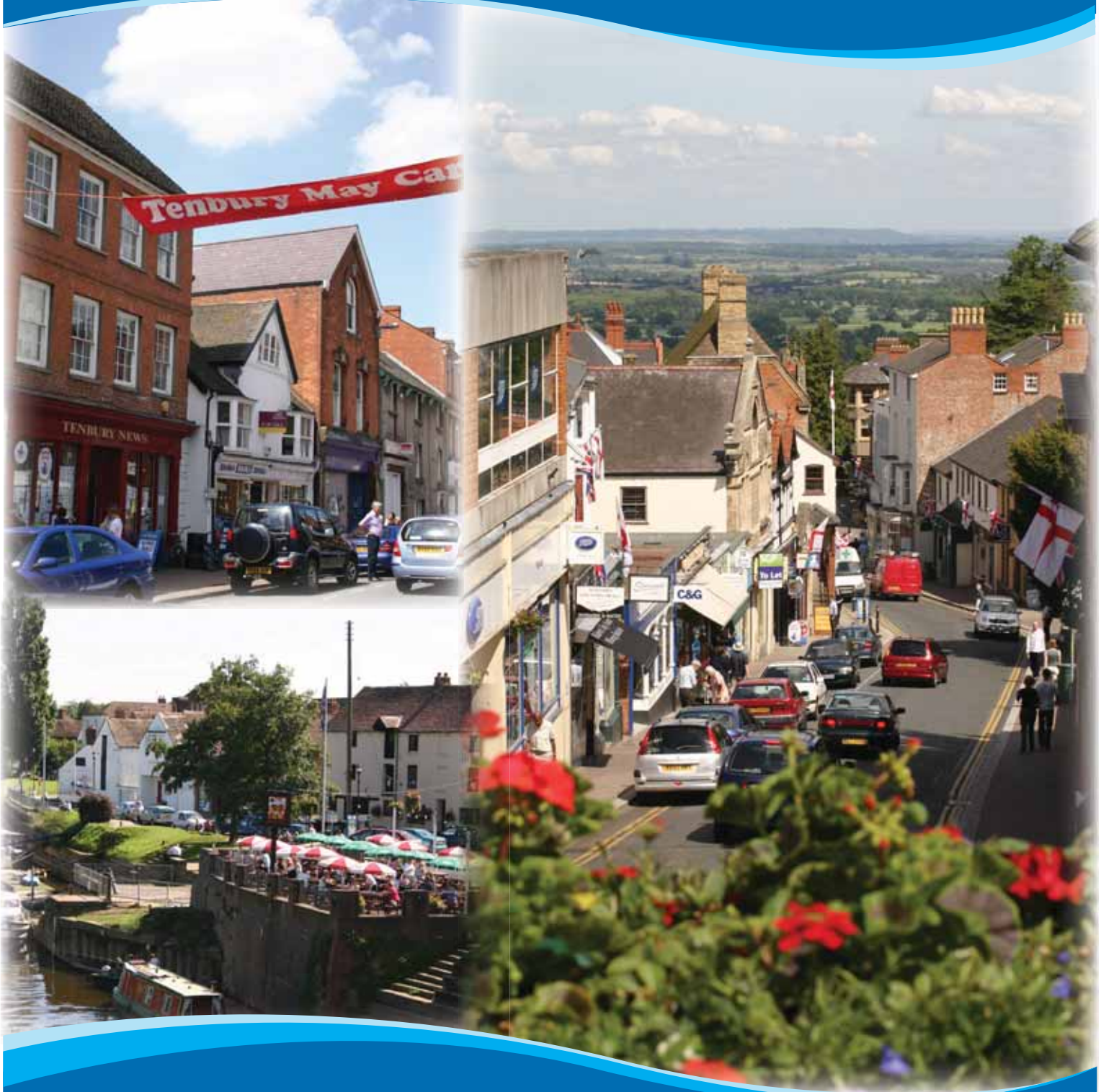


Malvern Hills District Council **Taxi Handbook**



Contents

| | Page |
|--|---------------|
| Introduction | 2 |
| Background to Licensing | 3 |
| Drivers Licences | 4 |
| Hackney Carriage Vehicle Licence | 8 |
| Private Hire Vehicle Licence | 13 |
| Operators Licence | 17 |
| General Points | 18 |
| Driver's Licences Conditions | Appendix A 21 |
| Private Hire & Hackney Carriage Conditions | Appendix B 25 |
| Private Hire Operating Licence Conditions | Appendix C 33 |
| Byelaws for Hackney Carriages | Appendix D 35 |
| Driving Skills Assessment Criteria | Appendix E 41 |
| Convictions Policy | Appendix F 43 |

Introduction

The booklet is intended to assist and advise both new applicants and current licence holders on the law and procedures concerning the operation of Private Hire and Hackney Carriage Vehicles.

The Head of Customer & Environmental Services is responsible for the licensing service and all correspondence should be addressed to:-

The Licensing Section
Malvern Hills District Council
Council House
Avenue Road
Malvern
Worcestershire
WR14 3AF

Telephone Enquiries

Customer Contact Centre:
01684 862151

Web Address

www.malvern hills.gov.uk

E-mail Address

licensing@malvern hills.gov.uk

Personal Visits

Our Customer Service Centre is open Monday to Friday from 9.00 am to 5.30pm at Malvern Library, Graham Road, Malvern, Worcs. WR14 2HU.

Background

Malvern Hills District Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part II of the Local Government Miscellaneous Provisions Act 1976 and the Town Police Clauses Act 1847.

The Council does not restrict the number of Hackney Carriage licences issued preferring instead to promote competition within the District which we believe benefits residents, visitors and the trade itself.

Which licences are required?

The Council issues five types of licences:-

- ▶ Dual Drivers Licence (which covers both Hackney Carriage and Private Hire Vehicles)
- ▶ Hackney Carriage Vehicle Licence
- ▶ Private Hire Vehicle Licence
- ▶ Private Hire Drivers Licence (this covers Private Hire Vehicles only)
- ▶ Private Hire Operators Licence

TYPES OF LICENCES APPLICABLE TO DRIVERS

Dual Driver's & Private Hire Driver's Licence

The Council's Dual Driver's Licence covers the driving of both Hackney Carriage and Private Hire Vehicles and the Private Hire Driver's Licence only covers the driving of a Private Hire Vehicle. Different licensing procedures apply for new licences and the renewal of an existing licence. New Driver's Licences are issued for **1 year**. Renewed licences are issued for **3 years**.

New Application

Applicants must be over 21 years of age and have held a DVLA driver's licence for at least 12 months or an equivalent E.U recognised appropriate licence.

Before issuing a licence the Council must determine whether an applicant is a "fit and proper" person.

All employers must check a potential employees identity to ensure that they have a right to work in this country (Asylum & Immigration Act 1996).

Malvern Hills District Council may not grant a Hackney Carriage and/or Private Hire Licence to any person who is not able to provide proof of their right to work.

You must complete the Council's application forms and Criminal Records Bureau and DVLA check (on the applicant's DVLA driving licence) which are available either by phone or direct from the Customer Service Centre. You may also download these forms from www.malvern hills.gov.uk. Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

You must also:

- ▶ pay the fee (no part of the fee is refundable)
- ▶ produce your original DVLA or equivalent driver's licence, passport or birth certificate.
- ▶ provide 2 recent coloured passport sized photographs.

Criminal Records Check – A search is carried out by the Criminal Records Bureau (CRB) for previous non-motoring convictions on all new applicants and when an application is received for renewal. The procedure is as follows:

1. The applicant must complete a Criminal Records Bureau enhanced check form.
2. The applicant then brings in to the Customer Service Centre the

completed application form with proof of identification. We will need to see a passport or birth certificate, driving licence and 2 utility bills showing current name and address.

3. A counter signatory at the Customer Service Centre will sign the form to verify having seen the applicant's proof of identification.
4. The applicant also needs to pay the relevant fee, which is the Criminal Records Bureau's charge for this service. (Cheques should be made payable to Malvern Hills District Council).
5. The Council will send the form to the Criminals Record Bureau.
6. The applicant and the Council will both receive the disclosure (the CRB result) at the same time.

If any convictions arise during the term of the licence the Head of Customer & Environmental Services must be informed in writing within 7 days from the date of conviction.

DVLA Drivers Licence – Applicants should submit their DVLA driver's licence in order that customer or office services staff may take photocopies. This includes the plastic card and the counterpart. Please note photocopies of drivers' licences are not acceptable.

DVLA Check – Applicants must provide their written permission for the Council to undertake a check with the Driver and Vehicle Licensing Authority at Swansea by signing the appropriate form.

Drivers Theory/Knowledge Test

All new applicants for a driver's licence must undertake either a theory test for a Private Hire Driver's licence and a theory & knowledge test for a Dual Driver's licence. An applicant is allowed three attempts, on different dates there is a fee for re-sitting this test. The tests are held once a month and you will be sent an appointment letter. This test is adjudicated by a member of the Licensing section.

Driving Skills Assessment

All new applicants for a driver's licence must take a Driving Skills Assessment Test. These tests are carried out by the Road Safety Unit of Worcestershire County Council tel: 01905 766827 and a fee is payable directly to them for this.

When the fee is paid, the Road Safety Unit will arrange a date for the Assessment. The tests will take place using the applicant's vehicle, apart from in exceptional circumstances. The vehicles must, however, be roadworthy - the Assessor will not do the test if the vehicle appears not to be roadworthy and the test fee will be lost.

The assessment should be regarded as a helpful exercise where minor faults by the applicant will be corrected given the time available. If the fault persists during the test, however, it may be considered sufficient to fail the applicant. The Assessment criteria are set out in Appendix E of this Handbook. If the test is passed, the applicant will be issued with a permit which should be presented at the Customer Service Centre so that the licence can be issued (assuming everything else is satisfactory).

If applicants fail the test, if they wish, they may retake it as soon as it can be arranged. If you fail the test 3 times your application will be refused.

Medical Reports – Medicals are required for all new applicants and every five years thereafter (unless requested on a more frequent basis by the applicant's doctor). Once a driver has reached the age of 60, the medical certificate will last for three years, at age 63 it will last for two years and at age 65 it will last for one year and be required annually thereafter. The medical forms Part A the Medication Examination and Part B Medical History form are available from the customer service centre or from the councils website at www.malvern hills.gov.uk follow the links to licensing. It is the Council's policy that all drivers must meet Group 2 medical standards as recommended by the Medical Commissioners on Accident Prevention. Part A the Medical Examination can be administered by any doctor however if you choose not to use your own registered GP you must have Part B complete before you have the Medical Examination done. A licensee is obliged to inform the Head of Customer & Environmental Services of any medical condition affecting their ability to drive which may arise after a licence has been granted.

If the above is satisfactory, a licence will be issued together with an identification badge which must be worn by the driver at all times in a place where it can be seen by passengers.

The licence will be valid for 1 year.

Complaints about Driving – If complaints are received from the public about the driving of a Hackney Carriage/Private Hire Driver, the Council may require him/her to take the Driving Skills Assessment Test as applied to new drivers. If as a result of this test the Council considers the driver to be unfit to hold a driver's licence, the licence may be revoked under the Local Government (Miscellaneous Provisions Act 1976).

Renewal of Drivers Licence – Renewed licences are issued for 3 years. You must complete the Council's application forms, CRB and DVLA checks, which are available either by phone or direct from the Customer Service Centre. The forms with the exception of the CRB application form can be found on the Councils website at www.malvern hills.gov.uk Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

You must also provide 2 recent colour passport sized photographs, a medical report (if necessary) and your DVLA driver's licence. Medical Certificates are required every five years. Once a driver has reached the age of 60, the medical certificate will last for three years, at age 63 it will last for two years and at age 65 it will last for one year and be required annually thereafter.

If the CRB, DVLA checks and medical report (where necessary) are satisfactory the licence will be renewed for 3 years.

Determination of "Fit and Proper Persons"

Under Taxi licensing legislation, the Council has to ensure that anyone holding a licence is a "fit and proper person". Obviously, where all the checks and tests set out above are satisfactory then the applicant is judged to be "fit and proper" and a licence is granted. Licensing Officers may also grant a licence where the applicant has no more than six penalty points on his/her DVLA Driving Licence (and everything else is satisfactory).

However, where there is any doubt as to whether the applicant is a "fit and proper" person, for instance because the CRB or DVLA checks have shown the applicant has criminal or motoring convictions, the matter is referred to the Council's Licensing and Appeals Committee for determination. Applicants are entitled to attend the Committee meeting to explain the circumstances of their conviction (or other reason for referral to the Committee) and speak in support of their application. They are entitled to be accompanied by their legal representative or other friend or supporter.

The Council has agreed a Convictions Policy which the Licensing and Appeals Committee uses to guide it in its consideration of cases referred to it. The policy is also intended as a guide to applicants

After considering the applicant's representations, the Committee will determine the matter. If not satisfied with the decision, applicants have the right of appeal to the Magistrates Court within **21 days of being notified of the decision.**

TYPES OF LICENCES APPLICABLE TO VEHICLES

HACKNEY CARRIAGE VEHICLE LICENCE

This licence is valid for one year and entitles licensed drivers to ply for hire on any of the Council's Hackney Carriage ranks or be hailed in the street. (Please note it does not entitle the driver to ply for hire or be hailed outside the District). **NB This does not prevent pre-booked fares from being picked up in other areas.**

The vehicle licence can only be issued in the name of the actual owner of the vehicle. Proof of ownership is required.

Once a vehicle licence has been granted the vehicle remains a taxi until the licence expires or is revoked and only drivers licensed by Malvern Hills District Council may drive the vehicle. **This restriction remains whether or not the vehicle is being used as a hackney carriage.**

A vehicle that is already licensed as a Taxi with a different authority CANNOT be licensed by Malvern Hills District Council as the vehicle would be unable to meet the conditions of the vehicle licence.

Taxi ranks currently located within the Malvern Hills District can be found at the following locations:

- ▶ Belle Vue Terrace/Abbey Road, Malvern
- ▶ Edith Walk, Malvern
- ▶ Great Malvern Station, Malvern
- ▶ Barnards Green Road, Barnards Green, Malvern
- ▶ United Reformed Church, Worcester Road, Malvern Link

Licensed vehicles must:-

- ▶ be a purpose built Hackney Carriage or approved 'taxi-specific' vehicle
- ▶ be a four door saloon (or a passenger carrying estate car) or be a minibus or multi purpose vehicle
- ▶ have 4 wheels
- ▶ have an engine size of 1500 cc or more
- ▶ be fitted to not less than the manufacturer's specification
- ▶ not be a convertible or similar specification vehicle
- ▶ have a capacity for at least 4 adult passengers but must not exceed 8 passengers

The following policy has been adopted and will become effective from 1st April 2008.

▶ Where a Hackney Carriage or Private Hire Vehicle is a standard production saloon car, without modification, then that vehicle when presented for an INITIAL Hackney Carriage or Private Hire vehicle licence shall not be more than FIVE years old. This type of Hackney Carriage or Private Hire vehicle will continue to be granted an annual licence, provided it passes its annual inspection, until the renewal date after the vehicle has reached EIGHT years of age.

▶ Where a Hackney Carriage or Private Hire vehicle is a purpose built vehicle with full access for wheelchair confined disabled persons, then that vehicle when first presented for an INITIAL Hackney Carriage or Private Hire vehicle licence shall not be more than FIVE years of age. The Hackney Carriage or Private Hire Vehicle of this type will continue to be granted an annual Hackney Carriage or Private Hire vehicle licence provided it passes its annual vehicle inspection, until the renewal date after the vehicle has reached TWELVE years of age.

▶ Where a Hackney Carriage or Private Hire vehicle is constructed or adapted to carry more than four passengers but less than nine, all seats with independent seat restraints, then that vehicle when presented for an INITIAL Hackney Carriage or Private Hire vehicle licence, shall not be more than FIVE years old. The hackney Carriage or Private Hire vehicle of this type will continue to be granted an annual licence, provided it passes its annual inspection, until the renewal date after the vehicle has reached TEN years of age.

▶ With immediate effect a Private Hire Vehicle Licence may be granted to any vehicle in exceptional condition or as a tourist attraction, e.g. Open Top Vintage Cars for tours of Malvern Hills etc. Each individual case will be determined on its own merits by the Licensing & Appeals Committee after consultation between the vehicle inspection team and the licensing officer.

Please see Appendix B for conditions relating to vehicles.

How to apply

In the first instance you must get your vehicle inspected and MOT before you submit an application form and supporting documentation.

MOT & Inspections – All vehicles are inspected before a licence is issued and thereafter on an annual basis when licences fall due for renewal. Vehicles are inspected at the Council's nominated garage. Vehicles must pass an MOT inspection which is carried out by the garage's own mechanic. At the same

time as the MOT is being carried out the Council's Vehicle Inspector undertakes the Council's inspection. Please note, that separate fees are payable to the garage for the MOT and the Vehicle Inspection tests. The Council's Vehicle Inspector is based at Motor Link, Howsell Road, Malvern Link, Worcs. WR14 1TH. It is the responsibility of the applicant to book their vehicle in at the nominated garage for the MOT. Before an applicant takes a vehicle for an inspection they must ensure it is roadworthy and it complies with all of the Council's vehicle conditions which are listed at appendix B.

The Council's nominated garage is:-

▶ **Motor Link, Howsell Road, Malvern Link, Worcestershire. WR14 1TH
Telephone Numbers 01684 576887/566263**

Vehicles are licensed to carry a specified number of passengers up to a maximum of eight. The licence plate must be fixed **externally** near the rear bumper of the vehicle. This specifies the number of passengers that can be carried. It is the responsibility of the driver of any hackney carriage to ensure the safety of children and comply with any relevant legislation with regard to the carriage of children.

Should the vehicle fail the Council's inspection for any reason a re-test may be necessary. A re-test fee must be paid if the vehicle cannot be re-inspected on the same day as the original test was carried out. The re-test must be arranged with the council's nominated garage.

You must complete the Council's application form which is available either by phone or direct from the Customer Service Centre. The application form can also be downloaded from the councils website at www.malvern hills.gov.uk. Follow the links to the licensing pages. Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

The application form should be returned to the address at the front of this booklet together with the following:-

- ▶ Vehicle registration document or proof of ownership (this can be in the form of a receipt for payment). The registration document must be in the name of the applicant or licensee.
- ▶ Insurance Certificate – This certificate must cover hire and reward.

Only one cover note will be permitted.

- ▶ The Fee (no part of the fee is refundable)

Change of Ownership

Where there is a change of ownership of a vehicle already licensed with this authority, the licence must be transferred to the new owner by completing the transfer form and returning it to the Council with the appropriate fee. The licence must be transferred within 14 days of the change of ownership taking place. There will be an administration charge for this process.

Transfer of Vehicle Licence

Where the vehicle is changed but the licence holder wishes the existing plate number to be used on the new vehicle the licence holder may either pay the current fee for a replacement plate plus administration charge, which will allow the licence to run its normal course or licence the new vehicle as if it were a new application. The new vehicle must meet the current criteria for a new vehicle licence. In either case the relevant charges regarding vehicle inspections will be payable.

Plate Replacements – A replacement plate will only be issued in exceptional circumstances and will be charged at the appropriate cost.

Fares - all Hackney Carriage vehicles must be fitted with a taxi meter which should be calibrated in accordance with the Council's approved scale of fares. The meter will then be tested as part of the vehicle inspection. The table of fares is to be displayed at all times in a hackney carriage vehicle.

The level of fares is reviewed when a request to do so is received from the trade, normally annually.

Fire Extinguishers and First Aid Kits - the current conditions require a 1kg BCF extinguisher. These extinguishers must be replaced when they are no longer serviceable (i.e. they are rusty or broken). They must be replaced with a 1kg dry powder extinguisher.

First Aid kits MUST contain, as a minimum, the following:-

| | |
|--------------------------|-----------------------------------|
| Advice leaflet 1 | Assorted plasters 25 |
| Bandage conforming 8cm 1 | Triangular Bandage 2 |
| Eye Dressing 2 | Blunt ended scissors 1 |
| Windscreen Sticker 1 | Alcohol free wipes (pack of 10) 1 |
| Safety Pins 12 | |

Ad Hoc Vehicle Inspections

Every 3 months the Council calls in a maximum of 5 licensed vehicle both Hackney Carriage and Private Hire vehicles for an ad hoc inspection at the Councils nominated garage. This is to try to ensure that all statutory requirements are fully complied with, and the vehicles are safe, tidy and clean.

Letters are sent out to licence holders approximately two weeks before the inspection is due to be carried out. However this is only an approximation, as The Council tries not to give too much notice. **Failure to attend these ad-hoc inspections without notifying the licensing office may result in the suspension of the vehicle licence and/or appearance before the Councils Licensing & Appeals Committee, who may revoke the licence. Any failure to attend without notification will also result in the levy of the appropriate testing fee.**

PRIVATE HIRE VEHICLE LICENCE

This licence is valid for one year and all hiring of the vehicle must be prebooked through a booking office known as the Operators base. Private Hire Vehicles are not allowed to ply for hire at any of the Council's Hackney Carriage ranks or be hailed in the streets.

A vehicle that is already licensed as Private Hire vehicle with a different authority **CANNOT** be licensed by Malvern Hills District Council as the vehicle would be unable to meet the conditions of the vehicle licence.

If you intend to operate a Private Hire business you will require an Operators licence, a licence for each vehicle operated and a driver's licence for each driver.

Licensed vehicles must:

- ▶ Be a four door saloon (or passenger carrying estate car) or a mini-bus
- ▶ Have 4 wheels
- ▶ Have an engine size of 1500cc or more
- ▶ Be fitted to not less than the manufacturers specification
- ▶ Be painted in a manufacturers standard colour
- ▶ Not be a convertible or similar specification vehicle
- ▶ Have a capacity for at least 4 adult passengers but must not exceed 8 Passengers

Vehicles are licensed to carry a specified number of passengers up to a maximum of eight. The licence plate must be fixed **externally** near the rear bumper of the vehicle. This specifies the number of passengers that can be carried. In multiple seated vehicles with removable or tip up seats, the approved number of passengers will, in the interests of safety, be limited to the capacity of the fixed seating only.

The following policy has been adopted and will become effective from 1st April 2008.

- ▶ **Where a Hackney Carriage or Private Hire Vehicle is a standard production saloon car, without modification, then that vehicle when presented for an INITIAL Hackney Carriage or Private Hire vehicle licence shall not be more than FIVE years old. This type of Hackney Carriage or Private Hire vehicle will continue to be granted an annual licence, provided it passes its annual inspection, until the renewal date after the vehicle has reached EIGHT years of age.**

► Where a Hackney Carriage or Private Hire vehicle is a purpose built vehicle with full access for wheelchair confined disabled persons, then that vehicle when first presented for an INITIAL Hackney Carriage or Private Hire vehicle licence shall not be more than FIVE years of age. The Hackney Carriage or Private Hire Vehicle of this type will continue to be granted an annual Hackney Carriage or Private Hire vehicle licence provided it passes its annual vehicle inspection, until the renewal date after the vehicle has reached TWELVE years of age.

► Where a Hackney Carriage or Private Hire vehicle is constructed or adapted to carry more than four passengers but less than nine, all in forward facing seats with independent seat restraints, then that vehicle when presented for an INITIAL Hackney Carriage or Private Hire vehicle licence, shall not be more than FIVE years old. The Hackney Carriage or Private Hire vehicle of this type will continue to be granted an annual licence, provided it passes its annual inspection, until the renewal date after the vehicle has reached TEN years of age.

► With immediate effect a Private Hire Vehicle Licence may be granted to any vehicle in exceptional condition or as a tourist attraction, e.g. Open Top Vintage Cars for tours of Malvern Hills etc. Each individual case will be determined on its own merits by the Licensing & Appeals Committee after consultation between the vehicle inspection team and the licensing officer.

Please see Appendix B for conditions relating to vehicles.

Definition of Private Hire

The Council occasionally receives enquiries about the circumstances in which the use of a vehicle effectively makes it a Private Hire Vehicle and therefore one which requires a licence.

A Private Hire Licence is **not** needed:

(i) for a vehicle bringing passengers or goods into the District following a contract (i.e. booking) made outside the District, provided that it is not available for hire whilst it is in the Council's area

(ii) for a vehicle while it is being used in connection with a funeral or for a vehicle used wholly or mainly, by a funeral director, for funerals

(iii) for a vehicle while it is being used in connection with a wedding

The Council's advice is that in all other cases of carrying passengers for hire or reward a licence is needed.

How to apply

In the first instance you must get your vehicle inspected and MOT before you submit an application form and supporting documentation.

MOT & Inspections – All vehicles are inspected before a licence is issued and thereafter on an annual basis when licences fall due for renewal. Vehicles are inspected at the Council's nominated garage. Vehicles must pass an MOT inspection which is carried out by the garage's own mechanic. At the same time as the MOT is being carried out the Council's Vehicle Inspector undertakes the Council's inspection. Please note, that separate fees are payable to the garage for the MOT and the Vehicle Inspection tests. The Council's Vehicle Inspector is based at Motor Link, Howsell Road, Malvern Link, Worcs. WR14 1TH. It is the responsibility of the applicant to book their vehicle in at the nominated garage for the MOT. Before an applicant takes a vehicle for an inspection they must ensure it is roadworthy and it complies with all of the Council's vehicle conditions which are listed at appendix B.

The Council's nominated garage is:-

► **Motor Link, Howsell Road, Malvern Link, Worcestershire. WR14 1TH
Telephone Numbers 01684 576887/566263**

Vehicles are licensed to carry a specified number of passengers up to a maximum of eight. The licence plate must be fixed **externally** near the rear bumper of the vehicle. This specifies the number of passengers that can be carried. It is the responsibility of the driver of any hackney carriage to ensure the safety of children and comply with any relevant legislation with regard to the carriage of children.

Should the vehicle fail the Council's inspection for any reason a re-test may be necessary. A re-test fee must be paid if the vehicle cannot be re-inspected on the same day as the original test was carried out. The re-test must be arranged with the council's nominated garage.

You must complete the Council's application form which is available either by phone or direct from the Customer Service Centre. The application form can also be downloaded from the councils website at www.malvern hills.gov.uk. Follow the links to the licensing pages. Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

The application form should be returned to the address at the front of this booklet together with the following:-

► Vehicle registration document or proof of ownership (this can be in the form of a receipt for payment). The registration document must be in the name of the applicant or licensee.

► Insurance Certificate – This certificate must cover hire and reward.
Only one cover note will be permitted.

- ▶ The Fee (no part of the fee is refundable)

Change of Ownership

Where there is a change of ownership of a Vehicle already licensed with this authority, the licence must be transferred to the new owner by completing the transfer form and returning it to the Council with the appropriate fee. The licence must be transferred within 14 days of the change of ownership taking place. There will be an administration charge for this process.

Transfer of Vehicle Licence

Where the vehicle is changed but the licence holder wishes the existing plate number to be used on the new vehicle the licence holder may either pay the current fee for a replacement plate plus administration charge, which will allow the licence to run its normal course or licence the new vehicle as if it were a new application. The new vehicle must meet the current criteria for a new vehicle licence. In either case the relevant charges regarding vehicle inspections will be payable.

Plate Replacements – A replacement plate will only be issued in exceptional circumstances and will be charged at the appropriate cost.

Fire Extinguishers and First Aid Kits - the current conditions require a 1kg BCF extinguisher. These extinguishers must be replaced when they are no longer serviceable (ie they are rusty or broken). They must be replaced with a 1kg dry powder extinguisher.

The First Aid Kits MUST contain, as a minimum, the following:-

| | |
|--------------------------|-----------------------------------|
| Advice leaflet 1 | Assorted plasters 25 |
| Bandage conforming 8cm 1 | Triangular Bandage 2 |
| Eye Dressing 2 | Blunt ended scissors 1 |
| Windscreen Sticker 1 | Alcohol free wipes (pack of 10) 1 |
| Safety Pins 12 | |

OPERATORS LICENCE

This is also known as a Base Licence and is required to run a Private Hire business. This licence is for the operation of the business only. Separate licences for vehicles and drivers must also be obtained. The base must be located within the Malvern Hills District. A licence will not be granted to any operator who intends to operate the business from outside the District.

How to apply

You must complete the Council's application forms which are available either by phone or direct from the Customer Service Centre, or from the councils website at www.malvern hills.gov.uk follow the licensing link. Assistance in completing these forms can be obtained from one of the Customer Service Advisors.

The application form should be returned to the Customer Service Centre together with the fee.

Applicants should ensure that they obtain any necessary planning consents relating to the use of premises in connection with the operation of the business. Please contact the Council's Customer Service Centre or Telephone 01684862151 if you require any advice on planning consent.

Proof of good character will be required.

Please see Appendix C for conditions relating to Operators Licences.

ALL LICENSEES - GENERAL POINTS

Before applying for a licence you should carefully read the Council's licensing conditions and Hackney Carriage byelaws (if appropriate) and satisfy yourself that you will be able to comply with these conditions at all times. Failure to comply with these conditions may result in your licence being suspended or revoked and in certain circumstances may lead to prosecution.

Refusal or Revocation or Suspension of a Licence – Where there is any doubt as to whether a licence should be granted, for instance in the case of a Driver's Licence where a disclosure from the Criminal Records Bureau has revealed criminal convictions, the matter will be referred to the Council's

Licensing and Appeals Committee for determination by elected Councillors. Similarly, where there may be grounds for revoking a licence, eg a serious conviction after being granted a licence, the matter will be determined by the Licensing and Appeals Committee. A convictions policy has been agreed which the committee uses to guide it in considering cases referred to it. This is attached at appendix F.

Where a licence holder is reported or charged with an offence which may result in the revocation of his/her licence the Licensing Officer has the authority to suspend that licence pending the outcome of the relevant case.

Applicants/licensees are entitled to attend the meeting of the Committee to speak in support of their application or retention of their licence. They may also be accompanied by their legal representative or other friend or supporter. After considering the applicant's representations, the Committee will determine the matter. If not satisfied with the decision, applicants have the right of appeal to the **Magistrates Court within 21 days of being notified of the decision.**

Licence renewal reminders - All licence holders will be sent a reminder and the necessary renewal forms well in advance of the expiry of the licence.

However, please note **the responsibility for renewals rests with the licensee.**

Renewal applications for vehicle licences should be received at least 28 days before the old licence expires otherwise there may be a period when the vehicle is unlicensed. Drivers applications should be received at least 6 weeks prior to the old licence expiring just in case an application needs to be referred to the **Council's Licensing and Appeals Committee**. Operator's licences should be received at least four weeks prior to the old licence expiring.

Whilst every effort will be made to issue licences within the time frames mentioned above, the authority cannot be held responsible for delays experienced through failure by outside agencies to respond within the time frames.

The authority will **not** issue licences on demand, but will in exceptional circumstances make every effort to ensure continuity of service.

Loss of Licence, Badge or Plate – Any loss should be reported to the Licensing Unit immediately. A charge will be made for a replacement.

Customer Care Policy – The Council expects all licensees to display the utmost care in all their dealings with the public. Any complaints received from the public will be thoroughly investigated and appropriate action taken. The Council is also pleased to receive any complimentary reports of service provided by traders and will always pass these on to licensees.

County Council Contracts – The County Council's Social Services and Education Department on a regular basis offer contracts to transport persons on their behalf. It is now a contractual requirement that any company or individual working for the County Council must have the appropriate Hackney Carriage/Private Hire licences for both vehicles and drivers.

Minibuses / Limousines – the Council cannot licence any vehicle where there is a capacity to carry **nine or more** passengers. For such vehicles a PSV licence must be obtained from the Regional Traffic Commissioners at the following address:-

West Midlands Office
200 Broad Street
Cumberland House
Birmingham
B15 1TD
Telephone: 0121 608 1060

Wedding and Funeral Cars – A licence is not required for a vehicle while it is being used in connection with a funeral or used wholly or mainly by a person carrying on the business of a funeral director, for the purpose of funerals. A licence is not needed for a vehicle while it is being used in connection with a wedding.

Fees – Licence fees are detailed on a separate sheet – this can be access on the website www.malvern hills.gov.uk .

Refund of fees – The fees for hackney carriage or private hire licences are non-refundable.

Temporary Suspension of Licence – where there are circumstances where the vehicle is off the road, i.e. following a road accident or major repair, **no** credit will be given for the time the vehicle is inoperable.

Declarations – all applicants will be asked to declare if they have ever had a licence refused or revoked.

Further information – Please do not hesitate to contact the Customer Contact Centre should you require any further information on your licence or any matter contained within this booklet.

As part of the Council's continuing commitment to improving services and reducing costs, suggestions or any other comments are always welcome. Please write/telephone the Licensing Section or email licensing@malvern hills.gov.uk . The address and telephone number can be found at the beginning of this booklet.

DRIVER LICENCE CONDITIONS

1. TOUTING OR SOLICITING (Private Hire Only)

The driver shall not while driving or in charge of a private hire vehicle:

(a) tout or solicit on a road or other public place any person to hire or to 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; or

(c) accept an offer for the immediate hire of that vehicle while the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by telephone or similar device (i.e. radio etc.) fitted to that vehicle.

2. CONDUCT OF DRIVER

The driver shall:

(a) afford all reasonable assistance with passengers' luggage;

(b) at all times be clean and respectable in his dress and person and behave in a polite and orderly manner;

(c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;

(d) not smoke, drink or eat in the vehicle at any time; no smoking signs **MUST** be displayed.

(e) not play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.;

(f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle, and:

(g) the driver when hired to drive to any particular destination shall, subject to any directions given by the hired, proceed to that destination by the shortest available route.

3. PROMPT ATTENDANCE

The driver of a licensed vehicle shall, if (s)he is aware that the vehicle has been hired to be in attendance at any appointed time and place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

4. PASSENGERS

The driver shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.

The driver shall at all times comply with the latest legislation regarding use of seat belts and restraints by all passengers including children and young persons.

5. WEARING BADGE PROVIDED

The driver shall, when hired, wear any badge provided by the Council in such a position and manner as to be plainly visible;

The driver shall upon the expiry (without immediate renewal), revocation or suspension of his licence forthwith return to the Council the driver's badge issued to him by the Council when granting the licence. The badge shall remain the property of the Council.

6. LOST PROPERTY

The driver shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been left therein;

The driver shall, if any property left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to a police station in the district, and leave it in the custody of the officer in charge.

7. CONVICTIONS

Any licensed driver shall within seven days disclose to the Head of Customer and Environmental Services in writing details of any conviction arising from Court action imposed on him during the period of the licence.

8. FAILURE TO COMPLY WITH CONDITIONS

Failure to comply with any of these conditions may result in the Council suspending, evoking or refusing to renew the licence and, in certain circumstances, in prosecution. There is a right of appeal to a Magistrates Court.

9. COPY OF CONDITIONS

The driver shall at all times when driving any licensed vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

10. DEPOSIT OF LICENCE

If the driver is permitted or employed to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

11. CHANGE OF ADDRESS

The licensee driver shall notify the Head of Customer and Environmental Services in writing of any change of his address during the period of the licence within seven days of such change taking place.

12. WRITTEN RECEIPTS

The driver shall if requested by the hirer or passenger of a licensed vehicle, provide him with a written receipt for the fare paid.

13. ANIMALS

The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he shall ensure that any animal belonging to or in the custody of passenger is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance. Guide dogs accompanied by their owners shall be carried free of charge.

14. RENEWAL

The driver shall at least 28 days prior to the date of the licence expiry, make application to the Head of Customer and Environmental Services for a renewal. If an application for renewal is not received by the renewal date the licence will lapse.

Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

15. FARE TO BE DEMANDED

Private Hire Vehicles:

The driver shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, any fare greater than that shown on the face of the taxi meter.

Hackney Carriages:

The driver shall not demand from any hirer of a licensed vehicle any fare greater than that shown on the face of the taxi meter.

16. HEALTH AND MEDICAL CONDITIONS

The driver hereby licensed shall within 7 days or as soon as practicable thereafter disclose to the Council in writing any medical condition which would be likely to adversely affect his/her ability to drive during the period of the licence.

The Council may require the driver at any time to submit himself/herself for medical examination by a qualified medical practitioner.

17. EMPLOYMENT

The holder of this Licence shall within 7 days of ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued by them.

18. HACKNEY CARRIAGES ONLY

These conditions are in addition to the published by-laws.

**PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE
LICENCE CONDITIONS**

1. APPEARANCE OF PRIVATE HIRE VEHICLES - PRIVATE HIRE ONLY

Where the vehicle is a licensed private hire vehicle there shall be nothing in the vehicle's appearance that might mislead the public to believe that the vehicle is instead a hackney carriage.

2. MAINTENANCE OF VEHICLE

The vehicle and all its interior and exterior fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements, including in particular those contained in Motor Vehicles (Construction and Use) Regulations, shall be fully complied with. The exterior paintwork shall be damage free and uniform in colour.

3. FIRE EXTINGUISHER

A 1Kg fire extinguisher, the type of unit being either the BCF, Safex 1130 or BTM 1301, to be periodically replaced at the required date, in a readily accessible position and suitably fixed in the cabin area of the licensed vehicle.

4. FIRST AID KIT

A first aid kit in an identifiable container, in a readily accessible position in the cabin area of the licensed vehicle.

5. LIGHTING EQUIPMENT

All front and rear lamps including headlamps, stop lamps, directional indicators, hazard lamps and fog lamps shall be fully operational. Also all lamp lenses should be clean and free from any chips or cracks which affect the beam pattern or allow moisture to enter the light casing. Reflectors should be free of corrosion or other defects. A full set of replacement bulbs shall be carried at all times.

6. STEERING AND SUSPENSION

The steering shall be fully operational with no free travel. The suspension shall be fully operational, free from any leaks and with no excessive bounce. All components to be in good working order. The steering wheel be on the offside of the vehicle.

7. BRAKES

All brakes including the foot and handbrakes shall be in good working order and pull evenly in accordance with MOT inspection regulations. Brake fluid shall be replaced in accordance with the vehicle manufacturer's recommendations.

8. TYRES AND WHEELS

All vehicles shall carry a correct fitting spare wheel and tyre and all necessary tools for wheel changing. All tyres including the spare tyre should be in a roadworthy condition and comply with all the relevant statutory requirements.

9. SEATBELTS

All vehicles shall have fully operational seatbelts in the front and rear to accommodate all passengers. The seatbelts should be in good condition and not be frayed or torn. All seatbelts shall be mounted to the vehicle body (not to the vehicle seats) and adequately secured.

10. HORN

The vehicle's horn shall be fully operational and be adequately audible.

11. EXHAUST SYSTEM

The vehicle's exhaust system shall be sound and free from any cracks or holes. The exhaust emissions shall also accord with regulations as specified under the MOT inspection.

12. MIRRORS

The vehicle shall be fitted with sufficient mirrors to provide all round visibility. All mirrors shall be unobstructed, clean and free from chips or cracks which affect the driver's vision.

13. HEATER

The vehicle shall be fitted with a fully operational heater which can be adjusted according to the needs of the passengers.

14. WIPER BLADES AND WASHERS

The correct size wiper blades shall be fitted and shall not be torn or frayed. The windscreen washers should operate correctly and the fluid reservoir filled to an adequate depth. Appropriate strength screen washer fluid shall be used all year round to allow for seasonal conditions.

15. CONDITION OF BODYWORK

The exterior paintwork shall be uniform in colour and in sound condition. The bodywork (including chassis members and floor panels and front and rear bumpers) should be clean and free from any dents and other damage including jagged edges or excessive rust. Rust shall be deemed excessive if the total area of externally visible rust exceeds 100 square centimetres or if any body panels are penetrated by rust.

16. WINDSCREEN AND WINDOWS

The windscreen shall be free of excessive chipping or any cracks longer than 2cm. All windows shall be kept clean (inside and out) and free of all obstructions (save for any holder necessary to display the Vehicle Excise Disc and not more than two current parking permits).

17. ELECTRICS AND INSTRUMENTS

All electrical equipment and all instruments shall be in good working order. All carpets and upholstery shall be clean and free from any tears or fraying. Generally the vehicle shall be clean and litter free inside and out including the boot.

18. DOOR LOCKS AND WINDOW MECHANISM

All door locks and handles and window winders shall be fully operational. They shall allow all doors to be opened fully either from the outside or inside and all windows to open fully and close.

19. SERVICE RECORDS

There shall be up to date service records relating to the vehicle. They shall show that the vehicle has been regularly serviced by a qualified mechanic.

20. SAFETY AND FIRST AID EQUIPMENT

These shall be provided and maintained in the vehicle at all times when it is in use or available for hire.

21. ALTERATION OF VEHICLES

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council at any time while the licence is in force.

22. ROOF SIGNS AND DOOR SIGNS

Hackney Carriages:

The vehicle shall display an illuminated roof sign of an approved design being 18cm in height and 80cm in width and bearing on the front of the sign the words "Malvern Hills D.C.Licensed Taxi". The words shall be in black lettering on a yellow background. On the reverse of the sign may be displayed, subject to prior approval of the wording by the Head of Customer and Environmental Services the telephone number and name of the Company on a red background. Purpose built Hackney Carriage vehicles with fixed aluminous roof signs are exempt for the above condition.

All Hackney Carriages shall display on each front door the approved 'Licensed Hackney Carriage' door sign. This door sign to be permanently displayed. The sign to clearly show the hackney carriage licence number.

Private Hire Vehicles:

The vehicle must not display any roof sign. Private Hire vehicles may display on any doors the company name and telephone booking number.

23. ADVERTISEMENTS

Any licensed vehicle is permitted to display advertisements on any area of the vehicle provided that prior approval regarding the type of product or company and location of advertisement on the vehicle has been given in writing by the Licensing Officer.

24. LICENCE PLATE

The plate identifying the vehicle as a licensed vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear **exterior** of the vehicle either immediately above or immediately below the bumper in such a position that the vehicle's registration mark is not obscured and with the particulars thereon facing outwards and fixed in such manner and place that the licence plate is clearly visible in daylight.

The licence plate shall be affixed only to the vehicle for which it was issued and shall not be exhibited on any other vehicle.

The proprietor shall report the loss of the identification plate to the licensing authority within 24 hours.

The licence plate referred to in these Conditions shall remain the property of the Council and shall be returned forthwith to the Head of

Customer and Environmental Services upon expiry of the licence

issued by the Council for the vehicle. Where the licence plate is lost or damaged the cost of any replacement will be borne by the licence holder.

An interior licence sticker be fitted in such a position as to be clearly visible to passengers.

25. TAXI METERS

Hackney Carriages:

All Hackney Carriages must be equipped with a taxi meter calibrated to record fares in accordance with the Council's approved Scale of Fares and the vehicle shall not be used for hire unless the taxi meter has been tested and approved by or on behalf of the Council.

A copy of the Council's Approved Scale of Fares shall be displayed within the vehicle and be clearly visible to passengers.

Private Hire Vehicles:

The vehicle is not required to be fitted with a taxi meter but, if it is so equipped, it shall not be used for hire unless such taxi meter has been tested and approved by or on behalf of the Council.

If the vehicle licensed is not fitted with a taxi meter then at all times whilst the vehicle is being used as a private hire vehicle, there shall be exhibited inside the vehicle, so as to be plainly visible to passengers carried therein, a notice to be issued by the Council indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter for negotiation with the hirer.

The notice shall not be affixed to or displayed upon the windows of the vehicle.

Any person who:

(a) tampers with any seal on any taxi meter without lawful excuse;
or

(b) alters any taxi meter with intent to mislead; or

(c) knowingly causes or permits a vehicle of which he/she is the proprietor to be used in contravention of sub-section (1) of Section 71 of the Local Government (Miscellaneous Provisions) Act 1976 (relating to taxi meters) **Shall be guilty of an offence and liable to prosecution.**

26. SEAT BELTS

The vehicle must be fitted with sufficient number of seat belts so that all passengers carried in the vehicle have a seat belt available for their use. The seat belts provided must conform to the appropriate British Standard, be maintained in good working order, and be readily accessible for use by the passenger.

All licensed vehicles must have clearly displayed signs asking their passengers to wear their seatbelts whilst in the vehicle.

(For additional conditions relating to seatbelts in minibuses see condition 40)

27. SEATING CAPACITY

A proprietor shall not permit to be conveyed in a vehicle any greater number of persons than that specified on the licence plate.

28. LICENSED DRIVERS

The proprietor must only permit persons licensed by the Council to drive the vehicle and must retain their driver's licences within his possession whilst engaged in his employment. The drivers will retain the identification badge as issued.

29. VEHICLE INSURANCE

The vehicle must be covered by a Policy of Insurance complying with Section 143(1) of the Road Traffic Act 1988, and such policy shall cover the carriage of passengers "for hire or reward". On initial application or renewal of vehicle licences **only one cover note will be accepted.**

30. CHANGE OF OWNERSHIP

If an owner/proprietor/co-owner of a vehicle in respect of which the Council has granted a licence, transfers his/her interest in the vehicle, he/she shall within 14 days after the transfer give written notice of the transfer to the Council and return the licence issued for amendment accordingly. That notice must contain the name and address of the person to whom the licensed vehicle has been transferred and the written consent to the transfer from the previous proprietor(s)/owner(s).

31. CHANGE OF ADDRESS

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

32. AVOIDANCE OF NUISANCE

Care should be taken at all times to minimise any potential nuisance arising out of the use of the vehicle. With regard to the storage of the vehicle and the operation of the business, the proprietor should ensure that all necessary consents (including planning permission) have been obtained. The vehicle shall not be parked on any footway or left in any position likely to cause obstruction.

33. FAILURE TO COMPLY WITH CONDITIONS

Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence, and in certain circumstances, in prosecution. There is a right of appeal to a Magistrates Court.

34. ACCIDENTS

The proprietor of a Hackney Carriage/Private Hire vehicle shall report to the Council, as soon as reasonably practicable and in any case within three working days of the occurrence of any accident to such vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein; an accident form must be completed in full and returned to the Council within three working days of the accident occurring.

35. INSPECTION

The proprietor shall submit the vehicle for inspection:

- (a) annually when the licence is due for renewal;
- (b) after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers;
- (c) at any other time if so requested by or on behalf of the Head of Customer and Environmental Services

The proprietor shall produce for inspection any documentation in respect of the vehicle if so requested by the Head of Customer and Environmental Services or other designated officers.

36. RADIO TRANSMITTERS/RECEIVERS

All radio equipment fitted to the vehicle must be well maintained, appropriately licensed and maintained in a licensable condition.

37. OFFICIAL NOTES

The proprietor shall affix and maintain within the vehicle any sign or notice in a conspicuous position in accordance with the directions of the Council.

38. RENEWAL OF LICENCES

Applications for renewal of licence should be submitted with the licence fee to the Head of Customer and Environmental Services no later than 28 days before the current licence expires. If an application for renewal is not received by the renewal date the licence will lapse.

Where use of the vehicle continues after a failure to renew, prosecutions are likely to be authorised without notice.

(NB. In most cases of non-renewal especially with regard to vehicle licensing, third party insurances are placed in jeopardy).

39. HACKNEY CARRIAGES ONLY

These conditions are in addition to the published by-laws.
(See Appendix D)

40. ADDITIONAL CONDITIONS FOR MINIBUSES ONLY

i) Vehicles with sliding doors must have a warning device fitted to indicate when the doors are unlatched

ii) The vehicle must be fitted with sufficient number of seatbelts so that all passengers carried in the vehicle have a seat belt available and readily accessible for their use; seat belts are required to be fitted to all minibus seats and all passengers must wear them; in the front seat there should be an individual seat belt for each passenger; all front seats belts should be triangular inertia belts and there should be no lap belts; all seat belts must be maintained in good working order.

The installation of seat belts should comply with the standards specified by the Department of Environment, Transport and the Regions in the PSV Inspection Manual, the MOT class 5 inspection Manual and in the Seat Belt installation Check Leaflet all vehicles must have a certificate provided by the Department of Environment, Transport and the Regions to show they have been inspected and comply with the above standards

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1. STANDARD OF SERVICE

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

(a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.

(b) keep clean, safe, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

(c) ensure that any waiting area provided by the operator has adequate seating facilities.

(d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

(e) ensure that any radio equipment complies with all current codes of practice and legal requirements as to its usage.

(f) be in charge of the daily operation of the business.

2. CONVICTIONS

The Operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or in the event of a partnership, on any of the partners) during the period of the licence. Minor parking offences need not be reported.

3. CHANGE OF ADDRESS

The Operator shall inform the Head of Customer and Environmental Services in writing within 7 days of any change of the Operators address.

4. RECORDS

(a) The Operator shall maintain a register in which he shall enter before the commencement of each journey details of the date, time, journey undertaken, hiring charges and name of driver, such record to be produced on request to any authorised officer of the Council or any constable.

(b) The Operator shall also keep records of the particulars of all private hire vehicles operated by him, these particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

5. AVOIDANCE OF NUISANCE

The Operator shall operate the business in all respects in a manner which does not cause any nuisance to the public at large or to persons in occupation of premises adjoining or adjacent to the premises at which he keeps the vehicles when not in use. Any necessary consents (including planning permission) shall be held by the Operator.

6. USE OF VEHICLE BY OTHER OPERATORS/PROPRIETORS

The Operator shall not allow his vehicles to be used for commercial purposes within the area of Malvern Hills District Council other than by another licensed operator or proprietor of a vehicle licensed by the Council.

7. FAILURE TO COMPLY WITH CONDITIONS

Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and, in certain circumstances, in prosecution. **There is a right of appeal to a Magistrates Court.**

8. COMPLAINTS

The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for him relating to or arising from his business and the action he has taken.

9. RENEWAL OF LICENCES

Applications for renewal of licence should be submitted with the licence fee to the Head of Customer and Environmental Services no later than 28 days before the current licence expires. If an application for renewal is not received by the renewal date the licence will lapse.

BYELAWS FOR HACKNEY CARRIAGES

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Malvern Hills District Council with respect to Hackney Carriages in the District of Malvern Hills.

Interpretation

1. Throughout these byelaws "the Council" means the Malvern Hills District Council and "the district" means the District of Malvern Hills. Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.

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

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

(i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

(ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

3. The proprietor of a hackney carriage shall:-

(a) provide sufficient means by which any person in the carriage may communicate with the driver;

(b) cause the roof or covering to be kept water tight;

(c) provide any necessary windows and a means of opening and closing not less than one window on each side;

(d) cause the seats to be properly cushioned or covered;

(e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

(f) cause the fittings and furniture generally to be kept in a public

service;

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

(i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

(a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

(b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi meter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;

(d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the District in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:-

(a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until termination of the hiring; and

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

(a) proceed with reasonable speed to one of the stands appointed by the Council;

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

(c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

(d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

(a) convey a reasonable quantity of luggage;

(b) afford reasonable assistance in loading and unloading;
And

(c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

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

face of the taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not willfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

(a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof

Repeal of Byelaws

19. The byelaws relating to hackney carriages which were made by the Malvern Hills District Council on the sixth day of March One Thousand Nine Hundred and Eighty-seven and which were confirmed by the Secretary of State on the Twenty-seventh day of April One Thousand Nine Hundred and Eighty-seven are hereby repealed.

THE COMMON SEAL of **MALVERN HILLS DISTRICT COUNCIL** was hereunto affixed on the 10th day of October 2003 in the presence of:-

K.J.Douglas
Strategic Director (Council Governance)

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 7th day of January 2004.

Signed by authority of the Secretary of State

S. J. Webber

10th December 2003

ASSESSMENT CRITERIA

1. All vehicle and driver documentation must be available for inspection and should be valid. (Without which the assessment will not take place).
2. The "Driver" must be able to comply with the regulation eye test. (20.5metres/67 feet).
3. A "basic" knowledge of vehicle safety checks and maintenance will need to be demonstrated.
4. The vehicle must be in a legal, road worthy and clean condition.
5. The "Assessor" will explain to the "Driver" that he will require him to drive normally and to follow the road ahead unless instructions are given otherwise or unless road signs or markings require the "Driver" to do otherwise.
6. The "Driver" will be expected to demonstrate a consistently safe drive throughout the Assessment and show courtesy and consideration to others at all times.
7. The "Driver" will be expected to demonstrate a knowledge and understanding of the Highway Code and other driving matters.
8. No attempt will be made by the "Assessor" to "trick" the "Driver" and he/she will not be expected to do anything that could not be construed as normal in their everyday job.
9. The Assessment is to be seen as a helpful exercise where minor faults displayed by the "Driver" may be corrected given the time available. However, if a minor fault is persistent it may be considered by the "Assessor" as a potentially dangerous fault.
10. Any fault that is deemed by the "Assessor" to be dangerous or potentially dangerous will result in a failure of that assessment.
11. An explanation, if required, will be given by the "Assessor" of any minor or dangerous faults and the "Driver" will have an opportunity to discuss these points.
12. Appointments for a subsequent Assessment, should it be required, will have to be arranged through the normal channels.

Notes

Minor Fault - Any driving fault that, on its own, would not affect the safety or progress of any other road user whether they are there or not.

Potentially - Any minor fault that is persistent and may, by its dangerous persistence, affect the safety or progress of other road users.

Dangerous - Any driving fault that would affect the safety or progress of any other road user whether they are there or not.

Failure - Any driver who fails the initial assessment will be provided with remedial training at the appropriate fee, followed by a further assessment.

Three successive failures of a safety assessment will lead to the refusal of the licence.

MALVERN HILLS DISTRICT COUNCIL

**POLICY RELATING TO THE CONSIDERATION OF
CONVICTIONS FOR APPLICANTS WISHING TO OBTAIN A
JOINT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
DRIVER'S LICENCE OR PRIVATE HIRE OPERATOR'S LICENCE**

General

1. When submitting an application for a licence to drive a hackney carriage or private hire vehicle or a private hire operators licence, applicants are requested to declare any convictions, both motoring and criminal, they may have.

2. The Council is of the view that for the purpose of determining applications for hackney carriage and private hire drivers and private hire operators licences it needs to consider details of all convictions, including those which are regarded as "spent" under the Rehabilitation of Offenders Act 1974. A full disclosure from applicants is therefore required. Applicants will, however, have the Council's assurance that the information given will be treated in confidence and will only be taken into account in relation to the application for which it is supplied.

3. Applicants should be aware that the Council is empowered by law to check details of criminal records, through the Criminal Records Bureau, and motoring offences through the Driver and Vehicle Licensing Authority. "Enhanced" checks are required from the Criminal Records Bureau which show spent convictions, rather than "standard" checks, which do not. Information received will be treated in strict confidence and will be retained for no longer than is necessary.

4. The disclosure of a criminal record, motoring convictions or other information will not necessarily prevent an applicant from gaining a licence. The Council's duty is to determine whether an applicant is a "fit and proper" person and the consideration of convictions will assist this process. In considering convictions the Council will have regard to the nature of the offence, the length of time which has passed and the age of the applicant when it was committed and any other factors which may be relevant.

5. Guidelines for the consideration of convictions are set below. The Council will also receive, from the Criminal Records Bureau, details of any cautions which the applicant has received. These will also be considered and guidelines relating to these are also set out below.

Guidelines for Consideration of Convictions

6. Each case will be decided on its own merits.

7. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence, but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration is the protection of the public.

8. Under the Rehabilitation of Offenders Act 1974, a criminal conviction may become "spent" after a period of time (five years for most offences, though seven or ten years where there has been a prison sentence). However, the Council will take such convictions into consideration if relevant to the application.

9. The following examples afford a general guide on the action to be taken where convictions are revealed. All of the following examples will apply to applications for Hackney Carriage/Private Hire Vehicle Drivers Licences. Where the application is for a Private Hire Operators Licence the Council may consider some types of conviction to be not relevant in respect of that licence and therefore the guidance may not be applied in those cases.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc., will not prevent a person from proceeding with an application. The Council has authorised its licensing officers to grant (or renew) a licence where there are no more than six penalty points on a DVLA licence (subject to all other criteria being met). Please see (c) below with regard to any periods of disqualification from driving due to motoring offences.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention, etc., will normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage/ Private Hire Vehicle drivers. More than one conviction for this type of offence within the last two years will merit refusal and no further application will be considered until a period of one to three years free from convictions has elapsed. Please note, however, that the Council has authorised its licensing officers to grant (or renew) a licence where there are no more than six penalty points on a DVLA licence (subject to all other criteria being met). Please also see (c) below with regard to any periods of disqualification from driving due to motoring offences.

(c) Disqualification from Driving

Disqualification from Driving due to motoring offences will usually merit refusal and no further application will be considered for three years after the restoration of the DVLA licence, but the Council will consider the circumstances of each case having particular regard to disqualification through the totting up of minor offences.

(d) Drunkenness

(i) With Motor Vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An isolated incident will not necessarily debar an applicant, but strict warnings will be given as to future behaviour. (However, please see the guidance above in the event of disqualification from driving.) More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence.

At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of five years should elapse after treatment is complete before a further licence application is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient. If a pattern of such offending is apparent the Council will not normally grant a licence before a period of three years free of convictions has elapsed.

(e) Drugs

An applicant with a conviction for a drug related offence will be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she was an addict. The Council reserves the right to require the applicant to show medical proof of being free from drugs, if necessary.

(f) Indecency/ Sexual Offences

As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent

exposure, indecent assault, importuning, or any of the more serious sexual offences, will not normally be granted a licence.

(g) Violence

As licensees maintain close contact with the public, a firm line is taken with applicants who have convictions for offences involving violence. At least three to five years free of such convictions should be shown before an application is entertained and even then, a strict warning will be issued. For serious violence offences a licence will not normally be granted.

(h) Dishonesty

Licensees are expected to be persons of trust. For instance, the widespread practice of delivering unaccompanied property is indicative of the trust that business people place in taxi drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Operators may also be aware of periods when their customers are away from home. For these reasons, a serious view is taken of any conviction involving dishonesty. In general, a period of five years free of conviction is required before entertaining an application.

Guidelines relating to the relevance of Cautions

10. If a person has received a caution, this will be taken into account as another relevant factor. Whilst not as serious as a conviction it is still an admission of an offence and needs to be considered when determining if an applicant is a fit and proper person. It will, however, be given less weight than a conviction.

Convictions Imposed during the Period of a Licence

11. It is a condition of Hackney Carriage & Private Hire Drivers Licences and Private Hire Operators Licences that licensees inform the Council within seven days, in writing, of any conviction imposed during the period of the licence. The Council will then consider what action, if any, it proposes to take as a consequence. In the event that the conviction results in disqualification from driving, any Hackney Carriage & Private Hire Drivers Licence held is to be surrendered to the Council.

Index

| | PAGE |
|--|------------------------|
| Ad Hoc Vehicle Inspections | 12 |
| Application for Private Hire Licence | 13 - 16 |
| Application for Hackney Carriage Licence | 8 - 11 |
| Application for Drivers Licence | 4 - 7 |
| Background to Licensing | 3 |
| Change of vehicle ownership | 11 -16 |
| County Council schools contract | 19 |
| Criminal Records Bureau | 4 - 5 |
| Customer Care policy | 19 |
| Direct line telephone numbers | 2 |
| DVLA Check | 5 |
| DVLA Drivers Licence | 5 |
| Fares | 11 |
| Fire Extinguishers | 11 & 16 |
| First Aid kits | 11 &16 |
| Funeral cars | 19 |
| Further information | 20 |
| Garage | 10 & 15 |
| Insurance certificates | 10 & 15 |
| Inspection of vehicles | 9 - 10 & 15 |
| Knowledge test | 5 |
| Loss of licence, plate or badge | 19 & 28 |
| Medical | 6 & 24 |
| Minibuses / Limousines | 19 |
| MOT | 9 - 10 & 15 |
| Ownership of vehicle | 10 & 15 |
| Permission for DVLA check | 5 |
| Refund of fees | 10, 16 & 19 |
| Transfer of licence | 11 & 16 |
| Vehicle registration documents | 10 & 15 |
| Wedding cars | 19 |

