are single licences permitting the holder to drive only licensed Additionally Conditioned Private Hire Vehicles.

Drivers applying for an Additionally Conditioned Private Hire Driver's licence will be exempt from the local knowledge, simple arithmetic and visitor information sections of the required knowledge test however; they are not licensed to drive "standard" Private Hire Vehicles or Hackney Carriages.

70. Additionally Conditioned Vehicle Licences

Vehicles operating under an Additionally Conditioned Private Hire Vehicle licence will be exempt from:

- The displaying of standard licence plates on the front and rear of the vehicle
- Displaying repeater dashboard plates
- St. Helens Council door signs
- Private Hire Operator door signs

A discreet card licence identification feature will be issued and must be permanently displayed in the front, nearside of the windscreen and on the rear window. As one of the main reasons for this type of licence is to keep the vehicle looking discreet it follows that no other signage will be allowed on the vehicle. However, it is recognised that it may be appropriate for some advertising to be on novelty vehicles (e.g. stretch limousines, fire engines etc). Any such advertisement must be approved by an authorised officer.

N.B. *All the conditions of licensing (i.e. those not exempted by these provisions) will apply.*

71. Additionally Conditioned Driver/Vehicle Conditions

Conditions relating to additionally conditioned driver licences and vehicle licences will be specific to the vehicle presented and will be agreed in consultation with the Licensing Manager.

72. Stretched Limousines

The Council only licence vehicles that carry up to 8 passengers. The Council also licences stretched limousines or vehicles that have been extended since manufacture. On initial examination, in addition to the compliance test, evidence will have to be provided to ascertain the date and validity of the conversion of such vehicle. In the case of a vehicle which has been converted more than 5 years previously the vehicle test will be conducted every 6 months. The general rule is that such vehicles when they become 10 years old will be subject to further extensive and intrusive examination.

Please note that due to the size of these types of vehicles the compliance tests will take longer and are therefore subject to additional testing fees.

Part D
Private Hire Operators

73. Operator's Licences

Any person who intends to operate any vehicle as a private hire vehicle, that is, to invite or accept bookings for the vehicle in the course of business, must have an operator's licence, it is an offence to operate a private hire vehicle without such a licence. It is an offence to operate a vehicle as a private hire vehicle if the vehicle itself or its driver is not correctly licensed.

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepts the original (initial) booking. Ultimately, operators must be able to demonstrate that they only use licensed drivers/vehicles and that they comply with all conditions imposed on the licence, relevant laws and legal responsibilities.

74. How to apply for an Operator's Licence

Any person wishing to operate a licensed private hire vehicle must either have an operator's licence in their own right or be affiliated to an existing operator's licence. Upon grant of an operator's licence the operator's licence will specify the address from which the operator may operate. The operating base will be located within the Borough of St. Helens.

Only persons deemed by St. Helens Council to be a 'fit and proper' person (please see relevant section 23) may hold a Private Hire Operators Licence. In order to be deemed 'fit and proper' all applicants for a Private Hire Operators Licence must obtain a basic disclosure from the Disclosure and Barring Service (DBS). If an applicant is currently in receipt of a valid joint Hackney Carriage / Private Hire drivers licence or an additionally conditioned private hire drivers licence then this is not required. Where an applicant is a limited company or partnership, a standard disclosure from the DBS must be provided for each directors and partner before a licence is considered.

If an operator wishes to change the premises from which they operate they must apply to the Council for a licence for the new premises, before they commence trading from those premises. Prior to incurring any expenditure, you are advised to contact the Licensing Team for general advice on the process. The Licensing Team will not licence anyone proposing to operate under a name already in use (or a similar name) by an existing licensed operator within the Borough.

75. First Application

You should ensure that planning consent (or exemption) is in place for the proposed premises proposed to be licensed for a Private Hire Operators Licence.

Enquires about obtaining the above from St. Helens Council's Development Control Team can be made as follows:

By phone: 01744 676219
By Email planning@sthelens.gov.uk
Online: www.sthelens.gov.uk

The following process must be followed for the application:

1 Complete the relevant online application forms and submit together with the following:

a. Design of your private hire operator door sign which must comply with condition 13 of the private hire operator license conditions. (Appendix L)
b. A basic disclosure from the GOV.UK website if you do not hold a hackney carriage/private hire driver's licence with us (no older than 1 calendar month). If the applicant is a company or a partnership, a standard DBS certificate (no older than 1 calendar month) must be provided for each partner or director.
c. A list of all drivers and vehicles that will operate under your private hire operator's licence.
d. HMRC tax check code (from 4 April 2022 if applicable).
e. Documentation giving confirmation from the Development Control Team with regards to planning permission for your operator's base.

2 Once your application has been validated, you will be contacted to make payment for your application. The current applicable fees can be found at Appendix H.

76. Suspension of Operator's Licences

The Council may suspend, revoke or refuse to renew an operator's licence on the following grounds:

(a) Any offence under, or non-compliance with, the provision of the TPCA or LGMPA;

(b) Any conduct on the part of the operator, which the Council considers makes them unfit to hold the licence;

(c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(d) Any other cause deemed reasonable.

Where such suspension, revocation or refusal to renew occurs the Council must give the operator notice as to the grounds on which this action has been taken, within 14 calendar days of the suspension, revocation or refusal to renew. There is a right of appeal against the Council's decision, to a Magistrates' Court, within 21 calendar days from the date of receipt of the Council's Notice.

77. Keeping of Records

Booking Records

Licensed operators must keep records for a minimum of 12 months from the date of the journey. They must be in the form prescribed by the Council as set out in the Private Hire Operator conditions at Appendix "L" and must be made available to an Authorised Officer upon request.

The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator or if it is intended that the booking is to be sub contracted to another Operator.

The record of each booking must be made before the start of each journey and must contain the following information as a minimum:

a. Date and time the booking is made – 24hr clock to be used

b. Name of the passenger

c. Pick-up address/location

d. Destination address/location

e. The name of the driver

f. The driver's licence number and/or identity call sign

g. The vehicle registration or Private Hire Vehicle licence number

h. Remarks, including how the booking was made, fare quoted where applicable

i. If the booking has been sub-contracted, the name of the operator from/ to which the work was sub-contracted

j. The name of the staff member that responded to the booking request.

k. The name of any staff member that dispatched the vehicle.

The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages.

If a computer database is used to record bookings, it shall be of such design that entries made cannot subsequently be modified/ deleted.

Any abbreviations used in the record of the booking must be cross referenced in a separate key.

The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.

For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.

The Operator cannot accept bookings made by direct dial to a mobile telephone or to a telephone line which is situated outside of the borough of St Helens.

Driver and Vehicle Records

The Operator must maintain at all premises used by them for the purposes of taking bookings, a list of all licensed drivers and vehicles operated by them, which must include:

a. Full name, address and contact details of the driver

b. Date the driver commenced work with the Operator

c. Private Hire Driver licence number

d. Expiry date of the Private Hire Driver licence

e. Call-sign allocated to the driver, if applicable

f. Private Hire Vehicle plate number

g. Expiry date of Private Hire Vehicle licence

h. Vehicle registration number

i. Vehicle make and model

j. A current copy of the vehicle licence

k. A current copy of the drivers licence

The driver/vehicle records must be made available for inspection to an Authorised Officer upon request.

Operators holding a licence which permits more than one vehicle to be operated must send a copy of the list of all licensed drivers containing the information above to the Council on the first Monday of each calendar month. The list may be sent via email (taxilicensing@sthelens.gov.uk) or in the post.

Operators must not use the services of any driver or vehicle without having noted the details above, ensuring at all times that the driver and the vehicle being used have current licences.

Operators shall notify the Council within 24 hours when any driver ceases to work them, or has started working for them.

Base Staff Records

The Operator must not employ any staff before they have been provided with a Basic Disclosure and Barring Services (DBS) certificate that has been carried out no more than 1 calendar month prior to the proposed date for the commencement of their employment. The Operator shall retain the DBS certificates for all base staff at its designated main office.

The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.

Where the Operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to an Authorised Officer upon request.

A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes: the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment and a record of when they undertook the safeguarding training with the Licensing Authority.

Other Records

The Operator must notify the Council, in writing of any change of their private address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.

78. Conditions

The Council has the power to impose such conditions on an operator's licence as it considers necessary. Please refer to Appendix L which contains conditions applicable to operators.

79. Important Changes

Please note: Should you leave/move from the premise(s) stated on the private hire operators licence then that licence will be automatically cancelled and the operator will be responsible for applying for a license for the new premises (if appropriate). Anyone found operating from an address within the St. Helens Borough without a licence may be prosecuted and/or have any other licenses reviewed.

80. Complaints

The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.

In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.

On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:

a. date and time the complaint was received

b. name and contact details of the complainant

c. name of driver(s) against whom the complaint has been made

d. private hire driver licence number

e. vehicle registration number and licence number (plate number)

f. details of the complaint including the date of the incident

g. details of the actions taken by the Operator in response to the complaint

h. date investigation was completed

i. outcome of complaint

j. date complaint was reported to the Licensing Authority

k. name of staff member who facilitated the complaint

The complaint records referred to above shall be held and secured at the Operator's main business address and shall be made available to an Authorised Officer at all reasonable times.

Details of all complaints must be reported to the Council within 24hrs of receipt.

The Operator must keep records of complaints for a minimum period of 12 months.

81. Insurance

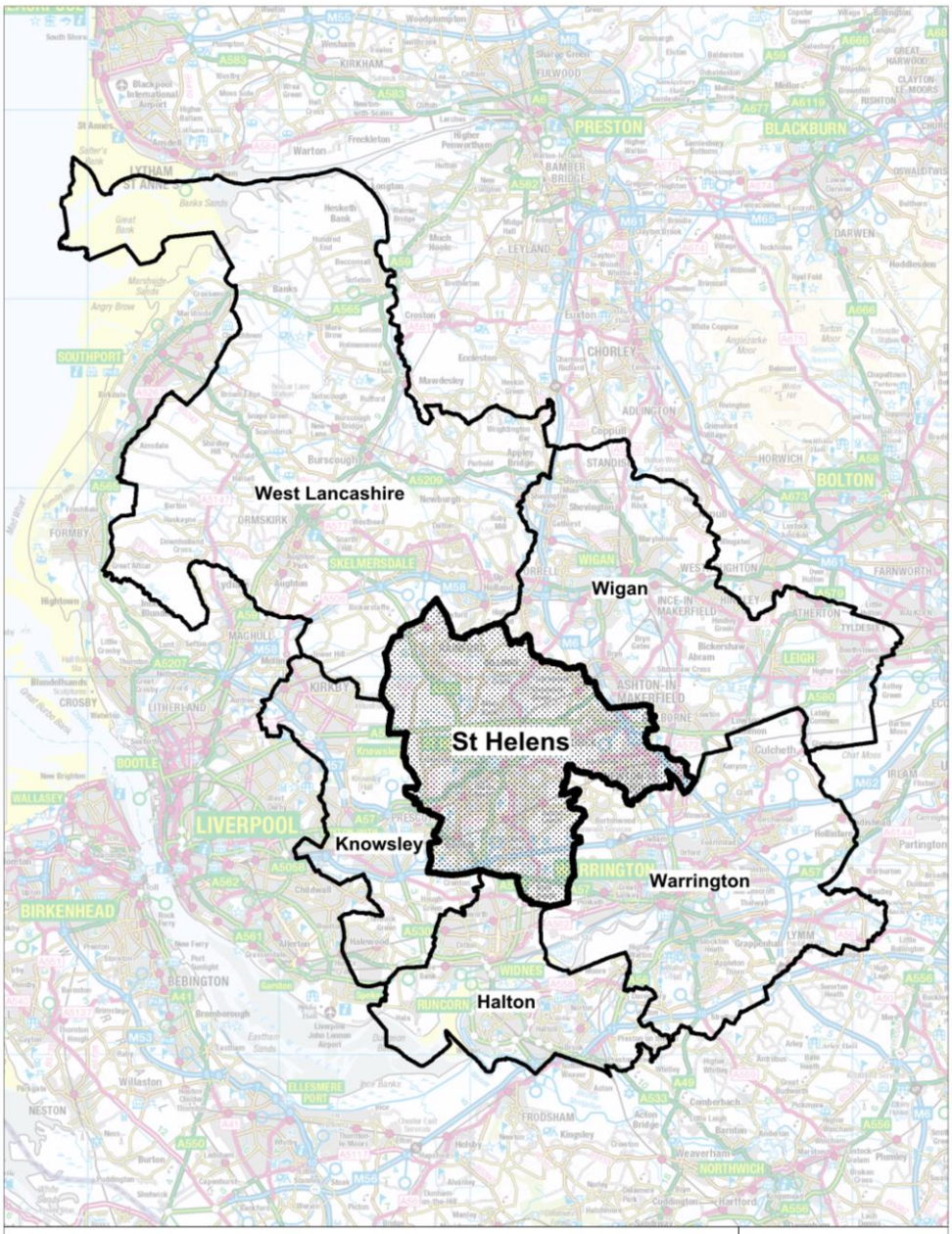
Every private hire vehicle operated must be covered by a certificate of insurance or cover note indemnifying the proprietor of the vehicle under the provisions of the Road Traffic Act 1972 (Part IV) for the carriage of pre-booked passengers for private hire. There is a legal responsibility on Operators to ensure every vehicle used by the Company is properly insured.

Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work. The Operator must retain on record, details of the expiry date of the insurance relating to all vehicles that they operate and have a system in place to remove a vehicle from their system should the insurance of that vehicle expire.

82. General Requirement

Licensed drivers, operators and the proprietors of licensed hackney carriage and private hire vehicles must comply fully with the relevant licence conditions made by the Council. Any person aggrieved by any of the conditions may appeal to a Magistrates' Court within 21 calendar days from the date of receipt of the conditions, following the grant of the licence.

Appendix A



Location Plan

St.Helens Council
Corporate GIS

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Appendix B

Policy Consultees

Elected Members
Parish Councillors
National Taxi Association
Local Licensed Hackney Trade
Local Licensed Private Hire Trade
Merseyside Police
Local Transport Providers
Disability Groups
Director of Environmental Protection
Planning Authority
Highway Authority
Head of Regeneration
Other relevant Government Departments & Agencies
Local Authority Designated Officer (Safeguarding)
Local Authority Equalities Officer
Neighbouring Authorities
Service Users
Unite

Appendix C

Complaints Procedure

We take very seriously any complaints received about our licensed driving community. It is important that you direct your complaint to the service best able to address your concerns.

ALL complaints should be reported to the Licensing Authority, however with some complaints, other organisations should be notified too.

As drivers are self-employed, In the first instance any complaints about the service they provide should be directed to the Operator.

Nature of Complaints

If your complaint relates to traffic offences, (eg. Illegally sounding the horn, mobile phone use, speeding, dangerous or reckless driving) then the complaint should be referred to the Police.

If your complaint refers to serious conduct including allegations of assault, threats of violence, these should also be reported to the Police.

If your complaint refers to overcharging, taking a longer route, condition or cleanliness of vehicle, or the general conduct or appearance of the driver or operator, you should contact us.

All disputes between drivers / operators should be resolved between yourselves unless there is evidence of a breach of licence condition, or if a relevant offence has been committed.

All complaints which we deal with are based on the operator's / driver's fitness to hold a licence and/or the condition of the licensed vehicle.

Our Process

After completing the contact us section, each stage of our investigation is documented due to the fact that there is potential for the complaint to progress to being heard in Court.

Your complaint should provide the following information:

- Date and time of the incident
- Vehicle identification (plate number, description of vehicle etc)
- Identification of licensed operator (if applicable)
- Identification of the driver (licence number, personal description)
- Description of the incident
- Your name, address, email address and daytime contact telephone number

It is important to provide a true and factual account of the incident, including your own conduct, the conduct of fellow passengers, whether or not you had been drinking, or showed any aggression to the driver.

The Council cannot investigate anonymous or frivolous complaints.

We conclude investigations as quickly as possible; however, the length of time taken to conclude the investigation depends on how much evidence is required.

You should be aware that you may be requested to support your case in person at the Councils Licensing and Environmental Protection Committee, should the matter be referred there for consideration/action.

Outcomes following a complaint

You will receive a response detailing the conclusions reached as a result of any investigation.

This is a list of possible action the Council can take against licensed drivers and operators.

- Verbal warning
- Written advice
- Written warning
- Final written warning
- Suspension of the licence
- Revocation of the licence
- Prosecution
- No further action

It is important that you contact us as soon as possible so that we can properly out an investigation.

Appendix D

Regulatory Services

Environmental Health
Trading Standards
Licensing

Enforcement Policy

Contents:

Executive Summary

1. Introduction
2. Legal status of the Enforcement Policy
3. Scope and meaning of ‘Enforcement’
4. How to obtain a copy of the Policy or make comments
5. General Principles
6. Notifying alleged offenders
7. Enforcement Action
8. Who decides what enforcement action is taken
9. Liaison with other regulatory bodies and enforcement agencies
10. Considering the views of those affected by the offences
11. Protection of Human Rights
12. Review of the Enforcement Policy
13. Complaints

EXECUTIVE SUMMARY

The enforcement policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by St. Helens Regulatory Services. The policy has been approved by the Council's Licensing and Environmental Protection Committee.

Our primary objective is to achieve regulatory compliance. We recognise that prevention is better than cure, but where it becomes necessary to take formal action we will do so. There is a wide range of tools available to us as an enforcement agency and we will always choose an enforcement method that is relevant and proportionate to the offence or contravention. We will also take the past history of an individual/business into account when making this decision.

The policy is built around a process of escalation, for example, we will only prosecute in circumstances where a defendant has acted wilfully and where their actions are likely to cause material loss or harm to others, or where they have ignored written warnings or formal notices, endangered, to a serious degree, the health, safety or well being of people, animals or the environment, or assaulted or obstructed and officer in the course of their duties.

The enforcement options/tools available to us include:

- No action;
- Informal Action and Advice;
- Fixed Penalty Notices;
- Penalty Charge Notices;
- Formal Notice;
- Forfeiture Proceedings;
- Seizure of goods/equipment;
- Injunctive Actions and other Civil Sanctions;
- Suspension/revocation of a licence;
- Simple Caution;
- Prosecution;
- Proceeds of Crime Applications

The policy is designed to help you understand our objectives and methods for achieving compliance and the criteria we consider when deciding what the most appropriate response is to a breach of legislation.

All our decisions will have regard to current statutory guidance and codes of practice, particularly the Regulators' Code, the Code for Crown Prosecutors and the Human Rights Act.

1.0 Introduction

1.1 Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and in particular the decision to prosecute have serious implications for all involved. Regulatory Services will apply this Policy to ensure that:

- Decisions about enforcement action are fair, proportionate and consistent;
- Officers apply current Government guidance and relevant codes of practice;
- Everyone understands the principles that are applied when enforcement action is considered.

2.0 Legal Status of the Enforcement Policy

2.1. The Licensing and Environmental Protection Committee of St. Helens Council approved this policy on the 18th of March 2015.

2.2 This policy is intended to provide guidance for officers, businesses, consumers and the public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

3.0 Scope and Meaning of Enforcement

3.1 This Enforcement Policy is based on the following 5 principles and relates to Environmental Health, Trading Standards and the Licensing Service.

- Proportionality
- Accountability
- Consistency
- Transparency
- Targeted

3.2 This Policy applies to all the legislation enforced by Officers in Environmental Health, Trading Standards and Licensing.

3.3 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. This is not limited to formal enforcement action such as prosecution.

3.4 In certain circumstances we will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published.

4.0 How to obtain a copy of the Policy or make comments

4.1 If you would like a paper copy of the Policy and/or you would like to comment on the policy, please contact us by:

- telephoning 01744 676789
- e-mailing environmentalhealth@sthelens.gov.uk
- e-mailing tradingstandards@sthelens.gov.uk
- e-mailing generalicensing@sthelens.gov.uk
- writing to the Director of Environmental Protection & Safer Communities, 3rd Floor, Wesley House, Corporation Street, St. Helens WA10 1HE

4.2 The policy is available online at:

4.3 On request, this Policy will be made available on tape, in Braille, large type, or in a language other than English.

5.0 General Principles

5.1 Prevention is better than cure and our role therefore involves actively working with businesses to advise on, and assist with compliance. Where appropriate, positive feedback will be provided to regulated businesses thereby encouraging and reinforcing good practice.

5.2 Where we consider that formal action is necessary, each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy and in the Regulators' Code.

For more information about the Regulators' Code visit:

https://www.gov.uk/government/publications/regulators-code

5.3 Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.

5.4 We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making any decision to take enforcement action.

5.5 In situations where a regulatory visit is made to a business or organisation that has entered into a Home Authority or Primary Authority arrangement, we will have regard to any statutory advice or inspection plans produced for enforcing authorities. Where enforcement action is envisaged against such businesses or organisations the primary authority will be notified of the proposed enforcement action and account will be taken of any advice provided.

For information on the Primary Authority scheme visit :-

https://www.gov.uk/government/publications/primary-authority-overview

5.6 St. Helens Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

5.7 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Code.

5.8 In certain instances we may conclude that a provision in the code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

6.0 Notifying Alleged Offenders

6.1 If we receive information, for example from a complainant, that may lead to enforcement action being taken against a business or individual, we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.

6.2 During the progression of enforcement investigations/actions, business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998.

7.0 Enforcement Action

7.1 There are a number of potential enforcement options. The level of the action taken varies from no action through to Court proceedings. Examples of the main types of action that may be considered are shown below:

- No action;
- Informal Action and Advice;
- Fixed Penalty Notices;
- Penalty Charge Notices;
- Formal Notice;
- Forfeiture Proceedings;
- Seizure of goods/equipment;
- Injunctive Actions and other Civil Sanctions;
- Suspension/revocation of a licence;
- Simple Caution;
- Prosecution.
- Proceeds of Crime Act Applications

7.1.1 The order in which the enforcement actions are listed above is not necessarily in absolute order of escalating seriousness relative to each other. Regulatory Services reserves the right to escalate its level of enforcement action, having regard to the criteria in paragraph 7.1.3 of this policy.

7.1.2 Where the law has been contravened, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until compliance is reached. Exceptions to this would be where there is a serious risk to public safety or the environment or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.

7.1.3 In assessing what enforcement action is necessary and proportionate consideration will be given to:

- The seriousness of the compliance failure.

- The past and current performance of any business and/or individual concerned.
- Any obstruction on the part of the offender.
- The risks being controlled.
- Statutory Guidance
- Codes of Practice
- Any legal guidance/advice
- Policies and priorities of Government, St Helens Metropolitan Borough Council and its Licensing and Environmental Protection Committee

7.1.4 Certain enforcement action, such as the decision to offer a Simple Caution and/or the decision to prosecute, is further and specifically informed by those matters set out below at paragraphs 7.11 and 7.12.

7.2 No Action

7.3.1 In certain circumstances, contraventions of the law may not warrant any action. This could be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of *no action* may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their health or wellbeing. In such cases we will advise the offender of the reason for taking no action.

7.3 Informal Action and Advice

7.3.1 For minor breaches of the law we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

7.3.2 Sometimes we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is advice or good practice.

7.3.3 Failure to comply could result in an escalation of enforcement action.

7.4 Fixed Penalty Notices

7.4.1 Certain offences are subject to fixed penalty notices where prescribed by legislation as an alternative to prosecution. They are recognised as a low-level

enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

7.4.2 In circumstances where a person or body corporate fails to accept or pay a FPN, then in order to maintain the integrity of these legislative regimes, Regulatory Services will consider an escalation of enforcement action. This will include consideration of a prosecution for the original offence under the primary legislation.

7.4.3 St Helens Councils' Fixed Penalty Enforcement Strategy can be viewed at:

http://www.sthelens.gov.uk/media/641743/fpn_enforcement_strategy.pdf

7.5 Penalty Charge Notices

7.5.1 Penalty Charge Notices (PCN) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may chose to issue a PCN without first issuing a warning.

7.6 Formal Notice

7.6.1 Certain legislation provide for notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. An example is an Improvement Notice requiring a food business to comply with provisions of specified legislation.

7.6.2 All notices issued will include details of any applicable *Appeals Procedures*.

7.6.3 Certain types of notice allow works to be carried out at default. This means that if a notice is not complied with [a breach of the notice] we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work.

7.7 Forfeiture Proceedings

7.7.1 This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

7.8 Seizure

7.8.1 Certain legislation enables authorised Officers to seize goods, equipment or documents for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give the person from whom the goods are taken an appropriate receipt.

7.9 Injunctive Actions and other Civil Sanctions

7.9.1 In certain circumstances, for example where offenders are repeatedly found guilty of similar offences or where it is considered that injunctive action is the most appropriate course of enforcement, injunctive actions may be used to deal with repeat offenders, dangerous circumstances or significant consumer detriment.

7.9.2 Action under the Enterprise Act 2002, proceedings may be brought where an individual or organisation has acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most

circumstances action will be considered where there have been persistent breaches

or where there is significant consumer detriment. Action can range from:

- Information undertakings;
- Formal undertakings;
- Interim Orders;
- Court Orders;
- Contempt Proceedings.

7.9.3 Anti- Social Behaviour Orders and Criminal Behaviour Orders; Where the non-compliance under investigation amounts to anti-social behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, following liaison with the Council's Anti-Social Behaviour Unit where appropriate, an ASBO or CBO will be sought to stop the activity.

7.10 Suspension and Revocation of a Licence

7.10.1 Review of Hackney Carriage/Private Hire Drivers Licence

Pursuant to Section 61 of the Local Government (Miscellaneous Provisions)

Act 1976 the Council may suspend, revoke or refuse to renew a hackney

carriage/private hire driver's licence on any of the following grounds:

(a) That the Licence Holder has since the grant of the Licence:

(i) Been convicted of an offence involving dishonesty, indecency or violence; OR

(ii) Been convicted of an offence under or has failed to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 (legislation referring to the 'control' of Hackney Carriages and Private Hire Vehicles).

(b) Any other reasonable cause.

7.10.2 The Council may suspend or revoke a hackney carriage/private hire driver's licence with immediate effect if it is deemed necessary in the interests of public safety. This could be due to information received for example from the Police about a serious conviction or allegation against a driver such as drink driving, sexual offences or serious assault. The Council must be satisfied that there is a clear connection between the alleged incident(s) and the safety of the travelling public which justifies taking immediate action.

7.10.3 Review of a Private Hire Operators Licence -

Pursuant to section 62 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') the Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds.

(a) any offence under, or non-compliance with, the provisions of part II of the Act;

(b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(d) any other reasonable cause.

7.10.4 Review of a Premises Licence

(a) Where a review of a Premises Licence is sought pursuant to Sections 51 or 53 of the Licensing Act 2003, the Licensing Sub Committee may take the following steps on determination of the application, if it is considered necessary for the promotion of the licensing objectives:-

- To modify the conditions of Licence
- To exclude a Licensable activity from the scope of the Licence
- To remove the Designated Premises Supervisor

- Suspend the Licence for a period not exceeding three months
- Revoke the Licence
- Issue a warning letter (i.e. informal action)
- No action

(b) In addition, where a Summary Review of a Premises Licence is sought by the Police pursuant to Section 53 of the Act, the Licensing Sub Committee may take the following interim steps if they are considered necessary, pending determination of the review:-

- To modify the conditions of Licence
- To exclude the sale of alcohol by retail from the scope of the Licence
- To remove the Designated Premises Supervisor
- To suspend the Licence

7.10.5 Where a Review of a Premises Licence is sought pursuant to Section 201 of the Gambling Act 2005 ('the Act'), the Licensing Sub Committee may take the following action:-

- To revoke the Licence
- To suspend the Licence for up to three months
- To exclude a condition attached to the Licence under Section 168 of the Act or to remove or amend an exclusion To add, remove or amend a condition under Section 169 of the Act.

7.11 Simple Caution

7.11.1 A Simple Caution is an admission of guilt but is not a form of sentence nor is it a criminal conviction. In appropriate circumstances, where a prosecution would otherwise be justified, a Simple Caution may be administered with the consent of the offender.

7.11.2 For a Simple Caution to be issued a number of criteria must be satisfied;

- Sufficient evidence must be available to prove the case.
- The offender must admit the offence.
- It must be in the public interest to use a Simple Caution.
- The offender must be aged 18 years or over.

7.11.3 We will also take into account whether the offender has received a Simple Caution within the last 2 years when determining whether a Simple Caution is appropriate for any subsequent offending

7.11.4 A record of the Simple Caution will be kept on file for 2 years. If the offender commits a further offence, the Simple Caution may influence the decision to pursue a prosecution. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Simple Caution may be cited in Court, and this may influence the severity of the sentence imposed by the Court .

7.11.5 For details of the Ministry of Justice guidance on Simple Cautions visit:

http://www.justice.gov.uk/downloads/oocd/adult-simple-caution-guidance-oocd.pdf

7.12 Prosecution

7.12.1 We apply two ‘tests’ to determine whether a prosecution is viable and appropriate. We apply guidance set by the Crown Prosecution Service when applying the tests:

For more information about the ‘Code for Crown Prosecutors’ issued by the Director of Public Prosecutions visit:

http://www.cps.gov.uk/publications/code_for_crown_prosecutors/codetest.html

A prosecution will only be progressed when the case meets both the evidential test and the public interest test. The principles outlined below apply equally to the other types of formal enforcement action that are available.

7.12.2 Evidential Test

We must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. The following evidential factors will be considered when deciding whether there is a realistic prospect of conviction:

- Whether there is enough evidence to prove the offence
- The likelihood of evidence being held as inadmissible by the courts and the importance of that evidence in relation to the evidence as a whole
- Whether there are any reasons to question the credibility or reliability of evidence
- Whether the offender can make out a statutory or other defence

7.12.3 The Public Interest Test

The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

The following public interest criteria will normally be taken into account when deciding on the relevance of legal proceedings, although this list is not exhaustive:

- The seriousness of the offence including whether there is a significant risk to public health or safety: damage to the environment: causing suffering to animals or risk of spread of animal or human disease
- The culpability of the offender including their level of involvement in the offence, the degree of premeditation or pre planning, relevant previous convictions or out of court disposals, previous advice or warnings, their age or maturity or whether, at the time of the offence, they were suffering from any significant mental or physical ill health
- Any threat of violence against any person
- Any obstruction of an officer of the authority in carrying out their duties.
- Whether the victim is part of a vulnerable group or has been put in a position of considerable fear, damage or disturbance. This includes where a position of trust or authority exists between the suspect and the victim.
- Whether the offence was motivated by any form of discrimination against the victim's national origin, being married or in a civil partnership, being pregnant or in maternity, disability, gender, age, religion or belief, sexual orientation, or gender identity of the offender demonstrated any hostility toward a victim based on any of these.
- Whether prosecution is proportionate to the likely outcome, including a consideration of the cost of the action to the authority and the wider criminal justice system, especially where it could be considered excessive when weighed against any likely penalty.
- The principles of effective case management. For example in a case involving multiple defendants' prosecution may be reserved for the main participants in order to avoid excessively long and complex proceedings
- The views of any relevant "Home" or "Primary" Local Authority for the business in question.

7.13 Proceeds of Crime Act Applications

7.13.1 Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are

conducted according to the civil standard of proof. Applications are made after a conviction has been secured.

7.13.2 We may also assist the courts, where victims apply for compensation as it is our policy that the victims of crime should be compensated where possible

7.13.3 We will attempt to recover the cost of enforcement action wherever possible, for example by applying to courts for full prosecution costs (in accordance with existing law). This is to mitigate the burden to Council Tax payers of the cost of enforcement.

8.0 Who decides what enforcement action is taken

8.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgement, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government. This will be further reinforced, where considered necessary, by the introduction of practice and procedure notes which will seek to guide officers in the appropriate line of action to take.

8.2 Where appropriate, decisions about enforcement will involve consultation between or approval from:

- Investigating Officer(s);
- Senior Managers from Regulatory Services;
- Council Solicitors and Legal Officers;
- Chair of the Council's Licensing and Environmental Protection Committee

9.0 Liaison with other Regulatory Bodies and Enforcement Agencies

9.1 Where appropriate, enforcement activities within Regulatory Services will be co-ordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

9.2 Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.

9.3 Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, examples including:

- Government Agencies;
- Police Forces;
- Fire Authorities;
- Statutory Undertakers;
- Other Local Authorities.

10.0 Considering the views of those affected by offences

10.1 Regulatory Services undertakes enforcement on behalf of the public at large and not just in the interest of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decision.

11.0 Protection of Human Rights

11.1 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:

- Right to a fair trial;

- Right to respect for private and family life, home and correspondence.

12.0 Review of the Enforcement Policy

12.1 This Policy will be reviewed annually.

13.0 Complaints

13.1 The Council has an established complaints procedure which can be accessed on line at www.sthelens.gov.uk or by contacting St. Helens Council, Contact Centre, Wesley House, Corporation Street, St. Helens, WA10 1HE. Telephone 01744 – 676789.

Appendix E

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND OPERATORS LICENCES

PROCEDURAL GUIDE

1. The Chairman of the Committee will open the meeting and invite the Licensing Manager to outline the procedure for dealing with the item.

2. The procedure to be followed will then be explained to all members present.

3. The Licensing Manager will briefly outline the details of the application or the reasons for the referral to the Committee.

4. The applicant / licence holder (and his or her representative) will then be brought into the meeting and the Licensing Manager will outline why the matter has been brought before the Committee for consideration.

5. The Chairman of the Committee will then invite the applicant or licence holder to comment of the report before the Committee and members of the Committee to determine:

   (a) Whether a new applicant is a fit and proper person to hold a licence;
   (b) Whether the Committee has cause to suspend, revoke or refuse to renew the existing licence.

6. Members of the Committee will then ask the applicant or licence holder questions.

7. The applicant / licence holder or representative will then sum up the case for the grant or retention of the licence after which they will leave the meeting to allow the Committee to deliberate and to take any advice required from Council Officers.

8. The applicant / licence holder and representative will be invited back into the meeting to allow the Committee to deliver its decision. Which will subsequently be confirmed in writing.

9. The Applicant will then be advised that they will receive the decision in writing, the Applicant will have their right to appeal the decision within 21 days from receipt of the letter.

PLEASE NOTE:

i). Where the Committee considers it necessary the procedure may be varied.
ii). In circumstances where any party fails to attend, the Committee will consider whether to proceed in that party's absence or, defer to the next meeting. In deciding whether to proceed all notices and representations will be considered.

iii). The hearing will take the form of a discussion and the Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.

iv). If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.

v). The hearing will usually be recorded to provide a true account of the evidence provided by both parties.

vi). The Committee will have the right to call 'expert witnesses' should their services be required. Eg. with reference to safeguarding.

Appendix F

Proof of Right to Work in the UK

The Council notes that the Department for Transport considers it best practice for Council's to check on an applicant's right to work, before granting a hackney carriage/private hire vehicle driver's licence. Therefore, all currently licensed drivers will be required to produce documentary proof of their right to work in the UK when they next apply to renew their current driver's licence. Anyone applying for a new licence will be required to produce documentary proof of their right to work in the UK.

If the Council is in any doubt as to a person's right to work (or to be) in the UK, the Council will notify the Border and Immigration Agency of its concerns, and can obtain case specific immigration status information from the Evidence and Enquiry Unit.

Set out below are the documents which will be accepted as proof of your right to work in the UK:

List 1 – any one of the following

- A passport showing that you are a British citizen, or have a right of abode in the United Kingdom.
- A document showing that you are a national of a European Economic Area country or Switzerland. This must be a national passport or identity card.
- A resident permit issued by the Home Office to you if you are a national from a European Economic Area country or Switzerland.
- A passport or other travel document endorsed to show that you can stay indefinitely in the United Kingdom, or has no time limit on your stay.
- A passport or other travel document endorsed to show that you can stay in the United Kingdom; and that this endorsement allows you to do this type of work if you do not have a work permit.
- An Application Registration Card issued by the Home Office to an asylum seeker stating that you are permitted to take employment.

List 2 - A document giving your permanent National Insurance Number and name. This could be a P45, P60, National Insurance card or a letter from a Government agency (National Insurance Numbers beginning with TN or any number which ends with the letters E to Z inclusive are not acceptable). **And** any of the following

- a full birth certificate issued in the United Kingdom, which includes the names of your parents; or
- a birth certificate issued in the Channel Islands, the Isle of Man or Ireland; or
- a certificate of registration or naturalisation stating that you are a British citizen; or
- a letter issued by the Home Office to you which indicates that you can stay indefinitely in the United Kingdom, or has no time limit on your stay; or
- an Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay indefinitely in the United Kingdom, or has no time limit on your stay; or
- a letter issued by the Home Office to you which indicates that you can stay in the United Kingdom, and allows you to do this type of work; or
- an Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay in the United Kingdom, and this allows you to do this type of work.

List 3 – A work permit or other approval to take employment that has been issued by Work Permits UK **and** either of the following

- a passport or other travel document endorsed to show that you are able to stay in the United Kingdom and can take the work permit employment in question; or
- a letter issued by the Home Office confirming that you are able to stay in the United Kingdom and can take the work permit employment in question.

Appendix G

Convictions Policy

This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended). The purpose of this policy is to explain how the Council will carry out its licensing functions in relation to applications or renewals for Private Hire and Hackney Carriage Driver Licences in circumstances where the applicant/existing driver has a criminal record (including motoring offences).

Decision making
The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on their merits, and the Council will provide reasons for all decisions made when an application is refused.

1 INTRODUCTION

1.1 Licences for drivers of hackney carriages / 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.

1.2 This 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 committed a criminal offence.

1.3 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 Private Hire and Hackney Carriage Driver Licences
- Licensing or Authorised Officers
- Members of the Licensing Panel
- Magistrates hearing appeals against local authority decisions

1.4 This guidance will be used for the determination of applications or renewals in relation to Hackney Carriage Drivers / Private Hire Drivers.

1.5 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 and Environmental Protection Committee ('the Committee'). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee may depart from the guidelines. Offences not specifically identified in these guidelines may also be considered depending on the circumstances.

1.6 In exercising its powers 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.

2 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK

2.1 The Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.

2.2 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 Licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

2.3 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.

2.4 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a Driver Licence. The Council will however consider all information on an enhanced DBS and will take 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.

2.5 The Council may not be satisfied that an applicant is a fit and proper person to hold a Driver Licence for any good reason. If adequate evidence that a person is a fit and proper person is not produced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

2.6 In considering evidence of an applicant's good character and fitness to hold a Driver Licence, where previous offences or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant.

3 FAILURE TO DISCLOSE A CONVICTION

3.1 When completing an application form for a Hackney Carriage / Private Hire Driver Licence it is an absolute requirement:

- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form.
- To inform the Council if you are under investigation in respect of any criminal offence, if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you.
- To inform the Council if you have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against you, including details of any sentences upon breach relating to anti-social behaviour.

3.2 Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.

3.3 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations.

4 LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

4.1 In circumstances where an applicant has convictions which are outside of the timeframes referred to in this guidance and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Committee who will consider the application. Applicants will be advised of the procedure which will enable their attendance before the Committee and they will be able to attend the Committee to present their case. Any person refused a licence has a right of appeal to the Magistrates Court against the Council's decision within 21 days of being notified of the Council's decision.

4.2 Each applicant referred to the Committee will be considered on their individual merits. In those circumstances the Committee will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Committee may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Committee consider it is not relevant to the applicant's suitability as a Private Hire/Hackney Carriage Driver. Alternatively, the Committee may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.

4.3 The overriding consideration of the Committee will always to be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles

4.4. Being a licensed Hackney Carriage / Private Hire Driver is a responsible position and the Committee takes its public protection role very seriously. The Committee will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.

4.5 The Committee can consider all criminal offences, including spent convictions and will also take in to consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Committee will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.

4.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Committee may depart from these guidelines at its discretion subject to the circumstances. The policy guidelines provide a general guide to new applicants or renewal applications on various types of offences.

5 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

5.1 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for Driver Licences.

5.2 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.

5.3 If an applicant has a conviction for an offence not covered by the guidelines regard will be had to the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant when deciding whether to grant an application. 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.

5.4 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but an applicant will generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued.
Each case will be decided on its own merits.

5.5 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 may be taken into account despite being outside the timeframes referred to in these guidelines. Such cases will generally be referred to the Committee.

5.6 For the purpose of clarity the timeframes referred to in these guidelines start from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court whether or not the term of imprisonment was suspended), whichever is later.

6 SEXUAL AND INDECENCY OFFENCES

6.1 Licensed drivers often carry unaccompanied and vulnerable passengers and young people.
Applicants who have committed an offence at any time for indecent exposure, indecent assault, importuning or any sexual offence, will generally not be granted a Hackney Carriage or Private Hire Driver Licence.

7 VIOLENT OFFENCES

7.1 Licensed drivers have close regular contact with the public and a firm line will be taken with those who have committed a violent offence. An application will generally be refused if an applicant has a conviction for an offence that involved

significant harm or loss of life or an act of terrorism. If an applicant has committed more than one violent offence then it is likely that the application will be refused. An applicant who has committed a violent offence will generally not be considered for licence until a period of at least five years has passed since either the offence or the date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is later. Given the range of offences that involve violence the Council will carefully consider the nature of the offence and the sentence imposed when determining an application.

Offences involving violence include:

- Assault occasioning actual bodily harm
- Assault on police
- Assault with intent to rob
- Battery
- Robbery
- Violent disorder
- Grievous Bodily Harm
- Common assault
- Wounding
- Wounding with intent
- Arson
- Riot

8 POSSESSION OF AN OFFENSIVE WEAPON

8.1 An applicant with such an offence on their record will, depending on the circumstances of the offence, generally be refused a licence for a period of at least 5 years after either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. An applicant who has committed an offence relating to a firearm will generally be refused.

9 PUBLIC ORDER OFFENCES

9.1 Applicants who have committed public order offences will generally be refused a licence for a period of 3 years from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. An applicant with more than one such offence in the previous 10 years will be expected to show a period of at least 5 years free of such offences from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the

offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

Public order offences include:

- Affray
- Criminal damage
- Using threatening, abusive or insulting words or behaviour
- Drunk and disorderly
- Disorderly behaviour
- Causing harassment, alarm or distress

10 DRUG OFFENCES

10.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.

10.2 Where an applicant has committed an offence relating to the supply of drugs or for the production or cultivation of drugs the application will generally be refused for a period of at least 10 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

10.3 Where an applicant has committed an offence relating to the possession of drugs the application will generally be refused for a period of at least 5 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

10.4 If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would generally be required to show evidence of seven years free from drug taking after detoxification treatment.

11 DISHONESTY OFFENCES

11.1 Licensed drivers are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. For all these reasons, a serious view is taken of any offence involving dishonesty. An applicant with a dishonesty offence will generally be refused a licence for a period of at least five years since either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have

been released from custody had they served the full term of imprisonment imposed by the Court) whichever is later. Offences involving dishonesty include:

- Theft
- Fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- Burglary
- benefit fraud
- forgery
- obtaining money or property by deception

An applicant who has committed the offence of perverting the course of justice will generally be refused a licence for a period of five years

12 RACIALLY AGGRAVATED OFFENCES

12.1 Applicants who have committed racially aggravated offences will generally be refused a licence for a period of at least 5 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. Offences involving racial aggravation include:

- 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.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) 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)

13 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES

13.1 A serious view will be taken of any offences committed by an applicant who has previously been licensed while working as a Hackney Carriage or Private Hire Driver, Proprietor or Operator.

14 MOTORING OFFENCES

14.1 An applicant's driving record will be taken into account and the Council will consider the nature and volume of motoring offences when considering applications. A poor record of driving will raise doubts about an applicant's fitness and indicate disregard for the law. The Council has put motoring offences into four categories ranging from extremely serious offences (category

A) to less serious miscellaneous offences (category D). The Council will use its discretion when considering the seriousness of motoring offences. A list of motoring offences together with their likely category is attached at Appendix 1.

14.2 Any person that is an existing licence holder with 6 penalty points on their DVLA licence driving record will receive a letter of warning.

14.3 Any person that is an existing licence holder with more than 6 penalty points on their DVLA driving record will have a 2 week suspension imposed on their licence where it is appropriate to do so in line with the delegated powers granted by the Committee on 29 April 2026. Where a case is considered to be more serious, the matter will be referred to the Committee. New applicants with 6 or more live penalty points on their DVLA driving record will be referred to the Committee.

14.4 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following:

14.5 **CATEGORY A TRAFFIC OFFENCES - DRIVING OFFENCES INVOLVING LOSS OF LIFE**

An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances an application would generally be refused.

14.6 **CATEGORY B TRAFFIC OFFENCES - DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

A serious view is taken of any motoring offence for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. A person who has been disqualified from driving as a result of such an offence is likely to be refused a licence for a period of at least two years after the restoration of their DVLA driving licence. More than one offence of this type would generally prevent a person from being licensed.

14.7 **CATEGORY C TRAFFIC OFFENCES - OTHER SERIOUS OFFENCES**

Generally, the Council class a serious traffic offence when six or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than six penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences leading to a driving disqualification (except those offences falling within categories A and B) will be treated as a serious offence. Subject to the circumstances an applicant will generally be refused a licence for a period of at least two years after the most recent conviction, or two years after restoration of the DVLA driving licence in the event of a disqualification. Types of offences classed as a serious offence include driving without insurance, dangerous

driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

14.8 **CATEGORY D TRAFFIC OFFENCES - MISCELLANEOUS OFFENCES**

Generally individual traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being issued a licence. A person with 6 or more 'live' penalty points for such offences must generally show a period of 12 months free from conviction before their application is likely to be considered favourably. A 'totting up' conviction following a number of separate offences will be considered as a serious offence.

14.9 Speed Awareness Courses. All offers and attendance at Speed Awareness Courses taken in lieu of intended prosecution MUST be declare on your application either for new or renewal of licences.

14.10 All new applicants or existing licence holders are reminded that you should report these and any other incidents or offences during the course of your licence as required under the reporting of the '48 Hour Rule' and the 'Notification of Offences form'.

Appendix 1

MOTORING OFFENCES

Code	Offence	Penalty Points	Council Category
Accident Offences			
AC10	Failing to stop after an accident	5 to 10	C
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10	C
AC30	Undefined accident offences	4 to 9	C
Disqualified Driver Offences			
BA10	Driving while disqualified by order of court	6	C
BA30	Attempting to drive while disqualified by order of court	6	C
BA40	Causing death by driving while disqualified	3 to 11	A
BA60	Causing serious injury by driving while disqualified	3 to 11	
Careless Driving Offences			
CD10	Driving without due care and attention	3 to 9	C or D*
CD20	Driving without reasonable consideration for other road users	3 to 9	C or D*
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	C or D*
CD33	Causing serious injury by careless or inconsiderate driving	3 to 9	
CD40	Causing death through careless driving when unfit through drink	3 to 11	A
CD50	Causing death by careless driving when unfit through drugs	3 to 11	A
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11	A
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3 to 11	A
CD80	Causing death by careless, or inconsiderate, driving	3 to 11	A
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11	A
Construction and Use Offences			
CU10	Using a vehicle with defective brakes	3	D
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	D
CU30	Using a vehicle with defective tyre(s)	3	D
CU40	Using a vehicle with defective steering	3	D
CU50	Causing or likely to cause danger by reason of load or passengers	3	D
CU80	Using a mobile phone while driving a motor vehicle	3 to 6	D
Reckless and Dangerous Driving Offences			
DD10	Causing serious injury by dangerous driving	3 to 11	
DD40	Dangerous driving	3 to 11	B
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11	A
DD80	Causing death by dangerous driving	3 to 11	A

DD90	Furious driving	3 to 9	C
Drink or Drug Offences			
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11	B
DG40	In charge of a vehicle while drug level above specified limit	3 to 11	B
DG60	Causing death by careless driving with drug level above the limit	3 to 11	A
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11	B
DR20	Driving or attempting to drive while unfit through drink	3 to 11	B
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11	B
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11	B
DR40	In charge of a vehicle while alcohol level above limit	10	B
DR50	In charge of a vehicle while unfit through drink	10	B
DR60	In charge of a vehicle while unfit through drink	10	B
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10	B
DR70	Failing to co-operate with a preliminary test	4	B
DR80	Driving or attempting to drive when unfit through drugs	3 to 11	B
DR90	In charge of a vehicle when unfit through drugs	10	B
Insurance Offences			
IN10	Using a vehicle uninsured against third party risks	6	C
Licence Offences			
LC20	Driving otherwise than in accordance with a licence	3 to 6	C or D*
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6	C or D*
LC40	Driving a vehicle having failed to notify a disability	3 to 6	C or D*
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6	C or D*
Miscellaneous Offences			
MS10	Leaving a vehicle in a dangerous position	3	D
MS20	Unlawful pillion riding	3	D
MS30	Play street offences	2	D
MS50	Motor racing on the highway	3 to 11	C or D*
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	Various	As Appropriate*
MS70	Driving with uncorrected defective eyesight	3	D
MS80	Refusing to submit to an eyesight test	3	D
MS90	Failure to give information as to identity of driver etc.	6	C
Motorway Offences			
MW10	Contravention of special roads regulations (excluding speed limits)	3	D
Pedestrian Crossing Offences			
PC10	Undefined contravention of pedestrian crossing regulations	3	D
PC20	Contravention of pedestrian crossing regulations with	3	D

	moving vehicle		
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	D
Speed Limit Offences			
SP10	Exceeding goods vehicle speed limits	3 to 6	D
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6	D
SP30	Exceeding statutory speed limit on a public road	3 to 6	D
SP40	Exceeding passenger vehicle speed limit	3 to 6	D
SP50	Exceeding speed limit on a motorway	3 to 6	D
Traffic Direction and Signs			
TS10	Failing to comply with traffic light signals	3	D
TS20	Failing to comply with double white lines	3	D
TS30	Failing to comply with 'Stop' sign	3	D
TS40	Failing to comply with direction of a constable/warden	3	D
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	D
TS60	Failing to comply with a school crossing patrol sign	3	D
TS70	Undefined failure to comply with a traffic direction sign	3	D
Special Codes – 'Totting Up'			
TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified		
Theft or Authorised Taking			
UT50	Aggravated taking of a vehicle	3 to 11	C
Aiding, Abetting, Counselling, or Procuring Offences			
For these offences, the codes are similar, but with the number 0 on the code changed to 2. For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22.			
Causing or Permitting Offences			
For these offences, the codes are similar, but with the number 0 on the code changed to 4. For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24.			
Inciting Offences			
For these offences, the codes are similar, but with the number 0 on the code changed to 6. For example, DD40 (dangerous driving) becomes DD46.			

Offences remain on a DVLA driving licence for the following periods of time:

CD40, CD50, CD60, CD70, DR10, DR20, DR30 and DR80 - 11 years from date of conviction;

DD40, DD60, DD80 and offences resulting in disqualification - 4 years from date of conviction;

All other offences remain on the licence for 4 years from date of offence.

Source: www.direct.gov.uk

Appendix H

Current Fees and Charges

Please refer to the website for the up to date fees and charges schedule.
https://www.sthelens.gov.uk/taxifees

Appendix J

Hackney Carriage/ Private Hire Driver Licence Conditions

Licensing authorities have a duty to ensure that any person to whom they grant a hackney carriage or private hire vehicle driver's licence is a fit and proper person to be a licensee.

January 2024

In accordance with Sections 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. Failure to comply with these conditions of your licence may result in the suspension or revocation of your Hackney Carriage/Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions, you have the right of Appeal to the Magistrates Court within 21 days.

Interpretation

'Council' means St Helens Council Licensing.

'Authorised Officer' means an authorised officer of St Helens Council.

Please note where the conditions refer to 'in writing', this includes email. The email address for St Helens Council Licensing is taxilicensing@sthelens.gov.uk

MATTERS TO BE REPORTED TO THE COUNCIL

1. The licence holder must disclose if they have been interviewed or are under investigation in respect of any offence, are on bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates Court or Crown Court have started against them.

2. The licence holder must notify the Council within 48 hours, details of any:

    a. investigation into any criminal offence or activity.

    b. warnings received – this to include any harassment, anti-social behaviour orders, or community resolution orders.

    c. cautions received – issued by the police or any other agency.

    d. criminal charges or convictions received. (In the case of motoring endorsements, the licence holder must notify the Council within 48 hours upon receipt of the initial notice from the Police.)

    e. issue of any fixed penalty notice (within 48 hours upon receipt of said fixed penalty notice).

    f. their arrest for any offence (whether or not charged). If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.

    g. Change in medical condition or circumstances or long term prescribed medication which may affect your ability to drive. If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council as soon as reasonably practicable.

Note: In the case of a motoring endorsement, do not wait for your licence to be returned from the DVLA before informing the Council.

3. The licence holder must notify the Council in writing of any change of contact details, address, telephone number or email address within 7 days of any such change.

4. The licence holder must notify the Council in writing of any change of Operator or if you have started to work for an Operator within 7 days of any such change.

5. The licence holder must report lost or stolen Hackney Carriage or Private Hire Vehicle plates to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in the vehicle until the Council is satisfied that the vehicle is displaying the appropriate plates.

6. The licence holder must report lost or stolen Hackney Carriage/Private Hire Driver licences/badges to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in a licensed vehicle until the Council is satisfied that the licence holder is in possession of the necessary licence/badge.

ACCIDENTS AND DAMAGE TO VEHICLES

7. In every case where a hackney carriage/ private hire vehicle **sustains damage or is involved in an accident** the details of the vehicle and the damage sustained must be reported by the licence holder to the Council within 72 hours of the damage having been sustained. The licence holder must provide details of the accident and arrange for the vehicle to be inspected as appropriate. The licence holder will provide details of the incident and if deemed necessary the licence holder will complete an accident report.

8. In every case where a hackney carriage/private hire vehicle is involved in a **road traffic collision,** the details must be reported by the licence holder to the Council as soon as it is practicable and in any case no later than 72 hours after the collision occurring. The licence holder must provide details of the incident and arrange for the vehicle to be inspected as appropriate.

9. Where damage to the hackney carriage/private hire vehicle affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Council the vehicle must not be used for hire/reward.

10. For the avoidance of doubt, slight scratches or stone chips which do not materially affect the use of the vehicle do not need to be reported.

FITNESS OF DRIVER

11. The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a satisfactory medical from their registered GP (or a GP with access to their medical records) confirming that they meet the Council's medical standards (Group 2 medical standards) for a licensed hackney carriage/private hire driver.

12. The licence holder must cease driving any hackney carriage/private hire vehicle immediately if they know of any medical condition or of any medication they may have been prescribed, which may affect their driving ability and the safety of themselves and any passengers and contact the Council.

13. If the Council has reason to be concerned about the health or fitness of the licensed driver, regardless of whether a medical is due, they may require the licence holder to undergo a further medical to establish their medical fitness.

CONDUCT OF DRIVERS

14. The licence holder must at all times when acting in accordance with the hackney carriage/private hire driver licence granted to them, **wear** such a badge as supplied by the Council displayed in such position and manner as to be plainly and distinctly visible at all times to all passengers. The licence holder must not loan the badge to any other person or cause or permit any other person to wear or use it. The badge must be clearly visible at all times when you are working as a licensed driver and must be shown to any authorised officer or member of the public, upon request.

15. If requested, all drivers must provide their full name and licence number to a member of the public.

16. The licence holder must not wilfully or negligently cause or permit any licence plate or interior licence disc of the hackney carriage/private hire vehicle number to be concealed from public view or to be so defaced as to make any information contained illegible.

17. The licence holder must not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user.

18. The licence holder must, on ceasing to be licensed as a driver, when the licence expires and is not renewed, when the licence is suspended or revoked or when required to do so by an authorised officer of the Council, return the badge and licence documents to the Licensing Authority immediately.

19. The licence holder **must not**

    - Smoke tobacco or like substances (including e-cigarettes) in the vehicle **at any time**
    - Eat or drink in the vehicle when carrying passengers, except with the express consent of the hirer.
    - Allow passengers to do any of the points noted in point 19.

20. The licence holder must at no time cause or permit the noise emitted by any radio equipment or any other sound reproducing equipment installed in the vehicle to be a source of annoyance to any person whether inside or outside the vehicle.

21. The licence holder must not operate the horn as a means of signalling that the vehicle has arrived.

22. The (**Private Hire Drivers only**) licence holder must not while driving a private hire vehicle;

    - tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
    - cause or procure any person to tout or solicit on a road or other public place, any person to hire or be carried for hire in any private hire vehicle, or
    - offer that vehicle for immediate hire while the licence holder of that vehicle is on a road or other public place or

- accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place.

23. The licence holder must produce the current valid insurance certificate of insurance for the hackney carriage/private hire vehicle when requested to do so by an Authorised Officer.

24. If the vehicle insurance certificate cannot be produced on demand it must be presented within 72 hours to the Council.

25. The Licence holder should produce, upon request a copy of their proof of payment of Road Tax.

26. The licence holder must drive at all times in accordance with all relevant traffic regulations and the highway code and must never drive in an aggressive or dangerous manner.

27. The licence holder must ensure that the hackney carriage/private hire vehicle driven by them is in a roadworthy condition and is kept in a safe and satisfactory condition at all times.

28. The licence holder must ensure that both the interior and exterior of the vehicle is in a clean and tidy condition at all times.

29. The licence holder must at all times when the hackney carriage/private hire vehicle is available or driven for hire ensure that door signs are displayed on the front doors on both sides of the vehicle, in accordance with the relevant vehicle conditions. When using magnetic signage, you must ensure that this is properly aligned when applied to the private hire vehicle.

    - **Notwithstanding the above, the licence holder should ensure that any hackney carriage or private hire vehicle they drive complies with the hackney carriage or private hire conditions and current legislation. Failure to do so may result in action being taken against you.**

30. The licence holder or another person licensed and insured to drive the vehicle must be present for inspection of the hackney carriage/private hire vehicle driven by them as requested by an Authorised Officer. Failure to comply with such request may result in action being taken against the licence.

31. The licence holder must not convey or permit to be conveyed in their vehicle more than the maximum number of persons permitted by the hackney carriage or private hire vehicle licence.

32. The licence holder must not allow any child seemingly under 10 years of age to be conveyed in the front of the vehicle beside the licence holder.

33. The licence holder must not permit any person to be conveyed in the vehicle without the consent of the hirer.

34. Every licence holder who must have agreed or must have been hired to be in attendance with the vehicle at an appointed time and place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.

35. Every licence holder must at all times when requested by the passenger;

    - Convey a reasonable quantity of luggage

- Afford reasonable assistance in loading and unloading luggage

36. The licence holder must at all times when the vehicle is available or being driven for hire;

    - Behave in a civil, polite and orderly manner towards every person seeking to hire, or hiring or being conveyed.
    - Ensure the safeguarding of children, young and vulnerable persons.
    - Be clean, hygienic and respectable in their dress and person. Drivers may not work without a top.
    - Avoid disputes or confrontations with customers, pedestrians, and other road users.
    - Comply with all reasonable requirements of every person hiring or being conveyed in the vehicle.
    - Take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle.
    - Ensure they do not pose a threat to the public.
    - Ensure that they do not use foul or abusive language or behave in a manner that could be construed as being offensive.
    - Ensure that every person is treated with respect regardless of age, sex, race or disability.

- Ensure that they do not engage in inappropriate conversations with passengers or customers.
- Ensure they do not bring into disrepute the integrity of the Council for having granted them a licence.
- Ensure the hackney carriage/private hire vehicle complies with the fitness standard set by the Council.

FARES AND JOURNEYS

37. **Private Hire Vehicles only** – The licence holder shall cause any statement of fares to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.

38. If the private hire vehicle being driven by the licence holder is fitted with a device/meter for calculating the fare, the licence holder must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid a fare.

39. The licence holder must not request from a hirer of a private hire vehicle a fare in excess of that prescribed by the Operator or fare table displayed in the vehicle. If the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the licence holder must demand no more than the fare shown on the face of the meter.

40. The licence holder must if required by the hirer of a private hire vehicle, provide a written receipt for any fare paid.

41. The licence holder, when hired to drive a private hire vehicle to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

42. **Hackney Carriage Vehicles only** – The licence holder must display the tariff charges (tariff card provided by the Council) so that they are clearly visible at all times for the customer. The maximum fares chargeable by hackney vehicles are fixed by the Council. Drivers of hackney carriage vehicles are permitted to charge any fare for a journey, up to and including (but not exceeding) the fare displayed on the meter. When hackney vehicles are used for private hire purposes, hackney carriages they must charge from the point of pick-up of the hirer to the point of drop off. The meter must be used and the fare charged cannot be greater than that displayed on the meter.

43. The licence holder must if required by the hirer of a hackney carriage vehicle, provide a written receipt for any fare paid.

44. The licence holder, when hired to drive a hackney carriage vehicle to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route. Any deviations from the planned route should be explained to the customer immediately.

LOST PROPERTY

45. The licence holder must, immediately after the termination of any hiring, search the vehicle with reasonable care, for any property which may have been accidently left therein. If any property left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator (in the case of a private hire vehicle). If the item is of significant value it must be taken to the nearest police station in the Borough in order to receive instructions from the police as to its custody.

THE CARRIAGE OF ANIMALS

46. A licence holder must not carry in a hackney carriage or private hire vehicle any animal which belongs to, or is being looked after by them while it is being used as a hackney carriage or private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion. Provided they are restrained in a safe manner.

47. The Proprietor(s) and drivers of a hackney carriage or private hire vehicle must ensure that they are aware of their duty under Section 168 and 170 of the Equality Act 2010 to convey assistance dogs. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs who assist disabled people with a physical impairment. The driver may refuse to convey an assistance dog if they are already the holder of and are displaying an exemption certificate. In the event of this a full explanation must be provided to the customer by the driver.

48. Any driver with a medical condition, which may be exacerbated by the carriage of dogs, may apply for an exemption. A certificate of medical exemption can be granted when the necessary application for a medical exemption is approved and the required steps are followed, including the production of suitable medical evidence. This information and application forms necessary to apply for such an exemption can be found on the Council's website or by contacting the Council.

DRIVING OF LICENSED VEHICLES

49. The licence holder must only drive hackney carriage or private hire vehicles which are licensed by the Council under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

Appendix K

Private Hire Vehicle Conditions

As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. Statutory Standards for Taxi and Private Hire.

January 2024

In accordance with Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. Failure to comply with these conditions of your licence may result in the suspension or revocation of your Hackney Carriage/Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions, you have the right of Appeal to the Magistrates Court within 21 days.

Interpretation

'Council' means St Helens Council Licensing.

'Authorised Officer' means an authorised officer of St Helens Council.

IMPORTANT

St Helens Council are required to be satisfied that private hire vehicles operating in St Helens are safe to do so. The Council may require you to present your vehicle for inspection or test at any reasonable time during the period which the vehicle is licensed. The proprietor(s) of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness and shall comply with any direction's given. Should a private hire vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Vehicles must meet the Council's Private Hire Vehicle Licence Criteria stated below and throughout this document:

- Vehicles must be fitted with at least four doors and four wheels
- Right Hand drive vehicles only (with the exception of limousines)
- Vehicles must have adequate space for luggage.
- Vehicles must be capable of carrying at least four passengers and not more than eight.
- All passengers must have easy access to an exit from the vehicle. Vehicles that require a seat to be moved or tipped to facilitate exit may not be permitted on the grounds of safety. If you are considering licensing this type of vehicle, please contact Licensing for a pre-test inspection.
- The Authority will not licence an LTI (London Taxi International), or a Metrocab vehicle types as a private hire vehicle:

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. A licensed vehicle is always a licensed

vehicle so even if the vehicle is not working for hire and reward and is being used privately, it is still licensed, and all conditions will apply.

Only a licensed driver is permitted to driver a licensed vehicle.

Should any of the conditions below not be complied with the private hire vehicle licence may be suspended or revoked and legal action may be taken in accordance with the relevant legislation.

Notwithstanding the conditions below, if there is anything in the construction, form, working or general appearance which in the opinion of the Council, renders a vehicle unfit for use as a private hire vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

Please note where the conditions refer to 'in writing', this includes email. The email address for Licensing is taxilicensing@sthelens.gov.uk

If you are aggrieved by any of the requirements contained in the conditions below you have the right of appeal to the Magistrates Court within 21 days of the issue of the licence to which these conditions are attached.

1. MATTERS TO BE REPORTED TO THE COUNCIL

Change of Details

The proprietor(s) of a private hire vehicle must notify the Council in writing of any change of name and/or address within 7 days of such change taking place.

The proprietor(s) must notify the Council in writing of any change of telephone number or email address within 7 days of any such change.

The proprietor(s) of a private hire vehicle must notify the Council of any intention to change the vehicle registration number, prior to any such change taking place. The proprietor(s) shall produce the DVLA number plate authorisation certificate for the new vehicle registration number, an updated copy of the vehicles motor insurance showing the new registration number, a copy of the vehicles logbook (V5C) showing the new registration number (if this has been received), and a copy of the email from the DVLA stating that the new vehicle registration plates can be affixed to the vehicle.

The proprietor(s) must notify the Council in writing of any change of Operator or if you have started to work for an Operator within 7 days of any such change.

Other Matters to be Reported

The proprietor(s) must notify the Council in writing if the vehicle is stolen within 24 hours of such event taking place. The proprietor(s) shall provide to the Council any crime reference number provided to them by the Police.

The proprietor(s) must inform the Council of any person who they have authorised to drive the vehicle within 24 hours of such request being made.

2. FITNESS OF PROPRIETORS

Only persons deemed by the Council to be a 'fit and proper' person may hold a private hire vehicle proprietors' licence. In order to be deemed 'fit and proper' all applicants for a private hire vehicle proprietors' licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS) and produce it to the Council. The standard disclosure cannot be any older than 1 calendar month.

If an applicant currently holds a valid Hackney Carriage/ Private Hire Drivers Licence or an additionally conditioned private hire drivers licence then this is not required.

If the applicant is a company or partnership, a standard disclosure from the Disclosure and Barring Service (DBS) must be provided for each director and partner.

A standard disclosure from the Disclosure and Barring Service (DBS) will have to be provided annually by all private hire vehicle proprietors who do not hold a valid Hackney Carriage/ Private Hire Drivers Licence.
https://www.gov.uk/government/organisations/disclosure-and-barring-service

3. ACCIDENTS AND DAMAGE TO THE VEHICLE

In every case where a private hire vehicle **sustains damage or is involved in an accident** the details of the vehicle and the damage sustained must be reported by the licence holder to the Council within 72 hours of the damage having been sustained. The licence holder must provide details of the accident and arrange for the vehicle to be inspected as appropriate. The licence holder will provide details of the incident and if deemed necessary the licence holder will complete an accident report.

The accident report shall contain the following information: the date and time of the accident, where the accident occurred, how the accident occurred, the damage the vehicle has sustained, and if there were any passengers in the vehicle at the time of the accident.

In every case where a private hire vehicle is involved in a **road traffic collision,** the details must be reported by the licence holder to the Council as soon as it is practicable and in any case no later than 72 hours after the collision occurring. The licence holder must provide details of the incident and arrange for the vehicle to be inspected as appropriate.

Where damage to the private hire vehicle affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Licensing Authority the vehicle must not be used for hire/reward.

For the avoidance of doubt, slight scratches or stone chips which do not materially affect the use of the vehicle do not need to be reported.

4. CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

The proprietor(s) of a private hire vehicle must notify the Council within 48 hours details of any investigation into any criminal or motoring offence: These being:

h. Investigation into any criminal offence

i. Warnings received – this to include any harassment, anti-social behaviour orders or community resolution orders.

j. Cautions received – issued by the police or any other agency

k. Criminal charges or convictions received

l. Issue of any fixed penalty notice

m. Their arrest for any offence (whether or not charged)

5. TRANSFER OF OWNERSHIP OF THE VEHICLE

If the proprietor(s) of a private hire vehicle wishes to transfer ownership of the vehicle to another person(s), the proprietor(s) must notify the Council of the name and address of the new proprietor(s) within 14 days of the transfer of ownership. The current proprietor(s) and new proprietor(s) must complete a transfer application form and pay the relevant fee and produce current valid insurance, proof of road tax for the vehicle, and the vehicles logbook in the new proprietors name once it has been received from the DVLA.

Note: the logbook showing the new proprietor(s) details must be received prior to the expiry of the vehicle licence in accordance with condition 33.

6. SURRENDER OF LICENCE

If at any time during the period of the licence the proprietor(s) for any reason, does not wish to retain the private hire licence, or transfer the vehicle licence to another person the proprietor(s) must immediately surrender and return the private hire vehicle licence, window disc and plate to the Council.

7. GENERAL

Exterior of the vehicle

Vehicles, including all fittings, lights and other mechanical and electrical components must be maintained in a good working order in accordance with the Council's Vehicle Inspection Policy.

The vehicle must be maintained with the paintwork, bodywork, fittings, locks and latches in good working order.

Paintwork must be maintained to a high standard and the colour of all panels must match.

The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying the Council of an inspection by an authorised officer of the Council at any time during the period of the vehicle licence.

The interior and exterior of the vehicle must be maintained in a clean and safe condition.

There must be no visible leaks of fuel, oil, or other fluids from the vehicle.

The vehicle must not emit excessive smoke from the exhaust.

Interior of the vehicle

Private hire vehicles must be wind and water tight when all doors and windows are closed.

There must only be the number of passenger seats fitted in the vehicle for which the vehicle is licensed.

A heating and ventilation system must be maintained and be in working order to allow passengers to travel in comfort.

All fittings and furniture inside the vehicle must be in a clean and well maintained condition.

Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.

The vehicle's rear seats must have a combined length of 48 inches, which is measured in a straight line lengthways along the front end of the seat.

If seat covers are used they must be fitted correctly, in a good clean condition and free from rips, tears and holes.

Seat belts and seatbelt mechanisms must be in good working order and free from frays, cuts and other damage. If a seatbelt sustains any frays, cuts or other damage the seatbelt must be replaced not repaired.

The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.

There must be provision of the safe carrying of luggage.

The driver of the vehicle must ensure that his hackney carriage/private hire driver's badge is displayed in a prominent position so that all details can be read by passengers.

Nothing must be placed in front of or in any windows that would obscure the clear vision of the driver or passengers other than those issued by St Helens Council.

8. VEHICLE LICENCE PLATES

The rear vehicle plate identifying the vehicle must at all times be securely fixed externally to the rear of the vehicle in a prominent position ensuring that the whole plate is clearly visible. The plate must be fixed using the bracket provided by the Council.

The rear plate may not be displayed in the rear window of the vehicle.

The details contained on the rear vehicle plate must be clearly readable at all times.

The licence disc must be placed in the nearside of the front windscreen but placed so that it does not obscure the driver's vision.

The private hire plate remains the sole property of St Helens Council.

The licence holder must report lost or stolen private hire vehicle plates to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in the vehicle until the Council is satisfied that the vehicle is displaying the appropriate plates.

In the event of the vehicles licence expiring, being suspended, or revoked, the rear vehicle plate and window disc must be returned to the Council within 7 days in accordance with Section 58 of the Local Government (Miscellaneous Provisions) Act 1976.

9. VEHICLE EXCISE LICENCE

The Council will suspend the private hire proprietor's licence or refuse to renew the licence if the vehicle does not hold a valid excise licence.

10. INSURANCE

The Proprietor(s) shall maintain a current private hire and reward insurance policy for the vehicle at all times during the currency of the licence and shall immediately return the plates/licence disc/licence to the Council if the policy lapses or is cancelled/withdrawn by the insurance company.

Proof of current insurance must be submitted with each application for a licence.

Proof of change or renewal of the insurance policy during the course of the licence must also be provided to the Council.

Insurance policies must be continuous for the period of the vehicle licence. No gaps in cover are permitted, even if the vehicle is not working.

At any time during the term the vehicle is licensed an authorised officer of the Council or the Police may require the proprietor(s) of the vehicle to produce evidence that the appropriate insurance remains in force. A failure by the proprietor(s) to produce the certificate of insurance, within such timescale as may be specified by an authorised officer, is a criminal offence and could also result in the licence being suspended or revoked by the Council.

11. INTERIOR LIGHTING

Interior lighting must be provided for the driver and passengers

12. ADVERTISEMENTS/EMBELLISHMENTS/GRAPHICS/DESIGNS

Commercial Advertising

The proprietor(s) shall not cause or permit any sign, symbol, graphics, designs or embellishments, notice or advertisement to be displayed in, on or from the vehicle without the prior approval of the Licensing Authority. Where these are displayed without prior approval an Authorised Officer can request they be removed.

Should the proprietor(s) wish to display advertising on the vehicle they must complete an application form, supply a copy of the artwork that is proposed to be displayed on the vehicle and pay the relevant fee.

Advertising shall only be permitted on the rear side doors of saloon cars or the rear side panels only of minibuses or people carriers. The maximum size of the advertising panel shall be no more than 22 inches (width) x 18 inches (height). For the purposes of clarity, no advertising will be permitted in any of the vehicles windows.

All paintwork shall be in a sound condition prior to fitting signs. If it is necessary to respray/paint the vehicle prior to fitting of signs, the proprietor shall ensure that the vehicle colour is maintained in a consistent form.

If advertising on the vehicle is withdrawn, the vehicle must be restored to its original colour.

All advertising will subsequently be checked during the six or twelve monthly compliance test examination and during any roadside inspections. If, in the opinion of the vehicle examiners or authorised officers, the advertising has become detached, defaced or in need of repair or is found to be concealing damage to the bodywork then the proprietor will, by the issue of a “vehicle defect notice” be required to carry out necessary remedial works.

Approved advertising on private hire vehicles must be permanently painted or stuck to a continuous flat surface and must be of such a form as not be become easily soiled or detached. Magnetic signs will not be permitted.

Any advertisement/sign/symbol/design/graphic/embellishment promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted.

13. DOOR AND VEHICLE SIGNAGE

A magnetic or adhesive door sign must be affixed on both front doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and all lettering shall measure not more than 4 inches in height and not less than 2 inches in height. The door sign shall contain the following information:

a. The words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases a maximum of 4 inches high. This wording must be positioned above all other information contained on the door sign.

b. The name of the Private Hire Operator for which work is being undertaken.

c. The preferred method of contact of the private hire operator for which work is being undertaken. This may include a landline telephone number (mobile numbers are not permitted), website address, smartphone/web app name, or similar.

   Example
   PRIVATE HIRE ONLY
   BROWN’S CARS
   01744 123456

d. The Council will have final approval on any vehicle artwork.

Private Hire vehicles must not display on the door sign any reference to the words ‘hackney’, ‘taxi’, or ‘cab’.

No colour is specified but the signs should contrast with the vehicle bodywork colour on which they are displayed. A decision will be taken by the Licensing Manager if the signage does not significantly stand out and you may be asked to replace it.

Operator advertising on minibuses - in addition to the above operators may add further signage to a private hire vehicle showing the trading name and telephone number on the sides and rear of the vehicle in letters not more than 10 inches in height. For the purposes of clarity, no signage will be permitted in any of the vehicles windows. This will require written approval from the Council prior to any signage being added to the vehicle. Where this signage is displayed without prior approval, an Authorised Officer can request it be removed.

14. NOTICES

Any notices that the Licensing Authority may require must be clearly displayed inside the vehicle as directed. This will include no smoking and passenger information/ complaints stickers.

15. CLOSED CIRCUIT TELEVISION (CCTV)

Proprietor(s) interested in installing a CCTV system into their licensed vehicle must first consult the Council to ensure that the CCTV system they are planning to purchase, meets the approved standard. Proprietors(s) must obtain prior consent from the Council prior to the installation of any CCTV system by submitting an application form.

The conditions relating to the installation, use, and maintenance of a CCTV system are:

(i) No CCTV system shall be installed in a vehicle unless it has been previously approved by the Council.

(ii) No CCTV system shall be installed in a vehicle without the prior written consent of the Council.

(iii) No cameras shall be installed in a vehicle without the prior written consent of the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.

(iv) No cameras shall be installed in a vehicle without the prior written consent of the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.

(v) An advisory notice provided by the Council shall be displayed inside the vehicle on each of the rear passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons inside and outside of the vehicle. The proprietor(s) shall ensure that the notices are maintained in a clean and legible condition.

(vi) The proprietor(s) shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer or Police Officer.

(vii) Upon request for image retrieval by an authorised officer or Police Officer the proprietor(s) shall ensure that the images are made available to the system administrator and the officer making the request as soon as reasonably practicable, and in any event within 7 days of the request.

(viii) The proprietor(s) of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonable practicable and in any event within 7 days of any request for an image retrieval being made by an authorised officer or Police Officer.

(ix) The proprietor(s) shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

16. CONVEYANCE OF ANIMALS

A licence holder must not carry in a private hire vehicle any animal which belongs to, or is being looked after by them while it is being used as a private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion. Provided they are restrained in a safe manner.

The Proprietor(s) and drivers of the vehicle must ensure that they are aware of their duty under Section 170 of the Equality Act 2010 to convey assistance dogs. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs who assist disabled people with a physical impairment. The driver may refuse to convey an assistance dog if they are already the holder of and are displaying an exemption certificate.

Any driver with a medical condition, which may be exacerbated by dogs, may apply for an exemption. A certificate of medical exemption can be granted when the necessary application for a medical exemption is approved and the required steps are followed, including the production of suitable medical evidence. This information and application forms necessary to apply for such an exemption can be found on the Council's website or by contacting the Council.

17. ROOF RACKS, ROOF BOXES AND TRAILERS

Licensed vehicles are not permitted to use roof racks, roof boxes or trailers whilst being used for hire and reward purposes.

18. WHEELS AND TYRES

Where a private hire vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.

Where a private hire vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

Alloy wheels, wheel rims and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity if the wheel.

Part worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

All tyres (including the spare) must be the correct size, and load rating for the vehicle.

All tyres, including the spare must be properly inflated.

All tyres must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.

All tyres including the spare must be free from cuts and other defects.

The private hire vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method should be in accordance with the vehicle manufacturer's specification which must be one of the following;

- Full size wheel – which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, with the load rating as the four road wheels. Appropriate tools and equipment for changing the wheel must also be carried.

- Space saver spare wheel – which must be the correct size and type for the vehicle.
- Run flat tyres.
- Emergency tyre sealant and compressor/inflator pack.

If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for private hire and reward purposes other than completing the current journey.

19. DOORS

Where hinged doors are fitted:

- An automatic locking device must be fitted to passenger doors
- When the vehicle is stationery, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open position.
- A hinged door must be capable of being opened to a minimum angle of 90 degrees.

Where sliding doors are fitted:

- An automatic locking device must be fitted to passenger doors.
- When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle and easily accessible to passengers when the door is in the fully open or closed position.
- There must be reflective strips on both the front and rear edges of the door.
- There must be an illuminated sign bearing the words “Door Open” clearly visible from the rear of the vehicle. This sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated.
- There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

20. WINDOWS

All windows must be secure and free from cracks, damage or other defects.

The front windscreen and front passenger windows must let at least 75% of light through. All vehicles will be inspected prior to licensing to ensure that all windows on the vehicle meet this standard. Windows will be measured with the Licensing Authority’s tint meter but you may be asked to provide proof from the manufacturer.

Film or spray which may alter the characteristics or appearance of the windows will not be permitted.

Passenger door windows must be capable of being opened by passengers when travelling in the vehicle. The control for opening a door window must be clearly identified so as not to be mistaken for any other control.

21. MIRRORS

All mirrors and mirror housing units must be secure and free from cracks, damage or other defects.

22. VEHICLE AGE RESTRICTIONS

There are no requirements relating to how old a vehicle must be when first presenting for licensing and there are no upper age limits to continue to licence a vehicle. Vehicles should however be kept in good working order, along with bodywork and cleanliness of the vehicle (inside and out).

23. VEHICLE COLOUR RETRICTIONS

There are no colour restrictions in place for licensed vehicles.

24. PASSENGERS

The proprietor(s) or driver must not cause or permit the vehicle to be used to carry a greater number of passengers than prescribed on the private hire licence/plate.

The proprietor(s) or driver must not allow any child under 10 years of age to be conveyed in the front of the vehicle beside the driver.

The proprietor(s) or driver must not permit any person to be conveyed in the vehicle without the consent of the hirer.

25. LIQUID PETROLEUM GAS

Liquid petroleum gas has allowed in private hire vehicles since 19 February 2001, however prior to any work being carried out they must be inspected by an Authorised Officer to assess the suitability of the vehicle for conversion and to ensure the adequate luggage space will still be available.

Bi-fuel and LPG only conversions will be allowed

Only conversions carried out by an LPGA approved installer to the current code of practice will be permitted. The proprietor of the vehicle must produce a certificate of installation from the approved installer. For details of approved installers go to www.lpga.co.uk

26. SMOKING IN A LICENCED VEHICLE

Revisions as per the Health Act 2006 which does not permit anyone to smoke cigarettes or other cigarette substitute (Vapes, etc) in the licenced vehicle.

Any driver found or believed to be smoking in a vehicle will be required to have their vehicle inspected by an authorised officer. Should the vehicle fall below the standards acceptable to the Authority, i.e. cigarette/cigar odour then the vehicle licence will be suspended until such time that an authorised officer is satisfied that the matter has been resolved.

In the first instance, any driver found smoking will be issued with a fixed penalty notice under the Health Act 2006 and the matter will be recorded on their licence records. If the fixed penalty notice is not paid within the specified timeframe, the matter will be referred to the Council's legal department to consider prosecution. If a driver is found smoking for a second time within a three year period, they will not be given the opportunity to discharge liability by way of a fixed penalty notice and the matter will be referred to the Council's legal department to consider prosecution. Any driver who is found smoking twice within a three year period will also be referred to the Licensing & Environmental Protection Committee who can take action against the driver including suspension or revocation of the licence.

Proprietors should note that a licensed vehicle remains licensed even when being used for social or domestic (not hire and reward) purposes and licence conditions will apply.

27. FARES AND JOURNEYS

The licence holder shall cause any statement of fares to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.

If the private hire vehicle being driven by the licence holder is fitted with a device/meter for calculating the fare, the licence holder must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid a fare.

The licence holder must not demand from a hirer of a private hire vehicle a fare in excess of that prescribed by the Operator or fare table displayed in the vehicle. If the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the licence holder must demand no more than the fare shown on the face of the meter.

The licence holder must if required by the hirer of a private hire vehicle, provide a written receipt for any fare paid.

The licence holder, when hired to drive a private hire vehicle to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

28. LOST PROPERTY

The licence holder must, immediately after the termination of any hiring, search the vehicle with reasonable care, for any property which may have been accidently left therein. If any property left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator (in the case of a private hire vehicle). If the item is of significant value it must be taken to the nearest police station in the Borough in order to receive instructions from the police as to its custody.

29. DISPLAYING OF THE DRIVERS BADGE

Drivers are issued with an identity badge which will display their unique licence number; the badge is to be worn or displayed so that it is plainly visible at all times, to passengers (or prospective passengers) and Authorised Officers, when driving a

private hire vehicle, attachment to a belt or hook at the waist is not acceptable. Failure to display your driver badge is a prosecutable offence under section 54(2) of the Miscellaneous Provisions Act 1976.

30. OPERATING THE HORN

The vehicle proprietor(s) or driver should not sound the vehicle horn to signal to the hirer that you have arrived. Such actions cause annoyance to residents and may constitute an offence; offenders will be dealt with either by the Courts or the Licensing & Environmental Protection Committee.

31. CARRIAGE OF LUGGAGE

The licensee shall afford all reasonable assistance with passengers' luggage, unless there is a medical reason why the specific driver cannot accede to any such request, documentary evidence must be provided to the Authorised Officer in advance and the hirer(s) must be made aware of the drivers inability to assist at the point of hiring or upon their entrance to the vehicle.

32. WEARING OF SEATBELTS

Under the Motor Vehicle (Wearing of Seatbelts) Regulations 1982 every person in a licensed vehicle is required to wear a seatbelt apart from the driver in the following circumstance as stated under Regulation 5(h)(ii):

- The driver of a private hire vehicle which is being used to carry a passenger for hire.

33. PRODUCTION OF THE VEHICLES LOGBOOK (V5C)

The vehicles logbook (V5C) must be in the proprietor's name and produced prior to the expiry of the vehicle licence, in cases where the proprietor has not received the logbook back from the DVLA following the purchase of the vehicle.

Appendix L

Private Hire Operators Licence Conditions

The primary objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator licence also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and to maintain the safety benefits of the driver and vehicle licensing regime(s). (Statutory Standards for Taxi and Private Hire)

January 2024

In accordance with Sections 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. Failure to comply with these conditions of your licence may result in the suspension or revocation of your Private Hire Operators Licence.

If you are aggrieved by any of the requirements contained in these conditions, you have the right of Appeal to the Magistrates Court within 21 days.

Interpretation

'Council' means St Helens Council Licensing.

'Authorised Officer' means an authorised officer of St Helens Council.

Where the conditions refer to 'in writing', this includes email. The email address for St Helens Council Licensing Service is taxilicensing@sthelens.gov.uk

If you are aggrieved by any of the requirements contained in the conditions below you have the right of appeal to the Magistrates Court within 21 days of the issue of the licence to which these conditions are attached.

Holders of Private Hire Operator licences are required to ensure they comply with the following conditions at all times.

PREMISES

1. Operators must only operate from the premises listed on the Private Hire Operator licence.

2. All premises used by the Operator for the purpose of taking bookings must have valid planning permission, where required, and must comply in all other aspects with any rule, byelaw, or regulation governing its use including but not limited to, Health and Safety at Work etc Act 1974, The Regulatory Reform (Fire Safety) Order 2005, and the provision of public liability and employer's liability insurance.

3. All premises used by the operator for the purpose of taking bookings must be kept clean, in good repair, adequately heated, ventilated, and well-lit.

4. Where any passenger waiting area is provided at an Operator's premises adequate seating must be provided. The area and any furniture and fittings must be kept clean and in good repair.

5. Any passenger waiting area provided must be separate from any drivers' rest area and the office / operations room.

LICENSED DRIVERS

6. No operator shall cause, permit, or allow any person to drive any vehicle which the operator is using as a Private Hire Vehicle unless the driver holds a Private Hire Driver licence issued by the Council.

LICENSED VEHICLES

7. No operator shall operate any vehicle as a Private Hire Vehicle unless the vehicle holds a Private Hire Vehicle licence issued by the Council.

FITNESS OF PROPRIETORS

8. Only persons deemed by the Council to be a 'fit and proper' person may hold a private hire operator's licence. In order to be deemed 'fit and proper' all applicants for a private hire operator's licence must obtain a standard basic disclosure from the Disclosure and Barring Service (DBS) and produce it to the Council. The standard basic disclosure cannot be dated any older than 1 calendar month.

9. If an applicant is currently the holder of a valid Hackney Carriage/ Private Hire Drivers Licence or an additionally conditioned private hire drivers licence then this is not required.

10. If the applicant is a company or partnership, a standard disclosure from the Disclosure and Barring Service (DBS) must be provided for each director and partner.

11. A standard disclosure from the Disclosure and Barring Service (DBS) will need to be provided for each application (new/ renewal etc.) for a private hire operator's licence submitted by all persons who do not hold a valid Hackney Carriage/ Private Hire Drivers Licence.

CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

12. The holder(s) of the operator's licence must notify the Council within 48 hours details of any investigation into any criminal or motoring offence relevant to the business, these being:

a. Investigation into any criminal offence

b. All notification of criminal charges or proceedings

c. Warnings received – this to include any harassment or anti-social behaviour orders

d. Cautions received – issued by the police or any other agency

e. Criminal convictions received

f. Issue of any fixed penalty notice (within 48 hours upon receipt of said fixed penalty notice).

g. Their arrest or questioning for any offence (whether or not charged) If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.

13. The Operator must notify the Council within 48 hours, in writing, the details of any staff they employ, driver or otherwise, that they discover are subject to:

a. investigation into any criminal offence

b. All notification of criminal charges or proceedings.
c. warnings received – this to include any harassment or anti-social behaviour orders

d. cautions received – issued by the police or any other agency

e. criminal convictions received

f. issue of any fixed penalty notice (within 48 hours upon receipt of said fixed penalty notice).

g. their arrest or questioning for any offence (whether or not charged) If the Operator is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.

14. If the Operator is a limited company the above condition relates to any and all of its directors and/or company secretary.

DOOR SIGNS AND LIVERY

15. A magnetic or adhesive door sign must be affixed on both front doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and all lettering shall measure not more than 4 inches in height and not less than 2 inches in height. The door sign shall contain the following information:

a. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases a maximum of 4 inches high. This wording must be positioned above all other information contained on the door sign and in block capital letters.

b. the name of the Private Hire Operator for which work is being undertaken.

c. The preferred method of contact of the private hire operator for which work is being undertaken. This may include a landline telephone number (mobile numbers are not permitted), website address, smartphone/web app name, or similar.

Example
PRIVATE HIRE ONLY
BROWN’S CARS
01744 123456

d. The signage which you will be required to display on all vehicles, all artwork must be approved by the Council prior to the installation on private hire vehicles.

16. Private Hire vehicles must not use the following words on the door sign any reference to the words ‘hackney’, ‘taxi’, or ‘cab’.

17. No vehicle colour is specified but the signs should contrast with the vehicle bodywork colour on which they are displayed.

18. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements. The signs must be displayed on the door and not in the window/s of the vehicle. Door signs to be displayed on the front driver and passenger doors of the vehicle.

19. Any proposed changes to the design of a door sign or livery must be presented to the Council for approval before said change takes place.

INSURANCE

20. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work. The Operator must retain on record, details of the expiry date of the insurance relating to all vehicles that they operate and have a system in place to remove a vehicle from their system should the insurance of that vehicle expire.

DRIVER / VEHICLE DETAILS

21. The Operator must maintain at all premises used by them for the purposes of taking bookings, a list of all licensed drivers and vehicles operated by them, which must include:

a. Full name, address and contact details of the driver

b. Date the driver commenced work with the Operator

c. Private Hire Driver licence number

d. Expiry date of the Private Hire Driver licence

e. Call-sign allocated to the driver, if applicable

f. Private Hire Vehicle plate number

g. Expiry date of Private Hire Vehicle licence

h. Vehicle registration number

i. Vehicle make and model

j. A current copy of the vehicle licence

k. A current copy of the drivers licence

22. The driver/vehicle records must be made available for inspection to an Authorised Officer upon request.

23. Operators holding a licence which permits more than one vehicle to be operated must send a copy of the list of all licensed drivers containing the information above to the Counil on the first Monday of each calendar month. The list may be sent via email (taxilicensing@sthelens.gov.uk) or in the post.

24. Operators must not use the services of any driver or vehicle without having noted the details above, ensuring at all times that the driver and the vehicle being used have current licences.

25. Operators shall notify the Council within 24 hours when any driver ceases to work them, or has started working for them.

CONTRACT OF HIRE

26. Every contract of hire of a Private Hire Vehicle shall be deemed to be made with the Operator whether or not they provide the vehicle themselves and the Operator shall be liable under the terms of that contract.

BOOKING RECORDS

27. The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator or if it is intended that the booking is to be sub contracted to another Operator.

28. The record of each booking must be made before the start of each journey and must contain the following information as a minimum:

a. Date and time the booking is made – 24hr clock to be used

b. Name of the passenger

c. Pick-up address/location

d. Destination address/location

e. The name of the driver

f. The driver's licence number and/or identity call sign

g. The vehicle registration or Private Hire Vehicle licence number

h. Remarks, including how the booking was made, fare quoted where applicable

i. If the booking has been sub-contracted, the name of the operator from/ to which the work was sub-contracted

j. The name of the staff member that responded to the booking request.

k. The name of any staff member that dispatched the vehicle.

29. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages.

30. If a computer database is used to record bookings, it shall be of such design that entries made cannot subsequently be modified/ deleted.

31. Any abbreviations used in the record of the booking must be cross referenced in a separate key.

32. The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.

33. For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.

34. The record of bookings must be kept for a minimum period of 12 months and must be made available to an Authorised Officer upon request.

35. The Operator cannot accept bookings made by direct dial to a mobile telephone or to a telephone line which is situated outside of the borough of St Helens.

CHARGES

36. The Operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.

37. The Operator must provide the Council with a current scale of fares and inform the Council, in writing, of any change to the scale of fares they intend to charge prior to the changes taking effect. This must be submitted to the Council at least annually on 1 April.

38. The Operator must provide each driver working for them a copy of their current scale of fares.

STANDARD OF SERVICE

39. It is the Operator's responsibility to provide a prompt, efficient, and reliable service to members of the public at all reasonable times ensuring vehicles attend the appointed time and place unless delayed or prevented by sufficient cause.

40. The Operator must ensure vehicles supplied are of suitable capacity for the number of passengers. This may require more than one vehicle to be supplied in order to comply with this condition. In these circumstances customers must be advised that their booking is subject to more than one vehicle.

41. Where customers indicate they have luggage to be transported in addition to passengers, vehicles supplied must have adequate space for their luggage.

BASE STAFF

42. The Operator must not employ any staff before they have been provided with a Basic Disclosure and Barring Services (DBS) certificate that has been carried out no more than 1 calendar month prior to the proposed date for the commencement of their employment. The Operator shall retain the DBS certificates for all base staff at its designated main office.

43. The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.

44. All staff employed by the Operator for the booking and dispatching of vehicles or has access to that information must undergo Safeguarding Awareness training provided by the Licensing Authority within two months of starting employment with the Operator.

45. Where the Operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to an Authorised Officer upon request.

46. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.

47. A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes: the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment and a record of when they undertook the safeguarding training with the Licensing Authority.

48. Operators should not employ as base staff or in any other capacity a person who has previously had a hackney carriage / private hire drivers licence revoked.

COMPLAINTS

49. The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.

50. In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.

51. On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:

a. date and time the complaint was received

b. name and contact details of the complainant

c. name of driver(s) against whom the complaint has been made

d. private hire driver licence number

e. vehicle registration number and licence number (plate number)

f. details of the complaint including the date of the incident

g. details of the actions taken by the Operator in response to the complaint

h. date investigation was completed

i. outcome of complaint

j. date complaint was reported to the Licensing Authority

k. name of staff member who facilitated the complaint

52. The complaint records referred to above shall be held and secured at the Operator's main business address and shall be made available to an Authorised Officer at all reasonable times.

53. Details of all complaints must be reported to the Council within 24hrs of receipt.

54. The Operator must keep records of complaints for a minimum period of 12 months.

RADIO/COMMUNICATIONS EQUIPMENT

55. If an Operator is using radio equipment must hold the relevant Business Radio User Licence issued by Ofcom and must make this licence available to an Authorised Officer upon request.

Any radio equipment used by operators must be maintained and in good working order.

LOST PROPERTY

56. The Operator must keep a record of lost property handed in to them by any driver and provide suitable storage for a period of up to 3 months.

57. The Operator must make the record of lost property available to an Authorised Officer upon request.

CHANGE OF NAME/ ADDRESS

58. The Operator must notify the Council, in writing of any change of their private address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.

59. If the Operator wishes to change the trading name of the business, they should first contact the Licensing Authority to ensure that the proposed name does not conflict with any other licensed operator, as duplicate names or names that are too similar, are not permitted. A fee will be applicable for change of trading name.

TOUTING

60. The Operator shall not permit its drivers or vehicles to:

a. Tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle;
b. Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

In this condition, 'road' means any highway and any other road to which the public has access including bridges over which a road passes. 'Public place' includes railway stations.

Appendix M

Hackney Carriage Vehicle Conditions

As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. Statutory Standards for Taxi and Private Hire.

August 2023

In accordance with Sections 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. Failure to comply with these conditions of your licence may result in the suspension or revocation of your hackney carriage vehicle licence.

If you are aggrieved by any of the requirements contained in these conditions, you have the right of Appeal to the Magistrates Court within 21 days.

Interpretation

'Council' means St Helens Council Licensing.

'Authorised Officer' means an authorised officer of St Helens Council.

IMPORTANT

St Helens Council are required to be satisfied that hackney carriage vehicles operating in St Helens are safe to do so. The Council may require you to present your vehicle for inspection or test at any reasonable during the period which the vehicle is licensed. The proprietor(s) of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness and shall comply with any directions given. Should a Hackney carriage vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Vehicles must meet the Council's Hackney Carriage Vehicle Licence Criteria

- Vehicles must be fitted with at least four doors and four wheels
- Right Hand drive vehicles only
- Vehicles must have adequate space for luggage.
- Vehicles must be capable of carrying at least four passengers and not more than eight.
- Vehicles must have a partition fitted in between the front and rear seats.
- All hackney carriage vehicles must be public carriage office approved and designed to provide access and secure carriage of wheelchair-using passengers.

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. A licensed vehicle is always a licensed vehicle so even if the vehicle is not working, it is still licensed and all conditions will apply.

Should any of the conditions below not be complied with the hackney carriage vehicle licence may be suspended or revoked and legal action may be taken in accordance with the relevant legislation.

Notwithstanding the conditions below, if there is anything in the construction, form, working or general appearance which in the opinion of the Council, renders a vehicle unfit for use as hackney carriage vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

Please note where the conditions refer to 'in writing', this includes email. The email address for St Helens Council Licensing Service is taxilicensing@sthelens.gov.uk

If you are aggrieved by any of the requirements contained in the conditions below you have the right of appeal to the Magistrates Court within 21 days of the issue of the licence to which these conditions are attached.

1. MATTERS TO BE REPORTED TO THE COUNCIL

Change of Details

The proprietor(s) of a hackney carriage vehicle must notify the Council in writing of any change of name and/or address within 7 days of such change taking place.

The licence holder must notify the Council in writing of any change of telephone number or email address within 7 days of any such change.

The proprietor(s) of a hackney carriage vehicle must notify the Council of any intention to change the vehicle registration number, prior to any such change taking place. The proprietor(s) shall produce the DVLA number plate authorisation certificate for the new vehicle registration number, an updated copy of the vehicles motor insurance showing the new registration number, a copy of the vehicles logbook (V5C) showing the new registration number (if this has been received), and a copy of the email from the DVLA stating that the new vehicle registration plates can be affixed to the vehicle.

Other Matters to be Reported

The proprietor(s) must notify the Council in writing if the vehicle is stolen within 24 hours of such event taking place. The proprietor(s) shall provide to the Council any crime reference number provided to them by the Police.

The proprietor(s) must inform the Council of any person who they have authorised to drive the vehicle within 24 hours of such request being made.

2. FITNESS OF PROPRIETORS

Only persons deemed by the Council to be a 'fit and proper' person may hold a private hire vehicle proprietors' licence. In order to be deemed 'fit and proper' all applicants for a private hire vehicle proprietors' licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS) and produce it to the Council. The standard disclosure cannot be any older than 1 calendar month.

If an applicant is currently in receipt of a valid Hackney Carriage/ Private Hire Drivers Licence or an additionally conditioned private hire drivers licence then this is not required.

If the applicant is a company or partnership, a standard disclosure from the Disclosure and Barring Service (DBS) must be provided for each director and partner.

A standard disclosure from the Disclosure and Barring Service (DBS) will have to be provided annually by all private hire vehicle proprietors who do not hold a valid Hackney Carriage/ Private Hire Drivers Licence.
https://www.gov.uk/government/organisations/disclosure-and-barring-service

3. ACCIDENTS AND DAMAGE TO THE VEHICLE

In every case where a hackney carriage **sustains damage or is involved in an accident** the details of the vehicle and the damage sustained must be reported by the licence holder to the Council within 72 hours of the damage having been sustained. The licence holder must provide details of the accident and arrange for the vehicle to be inspected as appropriate. The licence holder will provide details of the incident and if deemed necessary the licence holder will complete an accident report.

The accident report shall contain the following information: the date and time of the accident, where the accident occurred, how the accident occurred, the damage the vehicle has sustained, and if there were any passengers in the vehicle at the time of the accident.

In every case where a hackney carriage is involved in a **road traffic collision,** the details must be reported by the licence holder to the Council as soon as it is practicable and in any case no later than 72 hours after the collision occurring. The licence holder must provide details of the incident and arrange for the vehicle to be inspected as appropriate.

Where damage to the hackney carriage affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Licensing Authority the vehicle must not be used for hire/reward.

For the avoidance of doubt, slight scratches or stone chips which do not materially affect the use of the vehicle do not need to be reported.

4. CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

The proprietor(s) of a hackney carriage vehicle must notify the Council within 48 hours details of any investigation into any criminal or motoring offence: These being:

a. Investigation into any criminal offence

b. Warnings received – this to include any harassment, anti-social behaviour orders, or community resolution orders.

c. Cautions received – issued by the police or any other agency

d. Criminal charges or convictions received

e. Issue of any fixed penalty notice

f. Their arrest for any offence (whether or not charged)

5. TRANSFER OF OWNERSHIP OF THE VEHICLE

If the proprietor(s) of a hackney carriage vehicle wishes to transfer ownership of the vehicle to another person(s), the proprietor(s) must notify the Council of the name and address of the new proprietor(s) within 14 days of the transfer of ownership. The current proprietor(s) and new proprietor(s) must complete a transfer application form and pay the relevant fee and produce current valid insurance, proof of road tax for

the vehicle, and the vehicles logbook in the new proprietors name once it has been received from the DVLA.

Note: the logbook showing the new proprietor(s) details must be received prior to the expiry of the vehicle licence in accordance with condition 35.

6. SURRENDER OF LICENCE

If at any time during the period of the licence the proprietor(s) for any reason, does not wish to retain the hackney carriage licence, or transfer the vehicle licence to another person the proprietor(s) must immediately surrender and return the hackney carriage vehicle licence, window disc and plate to the Council.

7. GENERAL

Exterior of the vehicle

Vehicles, including all fittings, lights and other mechanical and electrical components must be maintained in a good working order in accordance with the Council's Vehicle Inspection Policy.

The vehicle must be maintained with the paintwork, bodywork, fittings, locks and latches in good working order.

Paintwork must be maintained to a high standard and the colour of all panels must match.

The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying the Council of an inspection by an authorised officer of the Council at any time during the period of the vehicle licence.

The interior and exterior of the vehicle must be maintained in a clean and safe condition.

There must be no visible leaks of fuel, oil, or other fluids from the vehicle.

The vehicle must not emit excessive smoke from the exhaust.

Interior of the vehicle

Hackney carriage vehicles must be wind and water tight when all doors and windows are closed.

There must only be the number of passenger seats fitted in the vehicle for which the vehicle is licensed.

All fittings and furniture inside the vehicle must be in a clean and well maintained condition.

Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.

If seat covers are used they must be fitted correctly, in a good clean condition and free from rips, tears and holes.

Seat belts and seatbelt mechanisms must be in good working order and free from frays, cuts and other damage. If a seatbelt sustains any frays, cuts or other damage the seatbelt must be replaced not repaired.

The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.

The floor of the vehicle must not impede the movement of wheelchairs.

There must be provision of the safe carrying of luggage.

The outer edge of the floor at each entrance must be fitted with non-slip high visibility treads.

A heating and ventilation system must be maintained and be in working order to allow passengers to travel in comfort.

The driver of the vehicle must ensure that his hackney carriage/private hire driver's badge is displayed in a prominent position so that all details can be read by passengers.

The method of communication between the driver and passenger compartments must be in good working order.

Occasional seats must rise automatically when not in use.

Colour contrasting grab handles must be placed at door entrances to aid passenger access and egress from the vehicle.

Colour contrasting sight patches are required on all passenger seats.

Nothing must be placed in front of or in any windows that would obscure the clear vision of the driver or passengers other than those issued by St Helens Council.

All Hackney Carriage Vehicles must be fitted with a 'perspex partition screen' separating the driver from the customers in the rear of the vehicle.

8. VEHICLE LICENCE PLATES

The rear vehicle plate identifying the vehicle must at all times be securely fixed externally to the rear of the vehicle in a prominent position ensuring that the whole plate is clearly visible. The plate must be fixed using the bracket provided by the Council.

The rear plate may not be displayed in the rear window of the vehicle.

The details contained on the rear vehicle plate must be clearly readable at all times.

The licence disc must be placed in the nearside of the front windscreen but placed so that it does not obscure the driver's vision.

The hackney carriage plate remains the sole property of St Helens Council.

The licence holder must report lost or stolen hackney carriage plates to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in the vehicle until the Council is satisfied that the vehicle is displaying the appropriate plates.

In the event of the vehicles licence expiring, being suspended, or revoked, the rear vehicle plate and window disc must be returned to the Council within 7 days in accordance with Section 58 of the Local Government (Miscellaneous Provisions) Act 1976.

9. VEHICLE EXCISE LICENCE

The Council will suspend the hackney carriage proprietor's licence or refuse to renew the licence if the vehicle does not hold a valid excise licence.

10. INSURANCE

The Proprietor(s) shall maintain a current public hire insurance policy for the vehicle at all times during the currency of the licence and shall immediately return the plates/licence disc/licence to the Council if the policy lapses or is cancelled/withdrawn by the insurance company.

Proof of current insurance must be submitted with each application for a licence.

Proof of change or renewal of the insurance policy during the course of the licence must also be provided to the Council.

Insurance policies must be continuous for the period of the vehicle licence. No gaps in cover are permitted, even if the vehicle is not working.

At any time during the term the vehicle is licensed an authorised officer of the Council may require the proprietor(s) of the vehicle to produce evidence that the appropriate insurance remains in force. A failure by the proprietor(s) to produce the certificate of insurance, within such timescale as may be specified by an authorised officer, is a criminal offence and could also result in the licence being suspended or revoked by the Council.

11. INTERIOR LIGHTING

Interior lighting must be provided for the driver and passengers.

12. ADVERTISEMENTS/EMBELLISHMENTS/GRAPHICS/DESIGNS

Commercial Advertising

The proprietor(s) shall not cause or permit any sign, symbol, graphics, designs or embellishments, notice or advertisement to be displayed in, on or from the vehicle without the prior approval of the Licensing Authority. Where these are displayed without prior approval an Authorised Officer can request they be removed.

Should the proprietor(s) wish to display advertising on the vehicle they must complete an application form, supply a copy of the artwork that is proposed to be displayed on the vehicle and pay the relevant fee.

Commercial advertising shall only be permitted on the side livery of vehicles, that is the front and rear wings and front and rear doors. For the purposes of clarity, no advertising will be permitted in any of the vehicles windows.

All paintwork shall be in a sound condition prior to fitting signs. If it is necessary to respray/paint the vehicle prior to fitting of signs, the proprietor shall ensure that the vehicle colour is maintained in a consistent form.

If advertising on the vehicle is withdrawn, the vehicle must be restored to its original colour.

All advertising will subsequently be checked during the six- or twelve-monthly compliance test examination and during any roadside inspections. If, in the opinion of the vehicle examiners or authorised officers, the advertising has become detached,

defaced or in need of repair or is found to be concealing damage to the bodywork then the proprietor will, by the issue of a “vehicle defect notice” be required to carry out necessary remedial works.

Approved advertising on hackney carriage vehicles must be permanently painted or stuck to a continuous flat surface and must be of such a form as not be become easily soiled or detached. Magnetic signs will not be permitted.

Any advertisement/sign/symbol/design/graphic/embellishment promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted.

13. DOOR AND VEHICLE SIGNAGE

Should the proprietor(s) of a hackney carriage vehicle wish to affix signage to their vehicle to advertise their business, then this must be in the form of a magnetic or adhesive door sign and must be affixed on both front doors of the vehicle. The door sign must measure at least 590mm wide by 220mm high and all lettering shall measure not more than 4 inches in height and not less than 2 inches in height. The door sign shall contain the following information:

a. The name of the business for which work is being undertaken.
b. The preferred method of contact for the business (if any) for which work is being undertaken. This may include a landline telephone number, mobile numbers are not permitted, website address, smartphone/web app name, or similar.

   Example
   BROWN’S TAXIS
   01744 123456

c. The Council will have final approval on any vehicle artwork.

No colour is specified but the signs should contrast with the vehicle bodywork colour on which they are displayed. A decision will be taken by the Licensing Manager if the signage does not significantly stand out and you may be asked to replace it.

Business advertising on hackney carriages - in addition to the above proprietor(s) of a hackney carriage vehicle may add further signage to the vehicle showing the business name and preferred method of contact (if any) on the sides and rear of the vehicle in letters not more than 10 inches in height. For the purposes of clarity, no signage will be permitted in any of the vehicles windows. This will require written approval from the Council prior to any signage being added to the vehicle. Where this signage is displayed without prior approval, an Authorised Officer can request it be removed.

14. NOTICES

Any notices that the Licensing Authority may require must be clearly displayed inside the vehicle as directed. This will include no smoking, passenger information/ complaints stickers, and wheelchair stickers.

15. EXTERIOR ROOF LIGHT

An illuminated roof-sign displaying the word **‘TAXI’** must be fitted to the roof of the hackney carriage vehicle in such a position that it is clearly visible from the front of

the vehicle by day and night. The roof-sign must be connected to the taxi meter so that when the vehicle is available for hire the sign becomes illuminated and remains not illuminated when the vehicle is hired.

16. CLOSED CIRCUIT TELEVISION (CCTV)

Proprietor(s) interested in installing a CCTV system into their licensed vehicle must first consult the Council to ensure that the CCTV system they are planning to purchase, meets the approved standard. Proprietors(s) must obtain prior consent from the Council prior to the installation of any CCTV system by submitting an application form.

The conditions relating to the installation, use, and maintenance of a CCTV system are:

(i) No CCTV system shall be installed in a vehicle unless it has been previously approved by the Council.

(ii) No CCTV system shall be installed in a vehicle without the prior written consent of the Council.

(iii) No cameras shall be installed in a vehicle without the prior written consent of the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.

(iv) No cameras shall be installed in a vehicle without the prior written consent of the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.

(v) An advisory notice provided by the Council shall be displayed inside the vehicle on each of the rear passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons inside and outside of the vehicle. The proprietor(s) shall ensure that the notices are maintained in a clean and legible condition.

(vi) The proprietor(s) shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer or Police Officer.

(vii) Upon request for image retrieval by an authorised officer or Police Officer the proprietor(s) shall ensure that the images are made available to the system administrator and the officer making the request as soon as reasonably practicable, and in any event within 7 days of the request.

(viii) The proprietor(s) of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonable practicable and in any event within 7 days of any request for an image retrieval being made by an authorised officer or Police Officer.

(ix) The proprietor(s) shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

17. CONVEYANCE OF ANIMALS

A licence holder must not carry in a hackney carriage vehicle any animal which belongs to, or is being looked after by them while it is being used as a hackney carriage vehicle. Animals in the custody of passengers may be carried, at the driver's discretion. Provided they are restrained in a safe manner.

The Proprietor(s) and drivers of the vehicle must ensure that they are aware of their duty under Section 168 of the Equality Act 2010 to convey assistance dogs. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs who assist disabled people with a physical impairment. The driver may only refuse to convey an assistance dog if they are already the holder of and are displaying an exemption certificate. In the event of this a full explanation must be provided to the customer by the driver.

Any driver with a medical condition, which may be exacerbated by the carriage of dogs, may apply for an exemption. A certificate of medical exemption can be granted when the necessary application for a medical exemption is approved and the required steps are followed, including the production of suitable medical evidence. This information and application forms necessary to apply for such an exemption can be found on the Council's website or by contacting the Council.

18. ROOF RACKS, ROOF BOXES AND TRAILERS

Licensed vehicles are not permitted to use roof racks, roof boxes or trailers whilst being used for public hire or hire and reward purposes.

19. WHEELS AND TYRES

Where a hackney carriage vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.

Where a hackney carriage vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

Alloy wheels, wheel rims and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity if the wheel.

Part worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

All tyres (including the spare) must be the correct size, and load rating for the vehicle.

All tyres, including the spare must be properly inflated.

All tyres must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.

All tyres including the spare must be free from cuts and other defects.

The hackney carriage vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method should be in accordance with the vehicle manufacturer's specification which must be one of the following;

- Full size wheel – which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, with the load rating as the four road wheels. Appropriate tools and equipment for changing the wheel must also be carried.
- Space saver spare wheel – which must be the correct size and type for the vehicle.
- Run flat tyres.
- Emergency tyre sealant and compressor/inflator pack.

If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for public hire and reward purposes other than completing the current journey.

20. DOORS

Where hinged doors are fitted:

- An automatic locking device must be fitted to passenger doors
- When the vehicle is stationery, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open position.
- A hinged door must be capable of being opened to a minimum angle of 90 degrees.

Where sliding doors are fitted:

- An automatic locking device must be fitted to passenger doors.
- When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle and easily accessible to passengers when the door is in the fully open or closed position.
- There must be reflective strips on both the front and rear edges of the door.
- There must be an illuminated sign bearing the words “Door Open” clearly visible from the rear of the vehicle. This sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated.
- There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

21. WINDOWS

All windows must be secure and free from cracks, damage or other defects.

The front windscreen and front passenger windows must let at least 75% of light through. All vehicles will be inspected prior to licensing to ensure that all windows on

the vehicle meet this standard. Windows will be measured with the Licensing Authority's tint meter but you may be asked to provide proof from the manufacturer.

Film or spray which may alter the characteristics or appearance of the windows will not be permitted.

Passenger door windows must be capable of being opened by passengers when travelling. The control for opening a door window must be clearly identified so as not to be mistaken for any other control.

22. MIRRORS

All mirrors and mirror housing units must be secure and free from cracks, damage or other defects.

23. VEHICLE AGE RESTRICTIONS

There are no requirements relating to how old a vehicle must be when first presenting for licensing and there are no upper age limits to continue to licence a vehicle. Vehicles should however be kept in good working order, along with bodywork and cleanliness of the vehicle (inside and out).

24. VEHICLE COLOUR RETRICTIONS

There are no colour restrictions in place for licensed vehicles.

25. PASSENGERS

The proprietor(s) or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. For the purpose of this condition a child under the age of two years is not regarded as a person and where two or more children under the age of ten years are being conveyed, one extra person may be conveyed in addition to the number specified on the plate affixed to the outside of the carriage.

The proprietor(s) or driver must not allow any child under 10 years of age to be conveyed in the front of the vehicle beside the driver.

The proprietor(s) or driver must not permit any person to be conveyed in the vehicle without the consent of the hirer.

26. FARES AND JOURNEYS

The table of fares (tariff card) issued by St Helens Council must be clearly displayed in a prominent position where it can be easily read by all passengers. The maximum fares chargeable by hackney vehicles are fixed by the Council. Drivers of hackney carriage vehicles are permitted to charge any fare for a journey, up to and including (but not exceeding) the fare displayed on the meter.

When hackney vehicles are used for private hire purposes, hackney carriages they must charge from the point of pick-up of the hirer to the point of drop off. The meter must be used and the fare charged cannot be greater than that displayed on the meter.

The licence holder must if required by the hirer of a hackney carriage vehicle, provide a written receipt for any fare paid.

The licence holder, when hired to drive a hackney carriage vehicle to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

27. SMOKING IN A LICENCED VEHICLE

Revisions as per the Health Act 2006 which does not permit anyone to smoke in the licenced vehicle. The use of e-cigarettes or any other cigarette substitute (Vapes, etc.) which may be perceived to appear as a cigarette is not permitted within the licensed vehicle.

Any driver found or believed to be smoking in a vehicle will be required to have their vehicle inspected by an authorised officer. Should the vehicle fall below the standards acceptable to the Authority, i.e. cigarette/cigar odour then the vehicle licence may l be suspended until such time that an authorised officer is satisfied that the matter has been resolved.

In the first instance, any driver found smoking will be issued with a fixed penalty notice under the Health Act 2006 and the matter will be recorded on their licence records. If the fixed penalty notice is not paid within the specified timeframe, the matter will be referred to the Council's legal department to consider prosecution. If a driver is found smoking for a second time within a three year period, they will not be given the opportunity to discharge liability by way of a fixed penalty notice and the matter will be referred to the Council's legal department to consider prosecution. Any driver who is found smoking twice within a three year period will also be referred to the Licensing & Environmental Protection Committee who can take action against the driver including suspension or revocation of the licence.

Proprietors should note that a licensed vehicle remains licensed even when being used for social or domestic (not hire and reward) purposes.

28. TAXIMETERS

The meter must be calendar controlled and must be maintained in good working order. All timings must be correct. The meter must be locked and where appropriate sealed. The meter must be set to reflect the current tariff of fares as approved by the Council.

29. WHEELCHAIRS AND RAMPS

Anchorage provided or the wheelchair and occupants must be secured.

Restraints for wheelchairs must be free from damage which may affect their safe use. If any such devices are damaged they must be replaced and not repaired.

The ramp used must be free from any damage and be in good working order.

30. PLYING AND STANDING FOR HIRE

St Helens licensed hackney carriages may ply for hire on any street within the St Helens Council area. They may stand for hire on any appointed taxi ranks as defined by Section 38 of the Town Police Clauses Act. Hackney Carriage vehicles shall not be left unaccompanied on taxi ranks at any time.

31. LOST PROPERTY

The licence holder must, immediately after the termination of any hiring, search the vehicle with reasonable care, for any property which may have been accidently left therein. If any property left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator (in the case of a private hire vehicle). If the item is of significant value it must be taken to the nearest police station in the Borough in order to receive instructions from the police as to its custody.

32. DISPLAYING OF THE DRIVERS BADGE

Drivers are issued with an identity badge which will display their unique licence number; the badge is to be worn or displayed so that it is plainly visible at all times, to passengers (or prospective passengers) and Authorised Officers, when driving a hackney carriage vehicle, attachment to a belt or hook at the waist is not acceptable. Failure to display your driver badge is a prosecutable offence under section 54(2) of the Local Government (Miscellaneous Provisions) Act 1976.

33. OPERATING THE HORN

The vehicle proprietor(s) or driver should not sound the vehicle horn to signal to the hirer that you have arrived. Such actions cause annoyance to residents and may constitute an offence; offenders will be dealt with either by the Courts or the Licensing & Environmental Protection Committee.

34. CARRIAGE OF LUGGAGE

The licensee shall afford all reasonable assistance with passengers' luggage, unless there is a medical reason why the specific driver cannot accede to any such request, documentary evidence must be provided to the Authorised Officer in advance and the hirer(s) must be made aware of the drivers inability to assist at the point of hiring or upon their entrance to the vehicle.

35. WEARING OF SEATBELTS

Under the Motor Vehicle (Wearing of Seatbelts) Regulations 1982 every person in a licensed vehicle is required to wear a seatbelt apart from the driver in the following circumstance as stated under Regulation 5(h)(i):

- The driver of a taxi which is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.

36. PRODUCTION OF THE VEHICLES LOGBOOK (V5C)

The vehicles logbook (V5C) must be in the proprietor's name and produced prior to the expiry of the vehicle licence, in cases where the proprietor has not received the logbook back from the DVLA following the purchase of the vehicle.

37. HACKNEY CARRIAGE BYLAWS

The Council have a number of bylaws which were enacted on 1 May 1989 covering the use of Hackney Carriages which can be viewed on the Council's website or copies made available if requested. All holders of a Hackney Carriage/ Private Hire Drivers Licence are issued with a copy of the bylaws.

Appendix N

The 48 Hour Rule
Existing Drivers – Reporting of Convictions and Offences

Information will be treated confidentially. If the information given relates to motoring offences you must produce your DVLA licence for inspection once the conviction(s)/motoring offence(s) has/have been recorded.

Licence holders are required to notify the Licensing Authority within 48 hours of receiving notice of <u>any</u>:

- **Investigation into any criminal offence or activity**.
- **Warnings received** – this to include any harassment, anti-social behaviour orders, or community resolution orders.
- **Cautions received** – issued by the police or any other agency.
- **Criminal charges or convictions received**. (In the case of motoring endorsements, the licence holder must notify the Council within 48 hours upon receipt of the initial notice from the Police).
- **Issue of any fixed penalty notice** (within 48 hours upon receipt of said fixed penalty notice).
- **Their arrest for any offence** (whether or not charged). If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.
- **Change in medical condition or circumstances or long term prescribed medication which may affect your ability to drive.** If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council as soon as reasonably practicable.

Failure to act in accordance with the ’48 hour rule’ will be taken into consideration if it is necessary to review your licence.

The licensing and environmental protection committee may when it undertakes a review or considers a renewal application, suspend, revoke or refuse to renew the licence if it concludes that it has ‘reasonable cause’ for such action.

Drivers are required to complete and return a form to the Licensing Team regarding the offence(s).

If any licence holder fails to report any intended prosecution, caution, conviction or fixed penalty in accordance with the **‘48 hour rule’ on two separate occasions within a period of three years** ending on the date of the latest conviction or offence the licence will be referred to the licensing and environmental protection committee for review, even if the convictions would ordinarily be ‘spent’ under the rehabilitation of offenders act 1974 (as amended), or if in the case of a motoring fixed penalty notice, that offence is no longer ‘live’ (for totting up purposes) on the DVLA licence. Other fixed penalty notices will be dealt with having regard for the age, type of offence and apparent seriousness.

All convictions or offences should be declared even if the convictions would already be ‘spent’ under the Rehabilitation of Offenders Act 1974 (as amended), or if in the case of a motoring fixed penalty notice, that offence is no longer ‘live’ for totting up purposes on the DVLA licence.

The Licensing Authority takes the issue of suitability of a driver to hold a licence very seriously. It will act in accordance with the appropriate powers to ensure that all conditions of the licence are actively enforced so as to uphold the high standards expected of our licensed drivers.

It is in all licence holders' interests when reporting any intended prosecution, cautions, convictions or fixed penalties to produce to the licensing and land charges unit copies of any notification of intended prosecution etc or similar document in order to identify when he/she first became aware of the proposed action. This will enable the licensing and land charges unit to establish whether he/she has complied with the '48 hour rule' or given notice within a reasonable timescale after the commission of the offence.

The council reserves the right to review any licence if the licensing and land charges manager has established that the failure to report any intended prosecution, caution, conviction or fixed penalty has deprived the licensing authority the opportunity to consider the matter previously. For example where it has been established that a driver would have had 9 or more 'live' points on the DVLA licence if the facts had been reported to the council at the appropriate time and such status would at that time have led to an automatic review of the licence in accordance with the council's conviction policy.

Appendix O

Preparing your Vehicle for Test

The Vehicle Test is a very important part of the Licensing process. It is the method the Authority uses to assess the safe operation and maintenance of your vehicle and is crucial in our role of protecting the public.

Every vehicle must have a test at a VOSA approved MOT station that is situated within the borough of St Helens every twelve months. It is prudent to spend some time prior to the test properly preparing the vehicle.

Below are some points that you can consider prior to every test.

- coolant level
- engine oil level
- oil/fuel leaks
- warning lights
- washers/wipers
- horn
- hazard lights
- brakes
- steering
- mirrors
- front and rear number plates
- headlights/tail lights
- fog lights
- stop lights
- fuel cap seal
- tyres- condition/depth/pressure
- wheel nut security
- exhaust emissions (visual)
- first aid kit
- fire extinguisher
- bodywork

The general condition of your vehicle is also important. The vehicle should be kept clean and tidy at all times so it is suitable to carry paying passengers.

Licensed Drivers must take responsibility to ensure that the vehicle is fit for test to avoid unnecessary delays to your work schedule.

Appendix P

Fixed Penalty Notice Enforcement Strategy

October 2015

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1 Enforcement Statement

1.1 St Helens Council's long term vision is "To make St.Helens a modern, distinctive, economic and vibrant borough". To achieve this through the creation of a better place the Council is working towards making St Helens a cleaner, greener and more accessible town.

1.2 In addition to the direct provision of waste collection, recycling and street cleansing services, the use of fixed penalty notices for environmental crimes such as littering and dog fouling provides a means through which the Council can further improve the cleanliness of the borough's streets and public areas.

1.3 Similarly, the use of fixed penalty notices for the enforcement of smoke-free offences, compliments the educational and promotional campaigns being delivered both at local and national levels. In this way the strategy will contribute towards the reduction of smoking-related ill health within the community.

1.4 Enforcement activity through fixed penalty notices provides a means through which local authorities can visibly respond to low level environmental crime. Experiences from other local authorities has shown that the public generally welcome their use, provided they are issued sensibly, enforced even-handedly and are seen as a response to genuine problems. The Government has and continues to encourage their use.

1.5 This Fixed Penalty Enforcement Strategy is supplementary to the Council's Regulatory Services Enforcement Policy and rests beneath the Enforcement Concordat, Regulators Code and Code of Practice for Crown Prosecutors. It has been produced having regard to DEFRA guidance on the use of fixed penalty notices under the provisions of the Clean Neighbourhoods and Environment Act 2005.

1.6 In line with the above guidance the Council will :-

- Publish clear standards and guidance
- Publish performance on how we are doing
- Provide information in plain English, or any other language, or format, upon request to those who are affected by our enforcement work
- Investigate complaints only in relation to the process of issuing fixed penalty notices (disputes over the commission of offences will be dealt with in the Magistrates Court)
- Aim to be consistent in our approach at all times.

1.7 In implementing this strategy authorised officers of the Council will seek to work with partners in other enforcement agencies, the voluntary sector, other Council services and local communities whenever appropriate. Both a reactive and pro-active approach to enforcement will be used, in which officers will

1.8 respond to complaints and focus on known hotspots and areas identified as a result of routine inspection work.

2 Aims, Objectives and Scope of the Strategy

2.1 The aim of the strategy is to apply the general principles of enforcement in respect of fixed penalty notices to ensure that any enforcement action is transparent, accountable, proportionate, consistent and targeted.

2.2 The strategy seeks to provide a cost-effective and timely enforcement service that reduces the burden on the Courts and reduces the time between the offence and penalty.

2.3 As part of the delivery of the fixed penalty enforcement regime the strategy seeks to increase public awareness of environmental offences.

2.4 The strategy relates to both low-level environmental crime (specifically litter, dog fouling and waste) and offences under smoke-free legislation.

3 General Provisions

3.1 Local authorities are permitted to set their own level of penalty for the specified environmental offences within a range prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007.

3.2 Local authorities are also permitted to set their own level of penalty discount for early payment, the minimum value of which is prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007.

3.3 The penalties and discounts within the strategy, which relate specifically to smoke-free offences, are prescribed within the Health Act 2006.

3.4 The penalties and discounts within the strategy, which relate to the presentation of domestic waste for collection, are prescribed within the Household Waste (Fixed Penalty Charge) Regulations 2015.

3.5 When requested an instalment plan, not exceeding 10 weeks, will be provided to enable the cost of paying a Fixed Penalty Notice to be spread over an extended period. In situations, where full payment is not received within 10 weeks the Fixed Penalty notice will be deemed unpaid and the matter progressed to the Magistrates Court.

3.6 In the case of offences where reduced penalties are offered for early payment the total cost of the instalment plan will be determined by the date on which the first payment is received. For example, in respect of a Fixed Penalty Notice served for litter. If the first payment in an agreed instalment plan is received within 10 days of service, the total cost of the fine would be £50. If received after 10 days then the total cost would be £75.

3.7 The offences that will be dealt with by way of fixed penalty notice under this policy are set out in the table overleaf. The table also specifies the level of fine to be applied.

Offence Description	Legislation	Aim of Enforcement	Penalty
Litter	S.88(1) Environmental Protection Act 1990	Cleaner streets and public places. Increased public awareness by publicity associated with fixed penalties	£75 reduced to £50 if paid within 10 calender days
Failure to comply with the requirements of a Community Protection Notice	S.48(1) Anti-social Behaviour, Crime and Policing Act 2014	Assorted issues having a detrimental effect on a locality	Amount fixed at £100
Inappropriate presentation of domestic waste for collection	S.46 Environmental Protection Act 1990	Cleaner streets and alleyways around the borough	Amount fixed at £80
Inappropriate or inadequate provision for the presentation of commercial waste for collection	S.47 Environmental Protection Act 1990	Improved waste management in commercial premises	Amount fixed at £100
Failure to produce authority (Waste Carriers Licence)	S.5B(2) Control of Pollution (Amendment) Act 1989	Reducing illegal waste disposal by targeting unlicensed carriers, who may fly tip their load	Amount fixed at £300
Failure to provide waste documents	S.34A(2) Environmental Protection Act 1990	Identifying businesses and members of the public, who transfer their waste irresponsibly, which ultimately could be fly tipped	Amount fixed at £300
Offences under Dog Control Orders	S.59(2) Clean Neighbourhoods and Environment Act 2005	To reduce the number of incidents of dog fouling or out of control dogs within the borough	£80 reduced to £50 if paid within 10 calender days
Failure to display a conforming no smoking sign in a smoke-free premises	S.6(5) Health Act 2006	To reduce tobacco related ill health and ensure compliance with smoke-free legislation	£200 reduced to £150 if paid within 15 days
Smoking in a smoke-free place	S.7(2) Health Act 2006	To reduce tobacco related ill health and ensure compliance with smoke-free legislation	£50 reduced to £30 if paid within 15 days

3.8 All officers, who issue fixed penalties shall be appropriately authorised in accordance with the provisions of the Council's Constitution and under appropriately delegated authority.

3.9 All officers, who issue fixed penalties, shall have undergone appropriate training.

3.10 A fixed penalty notice shall only be issued for the offence for which they were created and where there is sufficient admissible evidence to support a prosecution. Admissible evidence shall include that witnessed by an authorised officer, as well as, that provided by a reliable witness testimony.

3.11 Where offences are witnessed directly by officers, fixed penalty notices will normally be issued at the time of the incident. If deemed necessary, suspected offenders will be interviewed under caution on scene.

3.12 Fixed Penalty Notices relating to offences committed from vehicles, the presentation of domestic waste for collection, smoking or offences based upon third party evidence, will be served from the central office base.

3.13 There is no fixed time in which fixed penalty notices must be served, however, to avoid allegations of abuse of process, fixed penalty notices will normally be served within 14 days of the date of offence.

3.14 A fixed penalty notice may be served up to a maximum of 6 months after the offence, where there is a justifiable reason for delay, such as a lengthy fly tip investigation.

3.15 Electoral register lists, Council Tax records, DVLA checks and Police support will be used as a means of verifying names and addresses provided by people suspected has having committed an offence.

3.16 With the exception of offences relating to the presentation of domestic waste for collection, where it is established that offenders provide false details when requested by authorised officers, then the matter will be taken before the Magistrates Court for an additional offence.

3.17 Offenders will have a period of 14 days to pay the fixed penalty notice issued. All unpaid fixed penalty notices, which have been served appropriately, will be pursued through the courts.

3.18 A fixed penalty notice shall not be issued where it is identified that the offence has been committed by someone that has previously received a fixed penalty for the same offence in the last 3 years. Prosecution proceedings shall be instigated directly in respect of repeat offenders.

3.19 For the purpose of this strategy the term litter is defined as *'anything that is dropped, thrown, left or deposited that causes defacement, in a public place'.* This includes cigarettes, cigars and like products together with chewing gum. For the purpose of this policy acts of urinating or spitting will not be classed as litter.

3.20 As part of a 12 month pilot project, in situations where a fixed penalty notice is served, which involves cigarette litter, opportunity will be provided for recipients to recoup £50 of any penalty paid through the successful completion of a smoking cessation course.

3.21 Littering fixed penalty notices may be issued for fly-tipping offences in respect of small unauthorised deposits of controlled waste, equating up to one standard sized refuse sack of waste. An element of discretion may be used by the investigating officer.

3.22 In the case of offences relating to the presentation of domestic waste for collection an appeal period of 28 days will be granted from the date of service of a Notice of Intent, which precedes the fixed penalty notice.

3.23 Recipients of a fixed penalty notices for all other environmental and smoke-free offences shall be offered the opportunity to appeal within 14 days to the Chief

Environmental Health Officer through a fair, transparent and consistent appeals process. Full details of all appeals and decisions shall be recorded and appellants will be informed of the decision within 10 working days.

3.24 The Chief Environmental Health Officer shall have the authority to determine whether or not an appeal against a fixed penalty notice is successful.

3.25 Where an appeal is refused the appellant shall be informed within 10 working days of the decision and the original payment terms, including, if appropriate, the opportunity to pay the charge at the discounted rate, shall apply from the date of the letter notifying the offender of the results of the decision.

3.26 The Chief Environmental Health Officer and Principal Environmental Health Officers shall have the authority to cancel fixed penalty notices.

3.27 Fixed penalty notices may only be **cancelled** in the following circumstances :

(a) Where a person issued with a fixed penalty notice falsely provides the identity details of another person, and that person successfully challenges the notice on that basis; or
(b) Where further information comes to light about the personal circumstances of the recipient of a fixed penalty notice, who it later transpires, is ‘vulnerable’.

3.28 Fixed penalty notices may not be cancelled, but may be **withdrawn** in the following circumstances :

(a) Where the fixed penalty notice has been served incorrectly
(b) Where it subsequently transpires that the evidence is not sufficient to support a prosecution
(c) Where an appeal by the recipient of the fixed penalty notice is successful, other than for circumstances described in paragraph 3.20 (a).

3.29 The fixed penalty process will be managed using back office IT systems, which will record full and accurate details of each fixed penalty notice from issue to closure. The systems enable the completion of all statutory returns required by the Secretary of State and enable the reporting of the number of fixed penalties issued, the number paid and the number of non-payments progressed to prosecution.

3.30 The Council will use fixed penalty receipts from offences created or amended by the Clean Neighbourhoods and Environment Act 2005 in accordance with DEFRA guidance. A full system of cost accounting shall be maintained to demonstrate compliance with the legislation.

4 Key Policies

4.1 Vulnerable Adults

4.1.1 If there is any doubt, or it is brought to the investigating officers attention, that the person, who has committed an offence is not capable of understanding that their actions constitute an offence, are mentally impaired in any way or are clearly unable to pay (eg homeless or otherwise) then a fixed penalty notice will not be issued. An educative approach may be taken or the individual asked to rectify their actions under such circumstances.

4.2 Young People :

4.2.1 Fixed penalty notices will not be issued to children below the age of 10.

4.2.2 For youths between 10 and 15 a warning will be issued for a first offence and the matter reported to their parents or guardians. Only where an officer has evidence to confirm that the young person has been previously warned will consideration be given to the issuing of a fixed penalty notice.

4.2.3 In determining whether a fixed penalty notice is issued the service will consult the Youth Offending team and give consideration to whether a restorative justice based intervention may be an appropriate option.

4.2.4 In respect of 16 and 17 year olds, the rule for 10 to 15 year olds applies. In situations where fixed penalty notices are issued, the Youth Offending Team will be notified and the offender will be informed of this.

4.2.5 In all cases, where a fixed penalty notice is issued to juveniles then this shall only take place in the presence of their parent or legal guardian.

Strategy Review

4.2 This strategy shall be reviewed on an annual basis, or at such times as deemed appropriate.

4.3 This strategy shall be published on the St Helens Council Website allowing members of the public and business to have the opportunity to comment on the policy and to provide feedback.

4.4 A record of amendments to the policy shall be maintained within this document.

Fixed Penalty Notice Enforcement Strategy Control Sheet

Version	Date	Author	Details of amendments / changes	Approved
2	October 2015	Tony Smith	Introduction of payments by instalments Inclusion of smoke-free offences Inclusion of offences relating to breach of Community Protection Notices Amendment of policy relating to young people making reference to restorative justice interventions Reference to a 12 month pilot project relating to smoking cessation	

Appendix Q

Glossary of Terms

Contained in this document:

"The Council" means St. Helens Borough Council.

"**The Borough**" means the geographical area of St Helens Borough Council

"**The Licensing Authority**" means St Helens
"Appeal" A means by which a Committee decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the Committee may be upheld or overturned.

"Conviction" Judicially determining that someone is guilty of a crime.

"DBS" means Disclosure and Barring Service (formerly known as Criminal Records Bureau).

"**DfT**" means Department for Transport

"**Driver's Licence**" means a licence granted by the Council to drive a Taxi or a Private Hire Vehicle under Section 46 of the Town Police Clauses Act 1847 or Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) respectively.

"**Internal Vehicle licence**" is a laminated replica of the licence plate issued by the Council on the grant and renewal of the licence giving details of the vehicle and licence for display within the vehicle.

"**Fit and Proper Person**" A person who is considered to be no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.

"**Licence**" means a vehicle licence granted by the Council under Section 37 of the Town Police Clauses Act 1847 or Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
In this licence;
(a) "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
(b) "The Council" means the St Helens Borough Council;
(c) "The operator" means a person holding a licence to operate a private hire vehicle issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
(d) "Private Hire Vehicle" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
(e) "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
(f) References to the masculine ("he") refer equally to the feminine ("her") and vice versa

"**Licence Plate**" is the plate issued by the Council in respect of a Taxi under Section 51 of the Town Police Clauses Act 1847 and in respect of a Private Hire Vehicle under Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"Licensee" means the holder of a licence.

"Licensing and Environmental Protection Committee" A panel of local councillors convened to determine licence applications and reviews.

"**Licensing Officer**" and "**Authorised Officer**" are the officers appointed from time to time by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles within the Council's administrative area.

“Mitigating Circumstances” The circumstances surrounding a conviction. These circumstances may alter the seriousness of a crime.
"**Operator**" is the holder of a Private Hire Operator's (PHO) Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

“Plying for Hire To actively invite (touting) or respond to a hail for a taxi with the intent to charge a specific fare for the service.

"**Private Hire Vehicle**" (PHV) is as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.

“Rehabilitation” The period sufficient to demonstrate that a person has repented of their crimes and is unlikely to re-offend.

“Revoke” To remove a licence permanently.
“Suspend” To remove a licence for a defined period of time.

"**Taxi**" means a hackney carriage (HC) as defined in the Town Police Clauses Act 1847. A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.

"**Taxi Proprietor**" means the holder of a vehicle licence granted by the Council under Section 37 of the Town Police Clauses Act 1847.

"**Vehicle**" or “**Licensed Vehicle**” means either a Hackney Carriage or Private Hire Vehicle.

“Written Warning” A letter advising that although a conviction or complaint was not serious enough to have warranted the suspension or revocation of the licence, the alleged conduct was unacceptable and has caused concern as to the suitability to hold such a licence such that any further repetition of such conduct is likely to lead to suspension or revocation.

Appendix R
Medical Exemption Procedure

Part 1 – Background

1.1 The Council's Medical Exemption Certificate Procedure applies to all drivers who are licensed by St. Helens Council who wish to apply for an exemption certificate under the Equality Act

1.2 The Equality Act 2010 places responsibility on service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

1.3 The Council is committed to social inclusion and ensuring that disabled residents and visitors to the town have a wide variety of opportunities that will contribute to their quality of life. If fully supports the view of the Equality and Human Rights Commission that "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to access suitable transport disabled people are denied opportunities in life". For this reason, the Council considers it important that disabled residents and visitors have access to all forms of public transport.

1.4 It is important that individuals who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them, their wheelchair and/or their assistance dog to enable them to reach their destination at no extra charge.

Part 2 – Legislation

2.1 The Equality Act 2010 (s.165) places certain duties on drivers of wheelchair accessible Hackney Carriage and Private Hire vehicles;

i. To carry the passenger while in the wheelchair, and;
ii. Not to make any charge for doing so.
iii. Should the passenger choose to sit in a passenger seat, to carry their wheelchair,
iv. To take such necessary steps to ensure that the passenger is carried to safety and reasonable comfort and;
v. To give the passenger such mobility assistance as is reasonably required.

2.2 In addition to this the Act (s 168 & 170) also places the following duty on drivers of Hackney Carriage and Private Hire drivers:

i. To carry the passenger's (guide, hearing or assistance) dog, allowing it to remain with the passenger and not make any additional charge for doing so.

2.3 It is an offence (s 168) for the driver of a Hackney Carriage that has been hired by or for a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disable person with an assistance dog) to fail to carry the disabled person's dog and allow it to remain with that person or to make any additional charge for doing so, unless an exemption certificate has been issued by St. Helens Council and that certificate is displayed within the vehicle.

2.4 It is an offence (s 170) for the Operator of a Private Hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by

or on behalf of a disabled person or a person who wished to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog. The Operator also commits an offence is they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

2.5 It is an offence (s 170) for the driver of a Private Hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by St. Helens Council.

Part 3 – Medical Exemption Certificates

3.1 In some circumstances a driver of a Hackney Carriage / Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.

3.2 The Act (s 166) allows licensing authorities to grant exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

3.3 The Act (s 169 & 171) also allows licensing authorities to grant exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds.

Part 4 – Other Exemptions

4.1 There are no exemptions, medical or otherwise, for a Hackney Carriage / Private Hire driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage.

4.2 Hackney Carriage byelaws and Private Hire drivers licence conditions state that the driver must give reasonable help with luggage.

4.3 If a Hackney Carriage / Private Hire driver is unable to observe their licence conditions or the Council's byelaws in respect of hackney carriages, then they shall be subject to the Councils' approved Enforcement Policy which forms part of the Taxi Licensing Policy.

Part 5 – Application Process

5.1 In the first instance, the driver must obtain a written doctors note from their own GP (General Practitioner) detailing specifically;

i. what duties cannot be undertaken
ii. why they cannot be undertaken
iii. date the condition was first noted
iv. for how long they cannot be undertaken

5.2 Along with the doctor's note, they must complete and submit an 'Application for Medical Exemption Certificate' Form (example attached) to the Licensing Authority. A non-refundable administrative fee will also need to accompany your application.

5.3 If the doctor's note states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified time period (up to a maximum of 3 months), a 'Temporary Exemption Certificate' will be issued with an expiry date in line with the information received on the doctor's note. When issued this must be permanently on display in your licensed vehicle for the duration of the exemption.

5.4 If the doctor's notice is not clear or is ambiguous in any way, the matter will be referred to the Licensing and Environmental Protection Committee for their consideration.

5.5 Upon the expiry of the Certificate, the Licensing Authority will deem drivers fit to undertake all duties and the Temporary Exemption Certificate and the said notice must be returned to the Licensing Office (Wesley House) within 7 calendar days commencing the day after the expiration date.

5.6 If the Temporary Exemption Certificate is not returned to the Licensing Authority, the driver's licence will automatically be referred to the Licensing and Environmental Protection Committee for consideration of further action.

5.7 If the driver expects the Temporary Exemption Certificate to be extended, then prior to the expiry date of the Certificate the driver will need to contact the Licensing Authority to discuss the next steps and timescales.

5.8 Should the situation described in 5.7 occur, the driver will receive an information pack containing the following;

- a letter of notification (example attached) advising that they will now be subject to a further medical referral.
- a letter to present to their GP (example attached) which explains the exact requirements and;
- a letter to present to the approved medical practitioner along with a statement of fitness (example attached).

5.9 The driver will be required to contact their own GP to arrange for a more in depth medical report to be compiled (the cost of which must be borne by the driver) and following receipt of this, will then be required to make an appointment with an approved medical practitioner (list attached), the costs of which will be borne by the driver. The medical practitioner will complete the Statement of Fitness on the applicant's capability to undertake the duties in terms of their medical grounds and/or physical condition and for how long.

5.10 The driver will then need to submit the reports of both their own GP and the approved medical practitioner to the Licensing Authority for determination.

Part 6 – Application Outcome

6.1 If the statement confirms that the driver is able to undertake the duties and is fit for work, the Temporary Exemption Certificate must be returned to the Licensing Office and the driver will be expected to resume normal duties. Failure to do this would result in the driver being referred to the Licensing and Environmental Protection Committee to consider further action.

6.2 If the statement confirms that the driver is able to undertake duties with reasonable adjustments, a further Temporary Exemption Certificate of up to 3 months may be issued. It is expected that within those 3 months the driver will undertake the reasonable adjustments to allow a return to full duties. At the end of this 3 months, the Temporary Exemption Certificate must be returned to the Licensing Office and the driver will be expected to resume normal duties. Failure to do this would result in the driver being referred to the Licensing and Environmental Protection Committee to consider further action.

6.3 If the statement confirms that the driver is temporarily unfit to carry passengers in wheelchairs and/or assistance dogs, a Temporary Exemption Certificate will be granted for the length of time as determined by theLicensing Authority, taking into account the advice of the approved practitioner. . The driver will then be expected to attend a further assessment/consultation with the approved practitioner prior to the expiry date of the Temporary Exemption Certificate.

6.4 Should the driver be declared permanently unfit to carry passengers in wheelchairs and/or assistance dogs an Exemption Certificate (example attached) will be issued. The Certificate will include a colour photograph of the driver who has been granted the Exemption and must be displayed prominently in the vehicle for public viewing. The exemption certificate may be reviewed every 1-5 years, to ascertain if the situation has remained the same.

6.5 If the driver disagrees with the medical recommendation and subsequent determination by the Licensing Authority, the matter will be referred to the Licensing and Environmental Protection Committee for their consideration.

Part 7 – Appeals Procedure

7.1 If a driver does not agree with the decision of the Committee they are able to appeal the decision to the Magistrates Court. The driver has 28 days from the date of the refusal to appeal.

Examples Attached

Application Flow Chart
Application Form
Temporary Exemption Notice
Notification Letter (Driver)
Notification Letter (GP)
Notification Letter (Medical Practitioner)
Statement of Fitness

For the full documented procedure please refer to the Councils website.www.sthelens.gov.uk/licensing

Appendix S
Prosecutable Offences

Summary of Offences

The legislation specifies what is an offence and what the maximum penalty is that a court can normally impose. Where the penalty is a fine then it is described as a fine not exceeding a certain level. The court may impose any fine up to this maximum.

These levels are:
- Level 1 - £200
- Level 2 - £500
- Level 3 - £1000
- Level 4 - £2,500
- Level 5 - £5,000

Sometimes an offence can attract a fine and also a prison sentence. In this case the court can impose a fine or a prison sentence or both. The prison sentence specified is a maximum sentence but as with a fine the court can impose any prison sentence up to that maximum.

Where someone is prosecuted and found guilty they may also have to pay all, or a proportion of, the prosecution costs. The offences listed in this document are all criminal offences and anyone found guilty of one of the offences would then have a criminal record.

Town Police Clauses Act 1847
Summary of Offences
Hackney Carriage

Section	Offence	Maximum Penalty
40	Giving false information on application for HC proprietor's licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC proprietor's licence	Level 4
47	Driving a HC without HC driver's licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 months' imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent	Level 1
60	Driving HC without proprietor's consent	Level 1
60	Person allowing another to drive HC without proprietor's consent	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving HC unattended	Level 1
64	HC driver obstructing other HCs	Level 1

HC: Hackney Carriage

Local Government (Miscellaneous Provisions) Act 1976
Summary of Offences
Hackney Carriage

Section	Offence	Maximum Penalty
49	Failure to notify transfer of HC proprietor's licence	Level 3 (by virtue of s76)
50(1)	Failure to present HC for inspection as required	Level 3 (by virtue of s76)
50(2)	Failure to inform local authority where HC is stored if requested	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to local authority	Level 3 (by virtue of s76)
50(4)	Failure to produce HC proprietor's licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce HC driver's licence	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain HC driver's licence	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3 (by virtue of s76)
64	Permitting any vehicle other than HC to wait on a HC stand	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue of s76)
71	Interfering with a taximeter	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3 (by virtue of s76)

HC: Hackney Carriage

Local Government (Miscellaneous Provisions) Act 1976
Summary of Offences
Private Hire

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3 (by virtue of s76)
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver	Level 3 (by virtue of s76)
48(6)	Failure to display PH vehicle plate	Level 3 (by virtue of s76)
49	Failure to notify transfer of PH vehicle licence	Level 3 (by virtue of s76)
50(1)	Failure to present PH vehicle for inspection as required	Level 3 (by virtue of s76)
50(2)	Failure to inform local authority where PH vehicle is stored if requested	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to local authority	Level 3 (by virtue of s76)
50(4)	Failure to produce PH vehicle licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce PH driver's licence	Level 3 (by virtue of s76)
54(2)	Failure to wear PH driver's badge	Level 3 (by virtue of s76)
56(2)	Failure to PH operator to keep records of bookings	Level 3 (by virtue of s76)
56(3)	Failure by PH operator to keep records of PH vehicles operated by him	Level 3 (by virtue of s76)
56(4)	Failure to produce PH operator's licence on request	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain PH driver's or operator's licence	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as PH vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue of s76)

71	Interfering with a taximeter	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3 (by virtue of s76)

PH: Private Hire

Appendix T

ST HELENS BOROUGH COUNCIL	**CCTV in Licensed Hackney and Private Hire Vehicles** **Requirements of Installation and Usage**

The Council is committed to high standards among our licensed community and is keen to support those who wish to have the benefit of CCTV in their licensed vehicle.

Whilst this is not mandated, it is necessary that the Council have a clear set of agreed standards to which those who wish to install CCTV can do so.

If you are interested in installing CCTV into your licensed vehicle, you must first consult the Licensing Authority to ensure that you the system you are planning to purchase meets the approved standard. To make this process easier, we have drawn up a simple application which you will need to complete so that we are able to check that your system is suitable.

The requirements to use CCTV in your licensed vehicle are detailed below.

Requirements

1. This applies to private hire, executive travel, limousines and hackney carriage vehicles.

2. The Council will publish and maintain a list of CCTV systems which it has approved for installation in St Helens licensed vehicles. You may apply to add any system to the list, but it must meet the Minimum Specification (https://www.sthelens.gov.uk/article/9956/CCTV-in-Licensed-Vehicles) to be approved.

3. You must complete and submit the 'Application for CCTV in a Licensed Vehicle' and this must be approved by the Licensing Authority prior to installation. Once systems are installed the vehicle will need to be presented to the Licensing Authority to ensure compliance.

4. Once installed, the vehicle will be subject to additional conditions to ensure that the CCTV system is appropriately maintained and so as not to interfere with the safety and comfort of passengers, along with ensuring the appropriate standard of any images captured.

5. This document should be read in conjunction with all relevant documents pertaining to CCTV in licensed vehicles and the taxi licensing policies and conditions.

6. Whilst each case will be treated on its own merits, only those systems which meet the Council's agreed requirements will be approved.