Statement of Licensing Policy Hackney and Private Hire

November 2025 (version 17)

Cheshire West and Chester

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Cheshire West and Chester Council (the 'Council') a duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles, drivers and private hire vehicle operators. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document. Where it is necessary for the Council to depart from its Policy, reasons will be given for so doing.

This policy was first approved by the Licensing Committee on the 16 April 2013.

Amendment/revision dates	Version
17 June 2014	2
24 March 2015	3
8 September 2015	4
17 November 2015	5
19 January 2016	6
1 April 2016	7
17 August 2016	8
12 September 2017	9
14 November 2017	10
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11 January 2022	13
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1.0 Introduction

Cheshire West and Chester Council (the Council) is the Licensing Authority for Hackney and Private Hire matters within the controlled district of Cheshire West and Chester District.

It is estimated that 365,100 people live in Cheshire West (mid-2023 population estimate) with just over a quarter living in rural areas. Some 17 percent of residents are 0-14 years old; 21 percent are over 65 and 61 percent are between 16 and 64 years old. This is an older population than the England average.

The population is forecast to increase by about 8 per cent between 2023 and 2033. Older age groups will see the biggest increase, with the number of residents aged 65 plus expected to increase by 22 per cent.

According to the 2021 Census around 5 per cent of residents were from Black and Minority Ethnic minority groups, far less than the 27 per cent England average. Polish is the most frequently spoken non-English language

Cheshire West and Chester Council is the fourth largest unitary authority in the Northwest. The borough includes the city of Chester and the major towns of Ellesmere Port, Frodsham, Neston, Northwich and Winsford. The area is an interesting mixture of both rural and urban communities and combines an exciting range of attractions, festivals, events and shopping experiences for both residents and tourists alike.

The Cheshire West and Chester Council Plan 2024 – 2028 sets out a plan for the Borough to deliver a stronger future where we all play our part in thriving, caring and sustainable communities.

The plan has six missions:

Starting well:

The best start for our children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.

Tackling Hardship and poverty:

More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.

Resilient people living their best lives:

Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.

Neighbourhood Pride:

Residents live in well maintained, connected and safe places with good and affordable homes.

Greener communities:
Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

A copy of the plan can be found at:

https://www.cheshirewestandchester.gov.uk/your-council/policies-andperformance/council-plans-policies-and-strategies/borough-plan-2024-2028

1.1 The aims of this policy are:

- the protection of the travelling public, including vulnerable groups.
- the provision of good access to hackney carriage and private hire services, including safety and comfort.
- to ensure that licence holders are fit and proper persons.
- when relevant to the district the policy will be consistency with current best practice promoted by the Department for Transport.
- to describe a format for consultation and continual improvements in line with the aims of this policy.

1.2 This policy recognises the status and importance of guidance produced by Government departments. In particular, but not exclusively, this Council will take account of the statutory guidance relating to taxis and private hire standards and best practice guide produced by the Department for Transport.

1.3 In terms of the taxi and private hire licensing: best practice guide produced by the Department for Transport this Council recognises that zoning and quantity restrictions are relevant issues. The Department for Transport recommends the abolition of zones, chiefly for the benefit of the travelling public, and regards as best practice the fact that most local authorities do not impose quantity restrictions.

1.4 This policy will only depart from best practice or guidance when it is in the best interests of the public. This Council will monitor the effect of this licensing policy to ensure that each of the various licensing requirements is in proportion to the risk it aims to address.

1.5 All renewal applications will be considered against the current policy, this will include any changes to the policy since the licence was granted. Any applications that are not compliant with the policy will not be renewed until determined by the General Licensing Sub-Committee (GLSC). In cases where an application is not compliant with the policy and has previously been determined by the GLSC and a licence issued, a joint assessment of the risks posed by renewing the licence will be made by the Licensing Lead, and Regulatory Services Manager in conjunction with the Licensing Committee Chair and Groups Spokesperson to determine if the licence can be renewed without detriment to the licensing regime.

2.0 Implementation

This policy will be reviewed every five years. The authority will consider interim reviews should there be significant issues arising in the district. *C*hanges to this policy may be made at any time to reflect changes in legislation, best practice or as a consequence of changes in local circumstances. The Council expects licence holders to comply immediately with the policy, however, it is acknowledged that certain provisions may place a significant financial burden on existing licence holders and accordingly the Council may allow for a transitional period for those existing licence holders, during which necessary changes must be made.

3.0. Vehicle testing

3.1 Hackney carriage and private hire vehicles are to be tested regularly to ensure that they remain roadworthy and safe for both the passengers and drivers. All vehicles shall be tested by the Council or its agent prior to first licensing and regularly thereafter.

3.2 All vehicle tests must take place at a testing station approved by the Council. These requirements are in addition to an MOT, (note hackney carriages require an MOT when the vehicle is one year old and annually thereafter).

4.0 Signage

4.1 Appropriate signage is necessary to identify key information about the vehicle to reassure passengers that vehicles are properly regulated within the district of Cheshire West and Chester. Clear signage also assists enforcement officers to identify vehicles and protects the trade from unlicensed and noncompliant vehicles.

4.2 Hackney carriage and private hire vehicles are required to display a plate on the front and rear of the vehicle. The plates remain the property of the Council at all times and must be removed/surrendered at the request of an authorised officer of the Council.

4.3 Signage is critical for the public to identify a licensed vehicle; it helps them differentiate between the private hire and hackney vehicles and the booking

requirements and reassures them that the licensed vehicle and driver have both passed the Council's licensing requirements.

4.4 Since the introduction of the Road Safety Act 2006 the Council recognises that elements of the previous unlicensed chauffer and contract hire elements of the private hire trade are now require to be fully licensed. The plate exempt conditions in both the private hire operator and vehicle licence conditions reflect the needs at times to use vehicles that show no obvious signs of being licensed. This is an important concession over the normal highly visible signage of a private hire vehicle and it is critical that these vehicles are only used by operators under the strict conditions set out in both the private hire vehicle and operator conditions.

4.5 Conditions relating to signage shall be attached to individual vehicle licences and details of those conditions can be found in the appendices to this Policy Further guidance should be sought from the Cheshire West and Chester corporate, standard and guidance advertising guidelines.

5.0 Advertising and additional signage

5.1 Advertising is allowed with the prior written authority of this Council. The size and position and content of such information will be controlled. No advertisements suggesting that a private hire vehicle is available for immediate hire will be allowed. If required, further guidance may be sought from the Cheshire West and Chester Advertising and Sponsorship Policy/ Corporate, Standard and Guidance Advertising Guidelines.

5.2 Advertising and additional signage will not be authorised for hackney or private hire vehicles if it is prejudicial or discriminatory against any group or individual, including, but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and passengers, the public or other road users. Advertising of an overtly sexual tone, alcohol, tobacco, gambling, speculative financial products will not be approved. The interpretation of the content of any advert shall be at the sole discretion of the Council.

6.0 Application procedures

6.1 The Council's application procedures for hackney carriage or private hire vehicle licences, drivers and private hire vehicle operators shall be followed in that applications must be made on a specified application form with the required documentation in accordance with the application procedures set out by Cheshire West and Chester. Information about the application process and applications can be made via our applications web page https://www.cheshirewestandchester.gov.uk/business/licensing-andpermits/taxi-licensing/hackney-and-private-hire-licence

7.0 Consideration of applications (grant and renewal)

7.1 The Council recognises the importance of processing licence applications efficiently to ensure continuity of licence/employment. Therefore, all properly made applications will be processed without delay. The Council cannot be responsible for any delays where the application process involves a third party.

7.2 Hackney carriage and private hire vehicle licences will usually be granted for 12 months. Private hire vehicle operator licences will usually be granted for a period of five years. A shorter period may be granted under exceptional circumstances.

7.3 Dual hackney carriage and private hire vehicle driver's licences will usually be granted for three years. A shorter period may be granted should this be appropriate in the circumstances. A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 18 years of age. All applicants must have held a full UK/EU driving licence for a period of at least one year prior to the date of application.

7.4 The Council will endeavour to remind all licence holders to renew their licences, in the month preceding the expiry of the licence. Not having received a reminder will not be accepted as a reason for non-renewal. It is the licence holder's responsibility to ensure that their licence is renewed appropriately.

7.5 The applicant for the grant or renewal of a driver's licence must provide either an Enhanced/Barred List BDS certificate under three months old or allow the Authority access to their DBS Update Service. Where there are any discrepancies between the identity or address provided by an applicant and those details on any DBS certificate or on the DBS Update Service a licence will not be granted.

7.6 An application will be deemed incomplete unless the applicant has without reasonable excuse subscribed to the DBS update service and attached the appropriate valid DBS certificate.

7.7 Where appropriate, applicants must provide proof of entitlement to work in the United Kingdom.

7.8 Where a licence has not been granted any administration costs incurred by the Council will be deducted before a refund is considered. If appropriate this will include the administration costs of conducting a hearing at the General Licensing Sub- Committee to consider an application made where the policy is clear that a licence would not normally be granted.

8.0 Drivers to be fit and proper persons

8.1 A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper

person. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. Officers will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Where offences, leading to conviction, are committed by licensed drivers, it is important in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their driver's licence. The method of assessing suitability of applicants is detailed below.

8.2 Applicants for licences are required to disclose all convictions, including those that would previously have been regarded as spent under the Rehabilitation of Offenders Act 1974 for other purposes, by completing a disclosure of convictions form as part of the application procedure.

For a driver's licence the applicant must provide a current (less than three months old) enhanced Disclosure and Barring Service disclosure of criminal convictions countersigned by an officer of this Council and/or a certificate of good conduct from the relevant embassy in the case of an applicant who has lived or worked overseas on first application. Applicants wishing to apply to hold a contract with integrated transport (school contract etc) will require an enhanced disclosure of criminal convictions and applicants may wish to submit this disclosure as part of their application for a driver's licence.

8.3 Due to data protection issues and the confidential and personal nature of a DBS disclosure the Authority cannot accept a DBS disclosure nor supply information from or to any other organisation unless required to do so by legislation.

8.4 The Authority must be given access to a licence holder's Enhanced/Barred List DBS certificate via the DBS Update Service every six months. If this is not possible any licence granted will be suspended until either satisfactory access has been made or a new DBS certificate is provided. Where a licence holder
has failed to maintain subscription to the DBS Update Service they will be liable for any additional administration/application costs incurred

8.5 Upon receipt of a disclosure from the Disclosure and Barring Service, officers acting under delegated powers will assess whether any cautions or convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. The officer will have regard to the Council' guidelines relating to the relevance of convictions. Applications will be referred to the General Licensing Sub-Committee where the applicant's record includes information that is outside the guidelines relating to the relevance of convictions or other relevant information contained in the application that leads the Council to question the applicant's ability to be considered 'fit and proper' to hold a licence.

8.6 Licensed drivers are obliged to notify the Council in writing within seven days of any criminal convictions and cautions. Failure to declare a conviction or other material fact may result in immediate suspension of the licence pending investigation and may result in further action including prosecution.

Notification by an acknowledged email satisfies this requirement.
Email notifications to licensing@cheshirewestandchester.gov.uk.

8.7 The Council requires a certificate of medical fitness in the Council's standard form undertaken and signed by the applicant's GP, or other registered Doctor who confirms they have had access to the applicant medical records (including on-line medical records access) or has seen a recent Medical Summary provided by the applicants GP practice. If the medical is not undertaken by the applicant's own GP the doctor must also confirm that they have undertaken an identity check against a valid photo id document (valid passport or DVLA photo card that fully match the details on the Medical Summary.

Medical certificates must be submitted as prescribed by the conditions for dual licensed drivers (hackney/private hire).

8.8 When a decision to refuse or revoke a licence has been made because the individual was thought to present a risk of harm to a child or vulnerable adult, the details of the individual will be referred to the Disclosure and Barring Service for their information

8.9 If an applicant is from overseas and has no GP in the UK, a medical certificate from a qualified medical practitioner in their home country will be accepted but a medical from a GP will be required within six months of their licence being issued.

8.10 A request for a medical examination, which may be presented to the applicant's GP, is obtainable from the licensing team. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report will be submitted to the licensing team. The applicant may, on written request, have a copy of the report.

8.11 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by the Council's Occupational Health Service.

8.12 Licence holders must advise the Council as soon as practicable of any deterioration in their health that may affect their driving capabilities.

8.13 The Council has developed a Cheshire West and Chester drivers' qualification which is a compulsory pre-requisite for new drivers applying for a licence. Whilst not compulsory, at the present time, for existing licensed drivers, the Council would encourage existing drivers to obtain the qualification.

Elements of the qualification include:

Key local locations, CWAC driver and vehicle conditions and bye laws, local and tourist information, customer service, equality and diversity, disability

awareness, passenger safety, carriage of luggage, map reading and route planning, taxi and private hire legislation and enforcement issues, practical sessions to deal with the health and safety of self and others and assisting clients who may have disabilities. The ability to communicate in English, both written and verbally at a basic level.

8.14 All new applicants for hackney carriage and private hire vehicle driver licences are required to pass the Driver and Vehicle Standards Agency Driving Assessment (private hire) or other Driving Assessment Scheme approved by the Regulatory Services Manager before a licence is granted.

8.15 The Council as the licensing authority bears a duty to the general public and therefore if required two references on the applicant's behalf may be requested. A referee must have known the applicant for at least five years and be a person of good standing. A reference from the applicant's family or from a person connected with the hackney carriage or private hire trade will not be acceptable.

8.16 In line with the requirements of the Statutory Taxi and Private Hire Vehicle Standards (2020) any applicant who has any periods of residency outside the UK as an adult for more than 3 consecutive months requires a Certificate of Good Conduct (COGC) or equivalent to cover that period. This must be obtained from the relevant embassy/consulate for the country concerned (guidance is available from the Home Office on obtaining a COGC). In cases were a COGC requires to be translated, details of an approved translation service will be provided. The payment for this service will be the responsibility of the applicant.

8.17 Applications requiring a Certificate of Good Conduct (COGC) will be considered incomplete if the certificate is not provided. Such applications will not be processed until the required documentation is received. If no progress is made within six months, the application will be deemed incomplete and formally rejected.

8.18 Where an applicant can demonstrate and provide evidence of being granted asylum or refugee status (note: residence cards will only be accepted if they explicitly state 'refugee status'), they will be required to submit a Statutory Declaration using the format prescribed by the Council detailing their conviction history. Any costs associated with obtaining the Statutory Declaration are the sole responsibility of the applicant.

8.19 The application once considered complete, will be determined by the General Licensing Sub-Committee. Please note that applications requiring determination by the General Licensing Sub-Committee may be subject to significant delays.

8.20 Upon renewal, if evidence emerges that a licensed driver has spent a period residing abroad and is therefore required to provide a Certificate of Good Conduct (COGC), the applicant will be given three months to obtain the certificate. If the applicant is unable to provide a COGC, an assessment will be carried out by the Senior Manager, Regulatory Services (Compliance).

This assessment will consider the applicant's explanation for not providing the certificate, along with their conduct and licensing history. If it cannot be determined that the applicant remains a fit and proper (safe and suitable) person, the matter will be referred to the General Licensing Sub-Committee for a final decision.

8.21 The Council reserves the right to require further additional checks or information to ensure the applicant is a fit and proper person.

9.0 Vehicle requirements

9.1 The Council will specify conditions for hackney carriages and private hire vehicles in relation to the following:

- passenger safety and comfort
- type and specification
- signage and Identification
- safety equipment

Applicants are advised to consult with the licensing section prior to the purchase of a vehicle to confirm suitability/compliance with this policy.

9.2 There are a range of conditions to be attached to each licensed vehicle which control the type and specification of vehicle. The purpose of these conditions is to ensure the vehicle is safe for the protection of the driver, passengers and other road users and to ensure that it offers a reasonable standard of comfort for the passenger.

9.3 The Council recognises that although both hackney and private hire vehicles undertake similar role in the carriage of paying passengers, their roles are separate and distinct and are covered by separate legislation. The Council's policy is to ensure that the conditions and the marking/signage on the vehicles
shall make it clear to fare-paying passengers the separate nature of the respective booking requirements of the vehicles.

9.4 Any vehicle that is adapted or modified in any way, including vehicles that have been adapted or modified to carry one or more passengers who choose to remain in their wheelchair for the journey, shall be required to satisfy the Council that any non-standard construction or modification has been done to an acceptable/approved standard. Such vehicles may require additional testing or certification from the manufacturers, VOSA or an accredited qualified vehicle engineer to be provided at the cost of the applicant. Cheshire West and Chester maintains an approved list of wheelchair accessible vehicles (WAVs) capable of being licensed as hackney carriages (Appendix I).

9.5 All seats must be manufactured to carry an adult with the appropriate leg room and comfort and be provided with a seatbelt. Normally all seatbelts should be a three point belt with lap, chest and shoulder restraints.

9.6 Temporary or folding seats will require confirmation from the manufacturer that the seat is not designed for occasional use only and that it is designed and tested for the use of a fully grown adult.

9.7 All seats must be readily accessible to all passengers including passengers with restricted mobility.

9.8 Vehicles fitted with the side facing seats will not normally be licensed.

9.9 The Council has determined an age policy for both hackney carriage and private hire vehicles. The aim of the age policy is to raise vehicle standards, improve standards of comfort and safety and reduce vehicular emissions.

9.10 The policy is designed to encourage the hackney and private hire fleet to move to purely electrically driven vehicles and approved models that use range extenders and other clean energy fuels such as Hydrogen.

The policy states the entry and exit requirements for new applications and the transitional arrangements for existing vehicle licence holders. This element of the policy shall be reviewed regularly.

9.10.1 **New Vehicle Applications**

Paragraph 9.10.2 and 9.10.3 refers to new vehicle application only.

9.10.2 Entry Age Policy

Until March 2030
Vehicles must be under 7 years. For a Chester hackney zone hackney carriage, they must be a new Ultra-Low Emission Vehicle of an approved type.

From January 2030
All new applications for hackney carriages (approved hackney carriage type) and private hire vehicles must be purely electrically driven vehicles or approved models that use range extenders.

9.10.3 Exit Age Policy (vehicles licensed after March 2024)

Non-Wheelchair Accessible Vehicles will only be licensed up to 10 years of age and Wheelchair Accessible Vehicles up to 15 years. From 1 April 2027 this will reduce by 1 year each year (see table below for examples).

There will be no exit age policy for purely electrically driven vehicles and approved models that use range extenders.

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Year Vehicle Licensed	The maximum number of years a new entry PHV (Saloon) vehicle could be licenced for before the exit policy would apply	The maximum number of years an existing HC or WAV vehicle could be licenced for before the exit policy would apply	Purely electrically driven vehicles and approved models that use range extenders.
2027	**9**	**14**	**No exit age**
2028	**8**	**13**	**No exit age**
2029	**7**	**12**	**No exit age**
2030	From 2030 all new applications must be for purely electrically driven vehicles and approved models that use range extenders.		

9.10.4 **Arrangements for existing vehicle licence holders licenced.**

Paragraph 9.10.5 and 9.10.6 refers to applications from existing vehicle licence holders who wish to replace a currently licensed vehicle.

9.10.5 Replacement vehicle entry policy

Until March 2030
An existing licence holder can replace any licensed vehicle with another suitably qualifying vehicle outside of the age policy. The replacement must be younger than the vehicle it is replacing and must be a minimum Euro 6 Emission Standard (Sept 2015 onwards). The relevant exit age policy (as below) will still apply.

9.10.6 Exit Age Policy for existing vehicle licence holders who held a licence before 1 April 2024.

Non-Wheelchair Accessible Vehicles will only be licensed up to 11 years of age and Wheelchair Accessible Vehicles up to 16 years.

9.10.7 Exit Age Policy for vehicles licensed from 1 January 2027

New or replacement vehicles licensed from 1 January 2027 will have a reducing exit age as per the table below (reducing by 1 year each year).

There is no exit age policy for Ultra-Low Emission Vehicles.

Year Vehicle Licensed	The maximum number of years an existing PHV (Saloon) vehicle could be licenced for before the exit policy would apply	The maximum number of years an existing HC or WAV vehicle could be licenced for before the exit policy would apply	Purely electrically driven vehicles and approved models that use range extenders.
2027	9	14	**No exit age**
2028	8	13	**No exit age**
2029	7	12	**No exit age**
2030	6	11	**No exit age**
2031	5	10	**No exit age**
2032	4	9	**No exit age**
2033	3	8	**No exit age**
2034	2	7	**No exit age**
2035	1	6	**No exit age**
2036	From 2036 all new applications must be for purely electrically driven vehicles and approved models that use range extenders.	5	**No exit age**
2032		4	**No exit age**
2033		3	**No exit age**
2034		2	**No exit age**
2035		1	**No exit age**
2036		From 2041 all new applications must be for a purely electrically driven vehicles and approved models that use range extenders. .	

9.10.8 Exceptions to the age policy may be granted in the following circumstances:

- the cost of such a vehicle is very high in proportion to the hiring opportunities available (specialist/novelty/vintage/vehicles) .

- where a vehicle has been written off as a result of an accident and the driver would face hardship in providing a replacement vehicle, that complies with any relevant age policy, an exemption may be permitted (At the permission of the Head of Regulatory Services a licensee may licence a vehicle of up to the equivalent age of the vehicle written off where there is no detriment to the quality of the fleet. In such circumstances the replacement vehicle would be subject to the relevant exit policy).

9.11 All applicants for a licensed vehicle proprietor's licence must supply an annual Basic DBS certificate. If the applicant is a limited company this will apply to all the individuals listed in an executive position on the Companies House Public Register.

10.0 Private hire specialist vehicles stretched limousines and single passenger vehicles.

10.1 The normal conditions applying to the licensing of vehicles, operators and drivers will apply, except where inconsistent with the special conditions.

10.2 Applicants wishing to licence an imported vehicle must produce documentary evidence to the Council to prove that any imported vehicle has been legally imported into the UK and that the lights and indicators etc have been modified to UK specification.

10.3 Applicants wishing to licence a vehicle which would not conform to the conditions listed in this document may apply to the Council for dispensation to be considered a specialist vehicle.

10.4 A specialist vehicle may be required to undergo any additional testing the Council sees fit and applicants may be required to produce additional documentation to the satisfaction of the licensing team. Any costs resulting from these additional requirements will be met by the applicant.

10.5 Upon the grant of a licence for a specialist vehicle, the Council may attach any additional conditions deemed necessary considering the type of vehicle being licensed.

10.6 Vehicles may be licensed to carry a single passenger and in such cases the vehicle must be approved by the Council and listed on the Cheshire West and Chester approved PHV single passenger vehicle List. The purpose of maintaining a list is on the grounds of public safety and comfort.

To be listed as a single passenger vehicle the specification of the vehicle shall
be:

- the vehicle must have no more than two seats
- the vehicle shall have two doors, one on the near side and one on the off side
- the configuration of the vehicle shall be maintained according to the manufacturer's original vehicle specification for that make and model. In particular this refers to the vehicle's configuration of seats and doors
- the vehicle shall be of a type that has obtained European Whole Vehicle Type Approval within the M1 category

11.0 Exemption for private hire vehicles from the need to display plates and signs

11.1 For the purpose of this policy, such vehicles will be referred to as ‘exempt’ vehicles. An application may be made to the Council for a vehicle to be considered for exempt status and each case will be determined on its merits. Exempt status will allow the vehicle to be used for bookings made under a written contract which has been agreed a minimum of six hours before the commencement of the journey.

11.2 The decision to grant or refuse an exemption for the display of the current private hire licence plates and other relevant signage will be that of the Regulatory Services Manager (Compliance) for the Council.

11.3 To qualify as exempt, the vehicle must comply with the Council’s age policy, be luxurious, of a higher specification than standard model vehicles and be of suitable size, appearance and design.

11.4 Exempt vehicles that conduct private hire work without a written contract in place will have their exempt vehicle status withdrawn. They will then be required to display Cheshire West and Chester private hire plates on the front and rear of the vehicle and other relevant private hire vehicle signage.

11.5 Applicants who wish to have their vehicles licensed as an ‘exempt’ vehicle must provide evidence from their operator demonstrating why the exemption to display private hire plates and signage is required.

Note: The fact that a vehicle is classed as a ‘luxury’ vehicle is not sufficient in itself to warrant ‘exempt’ status

The Operator will be expected to demonstrate in writing the corporate/business nature of work being undertaken for example requests from clients wishing to enter into contracts for private hire vehicles without markings. Consideration will also be given to the nature and length of contracts and billing arrangements. Cash payment direct to the driver would not be acceptable as the norm, account or prepayment is expected.

Exempt vehicles status will only be granted when the Operator is the proprietor or part proprietor or the vehicle. This is to ensure the vehicle cannot be used outside the scope of the exempt policy.

Operators of exempt vehicles must demonstrate to the Authority how they will operate those vehicles and comply with the requirement in 11.1. Such vehicles may not be used for any booking where standard plates and markings would be required.

Operators will be required to demonstrate how they intend to advertise their private hire services. A clear distinction must be made between executive

hire utilising ‘exempt’ vehicles and ‘normal’ private hire utilising vehicles exhibiting plates and signage in order to minimise confusion and protect public safety.

12.0 Hackney carriage vehicles

12.1 Hackney carriages may be licensed to operate within one of the three zones within the controlled district of Cheshire West and Chester Council. The Council may consider the removal or the amendment of zones when it is in the public interest to do so and all conditions across the current zones/proposed amended zones are harmonised and/or changes in legislation permit a council to create zones.

12.2 There are no numerical restrictions within the Vale Royal and Ellesmere Port and Neston Zones.

12.3 Only wheelchair accessible vehicles will be licensed within the Controlled District of Cheshire West and Chester.

13.0 Hackney carriage vehicle intended use

Applications for new licences

13.1 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within a zone of the administrative area of Cheshire West and Chester Council under the terms of the licence for which application is being made.

13.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within a zone of the administrative area of Cheshire West and Chester Council will not be granted a licence authorising them to do so. Each application will be decided on its merits.

13.3 Even where the applicant intends to ply for hire to a material extent in a Cheshire West and Chester zone, if the intention is to trade in another authority’s area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Renewals

13.4 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within a zone of the administrative area of Cheshire West and Chester Council under the terms of the licence for which application is being made.

13.5 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the relevant zone of the administrative area of

Cheshire West and Chester Council will not be granted a licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

13.6 Even where the applicant intends to ply for hire to a material extent in a Cheshire West and Chester zone, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Transfer of ownership – when a licensed vehicle is transferred from one person to another

13.7 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another, must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor. See R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB 583.

13.8 Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.

13.9 The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within a zone of the administrative area of Cheshire West and Chester Council. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.

13.10 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within a zone of the administrative area of Cheshire West and Chester Council under the terms of the licence in respect of the vehicle being transferred.

13.11 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within a zone of the administrative area of Cheshire West and Chester Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under

section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Cheshire West and Chester Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

Change of vehicle – when a proprietor replaces a licensed vehicle

13.12 Applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within a zone of the administrative area of Cheshire West and Chester Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent in a Cheshire West and Chester zone, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

Revocation of licence

13.13 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within a zone of the administrative area of Cheshire West and Chester Council but is subsequently found not to be plying for hire to a material extent in a Cheshire West and Chester zone and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

Exceptional circumstances

13.14 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within a zone of the administrative area of Cheshire West and Chester Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

14.0 Licence conditions

14.1 It is considered that the conditions set out in the attached appendices are reasonably necessary and appropriate for all licence types. It is accepted that in the case of the conditions attached to the dual hackney carriage and private hire vehicle driver's licence that the conditions may only be legally imposed in respect of private hire drivers. There is however a Code of

Conduct which applies to all licensed drivers and drivers are expected to follow the code.

- Appendix A – Dual hackney carriage and private hire vehicle drivers licence conditions.
- Appendix B – Private hire vehicle licence conditions
- Appendix C – Private hire vehicle operator licence conditions
- Appendix D – Hackney carriage vehicle licence conditions

14.2 Operators licences are granted to those named on the application form and are not transferable.

14.3 The holder of a private hire operator's licence will need to demonstrate that they have the permission of the owner of the premises to use the premises for the purpose of a private hire operator and, if required, planning permissions are in place.

14.4 All applicants for a private hire vehicle operator's licence must provide an annual Basic DBS certificate. If the applicant is a limited company this will apply to all the individuals listed in an executive position on the Companies House Public Register.

15.0 Enforcement and disciplinary measures

15.1 The Council must undertake enforcement and disciplinary measures in a consistent and transparent manner. The Council has a clear responsibility to ensure that all drivers, owners and operators of vehicles adhere to high standards and with full compliance of legislation, byelaws and conditions attached to licences. The Council will liaise and work in partnership with other Council departments, the police and officers of other local authorities to carry out its enforcement duties effectively. Where appropriate, the UK Border Agency, Department of Work and Pensions, HM Revenue and Customs, Vehicle and Operator Services Agency and other Government Departments will accompany Council officers on targeted enforcement campaigns. The Council has adopted an enforcement policy (available on the Cheshire West and Chester Council website) to ensure that enforcement is reasonable, proportionate transparent and consistent.

15.2 Disciplinary matters, which could result in the revocation or suspension of a licence, will be referred to the Council's General Licensing Sub-Committee including matters in relation to the fit and proper test of a licence holder.

15.3 Where a breach of licence conditions has occurred the Council will consider a range of actions having due regard to all of the circumstances leading to the offence and any actions proposed will be consistent with the Council's enforcement policy. Such actions may include:

- prosecution
- revocation or suspension of the licence;
- refusal to renew;

- the addition of conditions to an existing licence
- issue of a warning or caution

15.4 An operator's licence may be suspended, revoked or not renewed on the following grounds:

(i) any offence or non-compliance with Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

(ii) any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence.

(iii) any material changes since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted.

(iv) any other reasonable cause (including customer complaints).

15.5 A driver's licence may be suspended, revoked or not renewed on the following grounds:

a) That the holder of the driver's licence 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 Town Police Clauses Act 1847 or Part II of the Local Government(Miscellaneous Provisions) Act 1976

b) Any other reasonable cause (including customer complaints).

Where a driver's licence is suspended, revoked or not renewed the holder of the licence shall return to the Council the badge issued to him forthwith. The Council operates a Serious Misconduct Procedure, a copy of the procedure can be found at Appendix F.

15.6 **Suspension and revocation of vehicle licences.** Local Government (Miscellaneous Provisions) Act 1976)

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non-compliance with, the provisions of the Act of

1847 or of this Part of this Act by the operator or driver; or

(c) any other reasonable cause

15.7 In all circumstances the grounds for such revocation, suspension or refusal to renew of any licence shall be notified to the licence holder(s) by the Council within 14 days. Any person aggrieved by a decision of the Council to suspend, revoke or renew a licence may appeal to the Magistrates Court. The appeal must be lodged within 21 days of the notice being served, by or on behalf of the local licensing authority.

15.8 Any person who:

(i) wilfully obstructs an authorised officer or Constable acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847

(ii) without reasonable excuse fails to comply with any requirements properly made to him by such Officer or Constable

(iii) without reasonable cause fails to give such an Officer or Constable any other assistance or information which he may require for performance of his function

shall be guilty of an offence.

15.9 **Escalating warning system**

The escalating warning system (EWS) has been developed to ensure consistent enforcement throughout the borough for dealing with breaches of legislation, conditions and contraventions associated with hackney carriages, private hire vehicles, operators and drivers. Where appropriate, warnings will be issued in accordance with the EWS and officers will determine the appropriate action proportionate to the offence and where there is sufficient evidence of a breach warranting action. The licence holder may submit an appeal on the grounds that no offence, breach or contravention has occurred, by referring the matter to the officer's team leader/manager. The EWS lays down the procedure and timescale for the escalation of matters for determination by the General Licensing Sub-Committee. A copy of the Escalating Warning System can be found at Appendix G.

15.10 **Code of good conduct**

The code of conduct attached at appendix E describes the standards expected of all licensed drivers. Whilst not an exhaustive document it attempts to set a minimum standard of conduct and should be read in conjunction with additional requirements for drivers contained within this policy. Operators will be responsible for the actions and conduct of their staff and/or drivers at all times that they are undertaking any role on behalf of the

operator, whether they work for them as an employee, on a self-employed basis or as a sub-contractor.

16. Disabled Persons and Assistance Dogs

16.1 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amended the Equality Act 2010 to strengthen protections for disabled passengers. Key points included in both pieces of legislation are:

Drivers must:

- Carry wheelchair users and assistance dogs without extra charge.
- Provide mobility assistance (e.g., helping passengers into/out of the vehicle, loading wheelchairs).
- Not refuse service based on disability.

16.2 Without a medical exemption certificate drivers may commit an offence under the Equality Act if they fail to carry a wheelchair user (where the vehicle is suitably adapted) or assistance dogs. Further guidance on the carriage of wheelchair users and assistance dogs, including the application process for a medical exemption certificate issued by the Council can be found at **Appendix J**.

17.0 Consultation

17.1 The Council values the opinions of individuals, trade organisations and Council members and has procedures for consulting relevant bodies and individuals to improve service delivery and to ensure that all material matters are considered when developing policy. The Council often goes beyond statutory requirements and has an established licensing forum where trade representatives can engage with officers from a range of Council departments in order to improve standards and facilitate improvements to the benefit of both the trade and the residents and visitors to Cheshire West and Chester as a whole.

18.0 Disclosure of information

18.1 All information held on files and databases shall only be disclosed to other agencies where there is a legal obligation to do so.

19.0 Definitions

In the appendices the following definitions and expressions apply:

- **authorised officer:** has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976
- **byelaws:**

means the provisions made under section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Council with respect to hackney carriages

- **Council:** means the Council of Cheshire West and Chester • **disabled person:** has the same meaning as in the Equality Act 2010
- **driver:**
  means the holder of a dual drivers licence (hackney/private hire) issued by Cheshire West and Chester Council
- **driver's licence:** means a dual licensed drivers (hackney carriage/private hire) issued by the Council under section 45 of the Town Police Clauses Act 1847 and Section 51 of the Local Government (Miscellaneous Provisions) Act 1976
- **guide, hearing or assistance dog:** has the same meaning as in the Equality Act 2010 and any regulations made there under
- **hackney carriage:** has the same meaning as in section 38 of the Town Police Clauses Act 1847
- **identification plate:** means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage/private hire vehicle
- **operator:** means a person(s) holding a licence to operate private hire vehicles issued by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976
- **private hire vehicle:** means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
- **private hire vehicle licence:** means a licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976
- **proprietor:** has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976
- **smoking:** has the same meaning as in section 1 of the Health Act 2006
- **specialist/novelty vehicles:** considered on the grounds that the age of and/or the unique design of the vehicle is the primary attraction to the customer; the cost of such a vehicle is very high in proportion to the hiring opportunities available; the miles any vehicle would undertake would be very low in relation to that of a private hire or hackney vehicle
- **taximeter:** has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976

Appendix A

Cheshire West and Chester Council

Local Government (Miscellaneous Provisions) Act 1976

Requirements and conditions for dual licensed drivers (hackney/private hire)

The following requirements and conditions are made by Cheshire West and Chester Council in pursuit of the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective and efficient regulation of hackney carriage and private hire use and to ensure proper standards are maintained in the interest of public safety.

These conditions are ancillary to and should be read in conjunction with the requirements of that said Act, Cheshire West and Chester Borough Council statement of licensing policy for hackney carriages, private hire vehicles, drivers, and private hire vehicle operators, Town Police Clauses Act 1847, The Transport Act 1985, Road Safety Ac/t 2006 and other relevant legislation

Failure to comply with any of the conditions attached to this licence may result
In enforcement action being taken in accordance with the Council's enforcement policy. Such action may include prosecution, or the licence being suspended or revoked.

1.0 Application and renewals

1.1 Applicants must have held a full UK/EU DVLA driving licence for a period of at least 12 months and are required to produce such licence with the initial application and each subsequent application for renewal. The driving licence must specify the applicant's current address.

1.2 A successful new applicant will normally be granted a three year period, except in the case of applicants aged 65 years and over, when an annual licence should be sought.

1.3 Applicants must provide a certificate of medical fitness in the Council's standard form signed by the applicant's usual Doctor, or other registered medical practitioner approved by the Council. The following shall apply:

(a) medical certificates must be submitted upon first application.

(b) at the first renewal after an applicant attains the age of 45, the applicant shall submit a certificate of medical fitness and every six years thereafter

(c) at the first renewal upon reaching the age of 65 and on each subsequent year of renewal a driver shall submit a certificate of medical fitness..

(d) as frequently as may be recommended by a registered medical practitioner following a serious injury or illness.

(e) as frequently as may be advised by a registered medical practitioner arising from any previous medical condition.

1.4 Licence holders are required to take out and maintain a subscription to the DBS Update Service for their Enhanced/Barred List DBS certificate and undertake all measures required to allow the Authority to check on the status of their DBS certificate every six months.

1.5 All new applicants for a Dual Hackney Carriage and Private Hire Drivers' Licence shall pass the Cheshire West and Chester Council Licensed Drivers qualification and the Driver and Vehicle Standards Agency (DVSA) Driving Assessment (private hire) or other Driving Assessment Scheme approved by the Regulatory Services Manager before a licence is granted.

1.6 All new applicants for a dual hackney/private hire drivers' licence wishing to drive a hackney carriage within a zone are required to pass a detailed topographical knowledge test before being authorised to drive a hackney carriage in that zone.

Existing drivers shall have their dual hackney/private hire drivers' badge endorsed (on first renewal from 19 June 2012) with details of the zone in which they currently work. Existing drivers wishing to operate in more than one zone are required to sit the relevant topographical knowledge test if unable to demonstrate, to the satisfaction of the licensing officer, sufficient knowledge of the additional zone(s).

1.7 Where appropriate, applicants must provide proof of entitlement to work in the United Kingdom.

1.8 The Council reserves the right to require further additional checks or information to ensure the applicant is a fit and proper person.

2.0 Dual licensed drivers (hackney/private hire) conditions

2.1 The driver must wear the badge provided in such a manner as to be plainly visible at all times when driving. The driver shall exhibit in the

vehicle such other means of identification as may from time to time be required by the Council.

2.2 The driver must also display in a prominent place visible to passengers the second driver identity card provided by the Council.

2.3 The driver shall at all times when a vehicle is hired, take all reasonable steps to ensure the safety of the passengers including access and egress by the passenger.

2.4 The driver shall not allow a hackney carriage or private hire vehicle to be used to carry a greater number of passengers than the number specified in the vehicle licence.

2.5 Smoking, or permitting smoking to occur in a private hire or hackney carriage vehicle is prohibited at any time the vehicle is licensed, including any period when not in service.

2.6 When driving a hackney carriage vehicle fitted with a taximeter:

(i) the driver shall ensure that when the vehicle is not hired, the device is kept inactive.

(ii) the driver shall ensure that the table of fares is not concealed from view or rendered illegible.

(iii) the driver shall ensure that the taxi meter is used for all journeys and is engaged only at the commencement of a journey once passengers have boarded the vehicle.

(iv) drivers shall ensure that the taximeter is used at all times when undertaking journeys within the controlled district.

(v) at no time shall the driver charge more than is shown on the meter.

2.7 The driver of a hackney carriage vehicle whilst undertaking a prebooked private hire fare/journey shall:

(i) whilst conducting a fare/journey issued by a private hire operator ensure that the fare tariff used shall be that set by the issuing private hire operator

(ii) ensure that the taximeter is engaged even when conducting a journey for an agreed or set price. (applies when vehicle is within the controlled district of Cheshire West and Chester)

(iii) ensure that the taximeter is engaged only at the commencement of a journey once passengers have boarded the vehicle

(iv) when the passenger(s) is/are likely to be charged at a lower rate than the prescribed maximum set on the taximeter, explain to the passenger(s), at the commencement of the journey, that the meter must be on/active at all times; and explain that the fare will be calculated at the lower rate or the agreed or set fare, (which must be less than the amount set on the meter when set at the maximum prescribed rate)

2.8 When driving a private hire vehicle (or a hackney vehicle acting as a private hire vehicle) the driver shall ensure that a copy of the current fare tariff of the private hire operator through which the vehicle is operating shall be available in the vehicle for passengers to inspect upon request.

2.9 The driver who has agreed or has been hired to attend with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.

2.10 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 accidentally left therein.

2.11 The driver shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him:

Carry it as soon as possible and in any event within 72 hours, if not sooner claimed by or on behalf of its owner, to a Police station in order to receive instructions from the Police regarding its custody and inform the licensing team of the details

2.12 The driver shall if requested by the passenger issue a receipt for any fare undertaken.

3.0 Informing the Council of any changes since the issue of a licence

3.1 The driver shall notify the Council in writing of any convictions or cautions against him within seven days after the conviction or caution has been received. This includes any driving convictions or points endorsed on the holder's DVLA driver's licence.

3.2 The licence holder must notify the licensing team in writing of any change of address within seven days of that change.

3.3 The licence holder shall notify the Council in writing of any accident involving the licensed vehicle within 72 hours of that occurrence.

3.4 The licence holder must inform the licensing team in writing within seven days of any change in medical circumstances since the last medical certificate was submitted to the Council.

3.5 It is the driver's responsibility to inform an authorised officer or police constable during questioning that he is the holder of a licence.

4.0 Identification plates

4.1 The driver shall not conceal or remove or allow to be concealed or removed, the exterior identification plates and other required markings of the private hire vehicle or the details painted or marked thereon, from public view, and will keep these items in a clean condition at all times during the period of the licence.

Please note: These conditions must be read in conjunction with the byelaws applicable within the zones of Cheshire West and Chester Borough Council (or its predecessor districts) made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1975

5.0 Drivers of Wheelchair Accessible Vehicles (WAV)

5.1 The driver of a Wheelchair Accessible Vehicle (WAV) must provide the following assistance to passengers in wheelchairs (unless they have valid exemption certificate):

- to transport the passenger while in a wheelchair
- if the passenger chooses to sit in a passenger seat, to transport the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- to give the passenger such mobility assistance as is reasonably required
- when not able to take a passenger who chooses to remain in their wheelchair the driver will fully explain to the customer why they are unable to take them
- when assisting passengers who have chosen to remain in their wheelchair, either in or out of a rear loading vehicle on an active roadway or rank, the driver must place a warning triangle behind the vehicle and wear a high visibility jacket or tabard.

Appendix B

Cheshire West and Chester Council

Local Government (Miscellaneous Provisions) Act 1976 (As amended)

Private hire vehicle conditions

The following requirements and conditions are made by Cheshire West and Chester Council in pursuit of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended); to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interest of public safety.

These conditions are ancillary to and should be read in conjunction with the requirements of that said Act, Cheshire West and Chester statement of licensing policy for hackney carriages, private hire vehicles, drivers, and private hire vehicle operators the Transport Act 1985, Road Safety Act 2006 and any other relevant legislation.

Failure to comply with any of the conditions attached to this licence may result in enforcement action being taken in accordance with the Council's enforcement policy. Such action may include prosecution, or the licence being suspended or revoked.

1.0 Vehicle requirements

1.1 The vehicles must comply with the Council's vehicle requirements as set out in the Cheshire West and Chester statement of licensing policy for hackney carriages, private hire vehicles, drivers, and private hire vehicle operators

1.2 The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of type approval:

- EC whole vehicle type approval
- UK low volume type approval
- UK single vehicle approval

1.3 The vehicle shall not exceed 3.5 tonnes (3500 kgs) gross weight or 4.1 tonnes (4100 kg) gross weight in the case of a vehicle able to carry multiple wheelchair users. A 'specialist' vehicle over this weight can be considered to be licensed as a private hire vehicle subject to the definition/conditions applicable to specialist vehicles.

1.4 The vehicle shall be a manufacturer's right hand drive model, except for imported stretch limousines which may be left hand drive.

1.5 The vehicle must either:

(i) have four wheels and a minimum of four doors. The doors must consist of two doors on both near and offside of the vehicle and this does not include hatchback/boot doors

or

(ii) have four wheels and a minimum of two doors and be of an approved type model and specification as approved by a senior regulatory services manager and listed in the 'Cheshire West and Chester approved private hire two door vehicle list'

or

(iii) be an approved Motorised Tricycle (Tuk Tuk style three wheeled vehicle) and listed in the 'Cheshire West and Chester Approved Motorised Tricycle List'

1.6 Doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

1.7 The requirement for a minimum of four doors does not apply to a purpose built minibus with suitable access/gangway (subject to approval by an authorised officer).

1.8 The vehicle must not be of such type, design or appearance as to lead any person to believe that the vehicle is a hackney carriage. LTI (London Cab), Metrocab, type vehicles are not acceptable.

1.9 The vehicle must not be capable of carrying more than eight passengers. The seating must be as manufactured and have appropriate seat belts fitted to each available seat.

1.10 The seats shall be in a configuration approved by the Council for the make and model of the vehicle.

1.11 Vehicles with open luggage space must be fitted with a suitable guard between the luggage space and the passenger compartment.

1.12 All seats within a licensed vehicle (included when determining the number of passengers the vehicle will be licensed to carry) must be suitable for carrying an adult passenger and fitted with an appropriate seatbelt. A seat should be a minimum width of 410 mm at the narrowest point of both the seat base and back support. In the case of the bench style seats the number of passengers the bench seat can accommodate will be determined with reference to the minimum seat size described above. In cases where there is any doubt, including minimum size requirements, evidence should be supplied from the

vehicle manufacturer that the seat or seats in question have been designed and tested for use by an adult.

1.13 Public service vehicles and vehicles without VOSA M class status and M rated seating will not be licensed any replacement seating must be M rated to match the rating of the vehicle.

2.0 Condition and maintenance of the vehicle

2.1 The vehicle and all its fittings and equipment shall be maintained in a safe, efficient and clean condition and be capable of satisfying the Cheshire West and Chester licensed vehicle test guidelines at all times the licence is in force. All relevant statutory requirements including those contained in the motor vehicles (construction and use) regulations shall be fully complied with at all times.

2.2 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair.

2.3 The interior of the vehicle shall be clean and tidy. The upholstery, carpets and fittings shall be maintained in good condition and be free from rips and tears.

2.4 The vehicle must carry a spare wheel and tyre at all times approved for the vehicle type. In vehicles where a spare wheel and tyre is not provided a manufacture's approved tyre inflation and repair system must be carried.

2.5 All tyres including the spare must be inflated to the correct pressure as determined by the tyre/vehicle manufacture.

2.6 All tyres fitted to the vehicle and any spare tyre must meet current legal requirements

2.7 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time that the licence is in force without the written consent of the Council.

2.8 Any tow bar fitted to a private hire vehicle may not be used for any purpose whilst undertaking private hire work.

2.9 Any roof rack or roof pod should be attached securely and fitted in accordance with the manufacturer's instructions.

2.10 The visual transmission of light shall be not less than 75% (25% tint) through the windscreen and 70% (30% tint) through the drivers and front passenger windows.

3.0 Colour restrictions

3.1 There are no colour restrictions for private hire vehicles.

4.0 Vehicle testing

4.1 All vehicles shall be tested by the Council or its agent and will have to pass the Cheshire West and Chester Licensed Vehicle test prior to first licensing and thereafter annually prior to the renewal of the licence. A vehicle over five years old shall be tested every six months and pass certificate must be supplied to the licensing team every six months in order for the vehicle to remain licensed. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the vehicle registration document (form V5) unless the vehicle was not new at the date of first registration.

5.0 Vehicles converted to run on liquefied petroleum gas (LPG)

5.1 A certificate of compliance of conversion issued by a liquid petroleum gas association (LPGA) approved installer must be produced to the Council in respect of a vehicle converted to run on liquefied petroleum gas (LPG). The Council must be notified immediately and the certificate produced if the conversion is undertaken whilst the licence is in force.

5.2 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. On a vehicle fitted with a 'doughnut' style tank in the spare wheel well the spare wheel (where supplied by the manufacturer) shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space.

5.3 The vehicle shall display a warning sticker on the front and rear screens stating that the vehicle is fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident.

6.0 Safety equipment

6.1 All forward facing seats must be fitted with three point belt with lap, chest, and shoulder restraints. For the avoidance of doubt, lap only type seat belts shall be deemed not to comply with this condition.

6.2 The vehicle shall be equipped at all times with a fully operable fire extinguisher suitable for a motor vehicle. In the case of a dry powder extinguisher this should be at least 1Kg. All fire extinguishers must be in good condition, with no obvious damage, loose seals, or evidence of discharge and where applicable be in date.

6.3 The vehicle shall be equipped at all times with a first aid kit kept in a properly designated first aid container. The first aid kit shall be one that is approved for use on a public service vehicle or a first aid kit approved by the Council.

6.4 The fire extinguisher and first aid kit shall be carried in such a position as to enable it to be readily available for use in an emergency. They shall be marked with the date of expiry in the case of a serviceable fire extinguisher the date the next service is required. Both items shall have the vehicle licence plate number permanently marked upon it.

7.0 Signs, advertisements and notices

7.1 The following shall be displayed prominently on the driver's door and front passenger door panel (not a window):

The words 'private hire vehicle', 'advance bookings only' and the licence number of the vehicle and the issuing authority.

Letters and numbers shall be of a size determined by the Council. No other signs shall be permitted on these doors save for trading name and telephone number; such signs not to be used without the prior approval of the Council.

7.2 Such signs shall be clearly and permanently affixed to the vehicle and displayed at all times.

7.3 For the avoidance of doubt the words 'private hire' and 'advance bookings only' shall be deemed to be 'clearly and permanently affixed and displayed' where they are so affixed and displayed by means of a magnetic sign.

7.4 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council. (Please refer to general policy for more details).

7.5 Approved advertisements, signs, notices, numbers, marks, etc shall not be displayed in a position that obscures or hinders the visibility of the required door signage and plates.

7.6 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word 'taxi' or 'for hire' whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a hackney carriage.

7.7 Notices, signs and advertisements are not permitted on glazed areas other than statutory notices, signage and advertisements approved in writing by the Council.

7.8 The vehicle shall not display a roof sign.

7.9 The vehicle shall not display any illuminated signs on or from within the vehicle.

8.0 Identification plates

8.1 Private hire vehicles shall at all times clearly display on the exterior surface of the vehicle two licence plates and holders/backing plates supplied by the Council, the form and content of which shall also be prescribed by the Council, unless otherwise 'exempted' by the licensing authority for which additional conditions apply.

8.2 The smaller licence plate and holder shall be affixed securely to the front of the vehicle and the larger licence plate and holder shall be affixed securely to the rear of the vehicle, both to the satisfaction of the authorised officer.

8.3 The plates and holders/backing plates shall only be affixed to the vehicle identified in the vehicle licence.

8.4 The plates and holders/backing plates shall at all times remain the property of the Council and the licensee shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.

8.5 The licensee shall at all times ensure so far as is reasonably practicable that information contained on the plates is complete and legible and that the plates are maintained in a clean condition.

8.6 Private hire vehicles shall at all times display the two identification/Council contact details stickers/notices supplied by the Council. One shall be displayed on the inside of the lower near-side of the windscreen or the upper area dashboard, the other on a rear nearside window. Both shall be displayed in a manner that the sticker/notice is visible to passengers within the vehicle and from outside the vehicle.

9.0 Meters

If the vehicle is fitted with a meter:

9.1 the meter shall be of a **calendar** type approved by the Council. It shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer.

9.2 the tariff of fares shall be displayed in a prominent position inside the vehicle in clearly distinguishable letters and figures.

9.3 the meter shall be set to display the private hire operator's tariff of fares which has been approved and lodged with this Council.

9.4 the proprietor shall not use or permit to be used a meter that has not been approved /sealed by the Council

9.5 the meter shall not display a 'for hire' sign at any time

9.6 when the vehicle is not hired, the meter is to be kept inactive and the meter shall show no fare at that time.

9.7 when the meter is brought into action, the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than the permitted table of charges for the licensed private hire operator.

9.8 the ‘fare’ shall be displayed on the face of the meter in clear letters so as to apply the fare recorded thereon.

9.9 the meter shall be in such a position in the vehicle so that the figures recorded thereon are clearly visible to all passengers.

9.10 the meter shall be sufficiently illuminated that when in use it is visible to all passengers.

9.11 the meter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the taximeter except by breaking or damaging or permanently displacing the seals or other fittings.

9.12 the proprietor of a private hire vehicle shall ensure that where a meter is fitted, the licensed private hire operator’s current fare chart is displayed inside the vehicle in clearly distinguishable letters and figures and in a prominent position.

9.13 when on duty, but not hired, the vehicle and driver may be instructed by an authorised officer to attend a location to undergo a pre measured journey in order to test the accuracy of the installed meter, and/or to have the meter inspected by a authorised officer or appointed agent of the Council.

10.0 General conditions

10.1 The licence holder shall not part with or lend the private hire licence plate issued to his vehicle.

10.2 The holder of a private hire vehicle licence shall ensure that only individuals holding a valid dual hackney and private hire driver’s licence issued by the Council may drive a private hire vehicle licensed by the Council.

10.3 A private hire vehicle licence holder shall maintain a record of the details of all drivers of his licensed vehicle(s). The records must be produced on request to an authorised officer and this record shall contain the following information and be retained for a minimum of six months:

- the name and address of the driver
- details of the driver’s valid dual hackney and private hire driver’s licence.
- details of the driver’s DVLA drivers licence
- the dates and times the driver had custody and control of the vehicle.

10.4 A proprietor or part proprietor of a private hire vehicle must notify the licensing team in writing of any change of address within seven days of the change.

10.5 The proprietor or part proprietor of a private hire vehicle shall ensure that, the licensing team is notified in writing of any accident involving the vehicle within 72 hours of the accident occurring.

10.6 The proprietor or part proprietor of a licensed private hire vehicle shall disclose to the Licensing team , in writing, details of any convictions, cautions, warnings, fixed penalties or reprimands imposed on him whilst the licence is in force within seven days of receipt of such convictions, warnings etc.

10.7 The licensed vehicle shall not carry more than the number of passengers specified in the licence and displayed on the licence plate.

10.8 There must be in force, in relation to the vehicle, a policy of insurance or such security as complies with the requirements of part VI of the Road Traffic Act 1988.

10.9 There must be in force, in relation to the use of the vehicle, a valid MOT test certificate and a current road fund licence. A Cheshire West and Chester licensed vehicle test certificate is also required in accordance with the Council's vehicle testing policy and in accordance with condition 4.1 above.

10.10 The proprietor of the licensed vehicle shall provide receipts for the driver to issue. If requested by the passenger, a written receipt must be provided for the fare paid.

10.11 If the vehicle licence holder is not the sole driver of the licensed vehicle he shall ensure that all additional drivers have access to and understand the conditions attached to the vehicle licence.

11.0 Tariff of fares

11.1 A copy of the current private hire operator's fare tariff shall be available in the vehicle for passengers to inspect on request.

12.0 Special conditions for specialist vehicles and stretched limousines

12.1 The vehicle must pass a single vehicle approval inspection of its design and construction at a vehicle inspectorate testing station. The approval certificate or certificate of compliance must be presented to this Council, together with its DVLA registration document (V5) and evidence of the date of manufacture of the vehicle.

12.2 The maximum length of the 'stretch' shall not exceed 120'/3048mm.

12.3 No fare paying passengers are to be carried in the front of the vehicle.

12.4 The vehicle must be fitted with tyres of an approved rating as specified by the tyre manufacturer for weight (including passengers) and speed of the vehicle i.e. vehicles registered before 1998 – 235/75R 15 108S (BF Goodrich extra

load or equivalent). Versions from 1998 onwards must be fitted with 225/70R 16 107T (reinforced).

12.5 Any tinted glass in front of the B Pillar shall conform to the legal requirements as laid down by the Vehicle Operator Services Agency (VOSA). The passenger compartment may be fitted with blackened glass. All blackened and tinted glass must be fitted as standard at point of manufacture.

12.6 No form of entertainment shall be permitted without written consent from this Authority. The proprietor must ensure that the appropriate licences are held for any form of entertainment to be provided for passengers (such as a premises licence for film, music etc and a Performing Rights Society licence for recorded music)

12.7 Children under the age of 16 years must be accompanied by either a parent/guardian or an appropriate adult. Any person/escort provided by the license holder must be Disclosure and Barring Service (DBS) checked. The details of the persons travelling and the name and contact details of the person responsible for the booking must be completed and maintained by the driver. A copy of the form must be carried by the driver.

12.8 Vehicles may be required to undergo a metal fatigue test or other additional tests at the discretion of this Council. The cost of such tests to be borne by the operator/proprietor.

12.9 Any alcoholic drinks provided in the vehicle shall only be sold/supplied under the terms of an appropriate licence. Bookings for groups of passengers under 18 years shall only be provided with non-alcoholic beverages from plastic glasses and bottles. Alcohol shall not be available in the vehicle when used for bookings for groups of passengers under 18 years

12.10 Owners of vehicles converted from a standard production model must retain the original documentation to confirm that the conversion was approved by the original manufacturer and that the conversion was undertaken by a converter/modifier under an approved Scheme

12.11 Applicants wishing to licence an imported vehicle must produce documentary evidence to the Council that any imported novelty vehicle has been legally imported into the UK and that the lights and indicators etc have been modified to UK specification.

12.12 The normal conditions applying to the licensing of vehicles, operators and drivers will apply, except where inconsistent with these special conditions.

13.0 Special conditions for motorised tricycles (Tuk Tuk style three wheeled vehicles – two passenger capacity only)

13.1 The vehicle be required to satisfy the issue of a Department of Transport British National Type Approval Certificate (Single Vehicle Approval) and a V5C to be issued.

13.2 The Proprietor must submit a Business Plan for approval by a Regulatory Services Manager. Any Business Plan must include a Passenger Risk Assessment Statement.

13.3 The Proprietor must operate within the scope of their approved business plan.

13.4 Every hirer of the services of a motorised tricycle (Tuk Tuk style three wheeled vehicle**)** and driver must be supplied with a written copy of the Passenger Risk Assessment Statement a minimum of 24 hours before any private hire journey commences. All bookings must be in place a minimum of 24 hours prior to the commencement of any private hire journey.

13.5 All passengers must receive a safety briefing from an experienced and fully trained licenced driver or staff member immediately before the commencement of any journey.

13.6 No more than two passengers to be carried in the rear of the vehicle at any one time.

13.7 Any child under the age of 16 years must be accompanied by a responsible adult.

13.8 The vehicle is to be maintained in a sound, mechanical and structural condition at all times and comply with any legislation that affects the construction and use of motorised tricycles (Tuk Tuk style three wheeled vehicles).

13.9 Any internal linings of the vehicle are sound, clean and not liable to damage or soil passengers clothing or luggage, and the floor is provided with a carpet, mat or other suitable non-slip floor covering which is sound and clean.

13.10 The seats are properly cushioned and covered by a water resistant material and the covers are in a sound and clean condition, which may be easily cleaned and dried.

13.11 Three point seat belts are to be fitted to all passenger seats. The seatbelts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.

13.12 The condition, fixing and routing or positioning of electric cables and fittings, if any, are such that there is no risk of electrical fire or other incident.

13.13 The proprietor or owner of the vehicle shall at the request of an authorised officer produce for inspection a valid insurance certificate covering private hire use.

13.14 No changes to the approved vehicle specification may be carried out without prior written approval of the Council.

14.0 Special conditions for private hire vehicles wishing to be exempt from the need to display the current private hire plates and door and window stickers

For the purpose of this document, such vehicles will be referred to as 'exempt' vehicles. Application may be made to the Council for a vehicle to be considered for exempt status and each case will be determined on its merits.

Standard private hire work means any bookings for journeys taken less than six hours before the commencement of the journey whereby no written contract is already in place.

14.1 The decision to grant or refuse an exemption for the display of the current private hire licence plates and additional signage/door stickers is delegated to regulatory services managers.

14.2 To qualify as exempt, the vehicle must be a luxury make and model with a higher specification than standard model.

14.3 Any bookings for the undertaking of a journey in an exempt vehicle must be made by way of a written contract between the hirer and the private hire operator. Such contracts must be in place for no less than 6 hours prior to the commencement of any journey.

14.4 Exempt vehicles may not undertake standard private hire work.

14.5 Exempt Vehicles that conduct private hire work without a written contract in place as per condition 14.3 will have their exempt vehicle status withdrawn. They will then be required to display Cheshire West and Chester standard private hire plates on the front and rear of the vehicle and front door markings/stickers and the windscreen/dashboard stickers.

14.6 Exempt vehicles shall not display any external markings e.g. operator details or advertisements.

14.7 Exempt vehicles shall not commence a booked journey from or within the immediate vicinity of any private hire booking facility, except in such cases where a pre-existing contract, as described in condition 13.3, is in place.

14.8 Vehicles qualifying for exempt status will be required to display one or more Cheshire West and Chester exempt vehicle discs denoting that the vehicle is a licensed private hire vehicle. Such discs shall be displayed within their holder in a prominent position as determined by the issuing officer.

14.9 Vehicles qualifying for exempt status will be required to carry a copy of their private hire vehicle licence for inspection on request.

14.10 In advance of the journey, the hirer must be advised that the vehicle dispatched to collect them will not be displaying standard private hire vehicle licence plates and window stickers.

14.11 Exempt vehicles can only be driven by a dual licensed (hackney carriage/private hire) driver who is licensed by the same Council from which the exempt vehicle licence was issued.

14.12 Drivers of exempt vehicles must wear their current dual drivers (hackney carriage/private hire) badge in such a manner as to be clearly visible at all times when driving, and will exhibit in the vehicle such other means of identification as may from time to time be required by the Council.

14.13 Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn.

14.14 Applicants for exempt vehicle status must sign an undertaking that they fully understand and accept these conditions.

(Guidance. Due to the unique and specialist nature of exempt vehicle status reflected in the conditions attached to the licence.
Exempt status will only be issued to a vehicle where a qualifying Operator is the proprietor or part proprietor.)

15.0 Conditions for specialist vehicle wishing to be licensed

15.1 Applicants wishing to licence a vehicle which would not conform to the conditions listed in this document may apply to the appropriate regulatory services manager for dispensation for the vehicle to be considered a specialist vehicle.

15.2 A specialist vehicle may be required to undergo any additional testing the Council sees fit and applicants may be required to produce additional documentation to the satisfaction of the licensing section. Any costs resulting from these additional requirements will be met by the applicant.

15.3 Upon the grant of a licence for a specialist vehicle, the Council may attach any additional conditions deemed necessary considering the type of vehicle being licensed.

16.0 Conditions for wheelchair accessible Private Hire vehicles

16.1 Any vehicle so adapted will remain in that configuration for the whole life of its licence to ensure its availability as a wheelchair accessible vehicle.

16.2 Any equipment required to safely and comfortably secure passengers in their wheelchairs must be in a serviceable condition and carried in the vehicle at all times

16.3 Any lift must have a current lift service/inspection certificate in line with the Lifting Operations Equipment Regulations 1998 (inspection six months and

service and weight test annually). Certificates will be retained for inspection during the life of the vehicle while licenced.

17.0 Definition of a Private Hire wheelchair accessible vehicle

A vehicle that has been permanently adapted / modified to enable a passenger using a standard wheelchair to enter, exit and travel safely and securely whilst always remaining in their wheelchair for the entire journey. Any ramp must be certified for a minimum load weight in excess of 300 Kg and the angle of assent from the road level must not exceed a 1:4 gradient. Any lift must be certified to a minimum load weight in excess of 300 Kg and have a current lift service/inspection certificate in line with the Lifting Operations Equipment Regulations 1998 (inspection 6 months and service and weight test annually). Any vehicle conversions must have the appropriate DVSA documentation/approval for the conversion.

Appendix C

Cheshire West and Chester Council

Local Government (Miscellaneous Provisions) Act 1976

Conditions for private hire operators

The following requirements and conditions are made by Cheshire West and Chester Council in pursuit of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire use within the district and to ensure that proper standards are maintained in the interest of public safety.

These conditions are ancillary to and should be read in conjunction with the requirements of that said Act, Cheshire West and Chester statement of licensing policy for hackney carriages, private hire vehicles, drivers, and private hire vehicle operators, Transport Act 1985, Road Safety Act 2006 and any other relevant legislation

Failure to comply with any of the conditions attached to this licence may result in enforcement action being taken in accordance with the Council's enforcement policy. Such action may include prosecution, or the licence being suspended or revoked.

Application fees will not under any circumstances be refunded.

1.0 Operator details

1.1 The licence is granted to those named on the original application and is not transferable.

2.0 Telephones and staff

2.1 The operator shall provide adequate telephone facilities and staff to provide an efficient private hire service to the public.

2.2 Any staff employed to act in a security capacity for the private hire operator must be properly licensed in accordance with the Private Security Industry Act 2001 and must display their badge and be wearing suitable high visibility clothing at all times they are working in this capacity.

2.3 Operators will be accountable for the actions and conduct of their staff including drivers at all times they are undertaking any role on behalf of the operator. The condition applies whether they are employees, are self-employed, employed as a sub-contractor or agent.

2.4 The private hire operator shall record the names, addresses and dates of birth of all individuals (existing or new) that take bookings and/or dispatch vehicles to customers. These details shall be recorded in a register.

2.5 Private hire operators shall have a policy in place on employing or using individuals that have convictions of the type covered in the guidelines relating to the relevance of convictions and other relevant information (Appendix H of the policy) whose role it is to take bookings and/or dispatch vehicles to customers.

2.6 The register must include or have accompanying evidence that the private hire operator has seen a Basic DBS certificate for all individuals on the register and that they are compatible with their policy relating to convictions on all individuals that take bookings and/or dispatch vehicles to customers (as required in 2.5).

2.7 The register and policy for relating to individuals that receive bookings or dispatch vehicles to customers must be made available (with reasonable notice) to any authorised officer or constable.

3.0 Two-way radios and data units

3.1 The operator's radio or data equipment shall be maintained in a sound condition and any defects shall be repaired promptly.

4.0 Complaints

4.1 Operators must have a written complaints procedure that is approved by the Council. The procedure must state that all written complaints must be responded to within a maximum of 28 days. The procedure must include the option to forward a complaint on to the Council if no response is received and include the Councils contact details. The procedure must appear on the operator's website and be displayed in any premises to which the public have access.

Private hire operators are to keep a register of all complaints made to them. The register shall contain the following details:

- name, address and telephone number of complainant.
- nature of complaint.
- any action taken as a result of the complaint

The operator must inform the Council of any written complaints received and of any verbal complaints of a serious nature (sexual offences, drugs or violence)

4.2 The register is to be readily available at all times and must be produced for inspection on request by an authorised officer or constable. Records shall be retained for a minimum of six months.

5.0 Premises where private hire bookings are taken

5.1 The operator's premises shall be kept clean and be adequately heated, ventilated and lit.

5.2 The licence is not transferable and only applies to the premises specified in the licence.

5.3 A copy of these conditions shall be kept with the operator's licence and shall be produced on request to any authorised officer.

6.0 Hiring

6.1 All private hire bookings accepted by the operator shall be carried out promptly at the appointed time, date and place.

6.2 When the operator accepts the hiring he shall prior to the commencement of the journey, record all the details of the hirer as prescribed by section eight of these conditions.

6.3 The operator shall make provision for his private hire drivers to convey any guide, hearing or assistance dog(s) accompanying a passenger, at the hirer's request unless any approved exemptions are in place.

6.4 When a private hire operator undertakes a hiring using a Public Carriage Vehicle (PCV) driver in a Public Service Vehicle (PSV), the operator must inform the hirer that the driver is subject to different checks and has not had an enhanced DBS check. Confirmation that this information was passed to and understood by the hirer must be recorded in the hiring record.

7.0 The use of plate exempt vehicles

7.1 Any bookings for the undertaking of a journey in an exempt vehicle must be made by way of a written contract between the hirer and the private hire operator. Such contracts must be in place for no less than six hours prior to the commencement of any journey.

7.2 Operators using exempt vehicles may not use such vehicles to undertake any other work other than defined in the private hire conditions for exempt vehicles.

7.3 In cases where an operator is using an exempt vehicle he must advise the hirer at the time of booking that the vehicle dispatched to collect them will not be displaying standard private hire vehicle licence plates or door stickers.

7.4 Exempt vehicles shall not display any external markings e.g. operator details or advertisements.

(Guidance. Due to the unique and specialist nature of exempt vehicle status reflected in the conditions attached to the licence. Exempt status will only be issued to a vehicle where a qualifying Operator is the proprietor or part proprietor.)

8.0 Records of hiring

8.1 Each operator shall keep a record (in a format approved by the Council) of particulars of every booking invited and accepted by him and shall produce such record on request to any authorised officer or constable for inspection

8.2 Each booking record must contain the following information:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.3 Before any private hire journey is commenced the details of the booking as required in 8.2 must be recorded at the operator's licensed premises.

8.4 All records of hiring's shall be retained for a period of six months. All records must be made available to any authorised officer or constable.

9.0 Records of vehicles and drivers

The operator shall maintain at his premises particulars of vehicles operated by him which shall include the following:

- the private hire vehicle licence number and expiry date
- the vehicle registration number
- the name and address of the vehicle proprietor
- the name(s) and address(s) of driver(s) of the vehicle
- the badge number(s) of driver(s) and expiry date
- licensed vehicle insurance policy number and expiry date

and

- the above records shall be produced on request to any authorised officer or constable

The operator shall ensure that every vehicle and driver operated by them is fully and adequately licensed by the Council and suitably insured for private hire use by all relevant bodies and shall be responsible for the retention of all

necessary certificates of insurance or suitable records confirming insurance details and all other appropriate documents.

10.0 Convictions

The operator shall notify in writing the Council of any conviction, caution, warning, fixed penalty or reprimand issued to him or any other person named in the licence application in writing within 7 days of it being imposed.

Appendix D

Cheshire West and Chester Council

Acts: Local Government (Miscellaneous Provisions) Act 1976 (as amended); Town Police Clauses Act 1847

Hackney carriage vehicle conditions

The following requirements and conditions are made by Cheshire West and Chester Council in pursuit of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town Police Clauses Act 1847 to ensure efficient and effective regulation of hackney carriage vehicle use and to ensure that proper vehicular and driver standards are maintained in the interest of public safety.

These conditions are ancillary to and should be read in conjunction with the requirements of that said Act, Cheshire West and Chester statement of licensing policy for hackney carriages, private hire vehicles, drivers, and any private hire vehicle operators, Transport Act 1985, Road Safety Act 2006 and other relevant legislation

Failure to comply with any of the conditions attached to this licence may result in enforcement action being taken in accordance with the Council's enforcement policy. Such action may include prosecution, or the licence being suspended or revoked.

1.0 Vehicle requirements

1.1 The vehicles must comply with the Council's vehicle requirements as set out in the Cheshire West and Chester statement of licensing policy for hackney carriages, private hire vehicles, driver's, and private hire vehicle operators. The policy will give details on the Council's position on items including numerical limits, wheelchair accessibility and vehicle types.

1.2 All hackney carriages shall be of an approved type, model and specification and where appropriate from an approved manufacturer/supplier. These vehicles and suppliers are listed in the Cheshire West and Chester Borough Council approved hackney carriage vehicles list (Appendix I). Only vehicles in this list can be licensed as a hackney carriage.

1.3 The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of Type Approval:

- EC whole vehicle type approval
- UK low volume type approval

1.4 The vehicle shall not exceed 3.5 tonnes (3500 kgs) gross weight.

1.5 The vehicle shall be a manufacturer's right hand drive model.

1.6 Doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

1.7 The vehicle must not be capable of carrying more than eight passengers. The seating must be as manufactured and have appropriate seat belts fitted to each available seat.

1.8 The seats shall be in a configuration approved by the Council for the make and model of the vehicle.

1.9 All seats within a licensed vehicle (included when determining the number of passengers the vehicle will be licensed to carry) must be suitable for carrying an adult passenger and fitted with an appropriate seatbelt. A seat should be a minimum width of 410 mm at the narrowest point of both the seat base and back support. In the case of the bench style seats the number of passengers the bench seat can accommodate will be determined with reference to the minimum seat size described above. In cases where there is any doubt, including minimum size requirements, evidence should be supplied from the vehicle manufacturer that the seat or seats in question have been designed and tested for use by an adult.

1.10 Public service vehicles and vehicles without VOSA M class status and M rated seating will not be licensed any replacement seating must be M rated to match the rating of the vehicle.

2.0 Conditions and maintenance of the vehicle

2.1 The vehicle and all its fittings and equipment shall be maintained in a safe, efficient and clean condition and be capable of satisfying the Cheshire West and Chester licensed vehicle test guidelines at all times. All relevant statutory requirements including those contained in the motor vehicles (construction and use) regulations shall be fully complied with at all times.

2.2 The exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair.

2.3 The interior of the vehicle shall be clean and tidy. The upholstery, carpets and fittings shall be maintained in good condition and be free from rips and tears.

2.4 The vehicle must carry a spare wheel and tyre at all times approved for the vehicle type. In vehicles where a spare wheel and tyre is not provided a manufacture's approved tyre inflation and repair system must be carried.

2.5 All tyres including the spare must be inflated to the correct pressure as determined by the tyre/vehicle manufacture.

2.6 All tyres fitted to the vehicle and any spare tyre must meet current legal requirements.

2.7 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time without the written consent of the Council.

2.8 Any tow bar fitted to a licensed vehicle may not be used for any purpose whilst undertaking work as a hackney carriage vehicle.

2.9 Any roof rack or roof pod should be attached securely and fitted in accordance with the manufacturer's instructions and must not obscure any illuminated taxi sign.

2.10 The visual transmission of light shall be not less than 75% (25% tint) through the windscreen and 70% (30% tint) through the drivers and front passenger windows.

3.0 Colour restrictions

3.1 There are no colour restrictions for hackney carriages in the Ellesmere Port and Neston and Vale Royal zones. In the Chester zone hackney carriages must be black.

4.0 Vehicle testing

4.1 All vehicles shall be tested by the Council or its agent and will have to pass the Cheshire West and Chester licensed vehicle test prior to first licensing and thereafter annually prior to the renewal of the licence. A vehicle over five years old shall be tested every six months and pass certificate must be supplied to the licensing team every six months in order for the vehicle to remain licensed. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the vehicle registration document (form V5) unless the vehicle was not new at the date of first registration.

5.0 Vehicles converted to run on liquefied petroleum gas (LPG)

5.1 A certificate of compliance of conversion issued by a Liquid Petroleum Gas Association (LPGA) approved installer must be produced to the Council in respect of a vehicle converted to run on liquefied petroleum gas (LPG). The Council must be notified immediately and the certificate produced if the conversion is undertaken whilst the licence is in force.

5.2 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. On a vehicle fitted with a 'doughnut' style tank in the spare wheel well the spare wheel (where supplied by the manufacturer) shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space.

5.3 The vehicle shall display a warning sticker on the front and rear screens stating that the vehicle is fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident.

6.0 Safety equipment

6.1 All forward facing seats must be fitted with three point belt with lap, chest, and shoulder restraints. For the avoidance of doubt, lap only type seat belts shall be deemed not to comply with this condition.

6.2 The vehicle shall be equipped at all times with a fully operable fire extinguisher suitable for a motor vehicle. In the case of a dry powder extinguisher this should be at least 1Kg. All fire extinguishers must be in good condition, with no obvious damage, loose seals, or evidence of discharge and where applicable be in date.

6.3 The vehicle shall be equipped at all times with a first aid kit kept in a properly designated first aid container. The first aid kit shall be one that is approved for use on a public service vehicle or a first aid kit approved by the Council.

6.4 The fire extinguisher and first aid kit shall be carried in such a position as to enable it to be readily available for use in an emergency. They shall be marked with the date of expiry in the case of a serviceable fire extinguisher the date the next service is required. Both items shall have the vehicle licence plate number permanently marked upon it.

7.0 Signs, advertisement and notices

7.1 No advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council. (Please refer to Cheshire West and Chester statement of licensing policy for hackney carriages, private hire vehicles, drivers, and private hire vehicle operators for more details)

7.2 Approved advertisements, signs, notices, numbers, marks, etc shall not be displayed in a position that obscures the visibility of the driver and passengers or hinders the visibility of the licence plates or other signage or markings specified by conditions imposed by this Council

7.3 The licensed vehicle shall have a sign on the roof of the vehicle with the word taxi clearly visible. The roof sign must be illuminated when the vehicle is available for hiring.

7.4 Notices, signs and advertisements are not permitted on glazed areas other than statutory notices, signage and advertisements approved in writing by the Council.

8.0 Identification plates and markings

8.1 Hackney carriages shall at all times clearly display on the exterior surface of the vehicle two licence plates and holders/backing plates supplied by the Council, the form and content of which shall also be prescribed by the Council.

8.2 The smaller licence plate and holder shall be affixed securely to the front of the vehicle and the larger licence plate and holder shall be affixed securely to the rear of the vehicle, both to the satisfaction of the authorised officer.

8.3 The plates and holders/backing plates shall only be affixed to the licensed vehicle identified in the vehicle licence.

8.4 The plates and holders/backing plates shall at all times remain the property of the Council and the licensee shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.

8.5 The licensee shall at all times ensure so far as is reasonably practicable that information contained on the plates is complete and legible and that the plates are maintained in a clean condition. Both vehicle licence plates must be clearly visible at all times.

8.6 Hackney carriages vehicles shall at all times display the two identification and Council contact details stickers/notices supplied by the Council. One shall be displayed on the inside of the lower near-side of the windscreen or the upper area dashboard, the other shall be displayed on the passenger/vehicle division/compartment screen. Where a vehicle is not fitted with a passenger/vehicle division/compartment screen, the sticker/notice shall be displayed in a nearside rear window. Both shall be displayed in a manner that the sticker/notice is visible to passengers within the vehicle and from outside the vehicle.

9.0 Taximeters

9.1 The hackney carriage vehicle must be fitted with a taximeter.

9.2 The taximeter shall be of a calendar type approved by the Council. It shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer.

9.3 Other than for permitted periods where an amendment to the tariff of fares is taking place, the taximeter shall be set to display the tariff of fares which has been set by the Council.

9.4 The taximeter shall be fitted with a device to bring it into action and cause the word ‘hired’ to appear on the face of the taximeter as soon as the vehicle is on hire.

9.5 When the vehicle is not hired, the taximeter is to be kept inactive and the taximeter shall show no fare at that time.

9.6 When the taximeter is brought into action, the fare and permitted extras shall be shown legibly on the face of the taximeter and shall be no more than the permitted tariff of fares as set by the Council.

9.7 The 'fare' shall be displayed on the face of the meter in clear letters so as to apply the fare recorded thereon.

9.8 The taximeter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to all passengers.

9.9 The taximeter shall be sufficiently illuminated so that when in use it is visible to all passengers.

9.10 The taximeter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the taximeter except by breaking or damaging or permanently displacing the seals or other fittings.

9.11 When on duty but not hired the vehicle and driver may be instructed by an authorised officer to attend a location to undergo a pre measured journey in order to test the accuracy of the installed meter, and or to have the meter inspected by a authorised officer or appointed agent of the Council.

10.0 General conditions

10.1 A proprietor of a hackney carriage vehicle licensed by the Council shall not part with or lend the hackney carriage vehicle licence plates issued to his vehicle.

10.2 The proprietor of a hackney carriage vehicle shall ensure that only individuals holding a valid dual hackney and private hire driver's licence annotated for the relevant zone issued by the Council may drive the licensed vehicle.

10.3 A hackney carriage proprietor shall maintain a record of the details of all drivers of his licensed vehicle(s). The records must be produced on request to an authorised officer. This record shall contain the following information and be retained for a minimum of six months:

The name and address of the driver:

- details of the drivers valid dual hackney and private hire driver's licence and zone authorisation
- details of the drivers DVLA drivers licence
- the dates and times the driver had custody and control the vehicle

10.4 The proprietor(s) of a hackney carriage must notify in writing the licensing section of any change of address in writing within seven days of the change.

10.5 The proprietor(s) of a hackney carriage shall notify in writing the licensing team in writing of any accident involving the vehicle within 72 hours of the accident occurring.

10.6 The proprietor(s) of a hackney carriage vehicle shall disclose to the licensing team in writing, details of any convictions, cautions, warnings, fixed penalties or reprimands imposed on him within seven days of receiving it.

10.7 The licensed vehicle shall not carry more than the number of passengers specified in the licence and displayed on the licence plate.

10.8 There must be in force, in relation to the hackney carriage vehicle, a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

10.9 There must be in force, in relation to the use of the vehicle, a valid MOT test certificate and a current road fund licence. A Cheshire West and Chester licensed vehicle test certificate is also required in accordance with the Council's vehicle testing policy and in accordance with condition 4.1 above.

10.10 The proprietor of the licensed vehicle shall provide receipts for the driver to issue. If requested by the passenger, a written receipt must be provided for the fare paid.

10.11 The proprietor of a hackney carriage shall ensure that all drivers have access to and understand the conditions that are attached to the vehicle licence.

11.0 Tariff of fares

11.1 The tariff of fares as set by the Council shall be displayed in a prominent position inside the hackney carriage vehicle in clearly distinguishable letters and figures.

11.2 When plying for hire all Hackney Carriage Vehicles licensed to operate in the Chester Hackney Zone are required to have a working facility to accept debit and credit card payments. There is no minimum payment amount or additional charge for card payments.

11.3 Hackney carriage proprietors required to have a working facility to accept debit and credit card payments is required to report any failure or fault on this facility to the Council in writing (including email) within 24 hours. Hackney carriage proprietors have a maximum of 10 days to repair or replace the equipment or system.

12.0 Conditions for wheelchair accessible Hackney Carriage vehicles

12.1 Any vehicle so adapted will remain in that configuration for the whole life of its license to ensure its availability as a wheelchair accessible vehicle.

12.2 Any equipment required to safely and comfortably secure passengers in their wheelchairs must be in a serviceable condition and carried in the vehicle at all times

Please note: These conditions must be read in conjunction with the byelaws applicable within the zones of Cheshire West and Chester Borough Council (or its predecessor districts) under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1975

Appendix E

Code of conduct

The Council has adopted a code of conduct for licensed drivers in order to promote the overall aims of this statement of licensing policy. The code is not exhaustive and does not take account of national legislation that imposes legal obligations on individuals such as, the Road Traffic Act and Health Act.

Trade responsibilities

There is an expectation that all licence holders will follow this code in order to promote the image of their respective trades. Licence holders are encouraged to work with this Council, their employees/employers and each other to develop this code and actively promote compliance.

Customers

The actions of all licence holders will influence passenger choice, passengers will want to travel in comfort and safety and in this regard, licence holders shall:

- ensure that their vehicles are in a safe and clean condition at all times
- assist, where necessary, passengers into and out of vehicles; and offer passengers reasonable assistance with luggage
- promptly make every effort to contact hirers of pre-booked journeys in the event of a delay in attending or cancellation of the booking

Residents

From time to time this Council receives complaints from residents about the activities of hackney carriage and private hire drivers. The complaints are usually concerned with noise and irresponsible parking. In this regard, licence holders shall:

- not sound the vehicle's horn or shout to get the hirer's attention
- keep the volume of entertainment devices to a minimum
- switch off the engine if required to wait
- park considerately when waiting for a fare and not block driveways, parking spaces for the disabled or cause an obstruction
- not leave litter behind

Attitude and appearance

From time to time this Council receives complaints from the public about the attitude and appearance of hackney carriage and private hire drivers. The complaints are usually concerned with allegations of rudeness, driving

inappropriately and the standards of dress. In this regard, licence holders shall:

- be polite, helpful and considerate to passengers
- pay attention to personal hygiene and dress so as to present a professional image to the public and not wear anything that is likely to cause offence
- not have any signage or material in or on the vehicle that is likely to cause offence
- drive with care and due consideration for the passenger other road users and pedestrians

Appendix F

Serious misconduct procedure

Driver convicted/charged or alleged to have committed serious misconduct, a serious offence, sexual offence or violent offence.

This serious misconduct procedure is drafted on the principle that the safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced. This is nowhere more important than in the licensing of hackney carriage and private hire drivers where sometimes vulnerable people are unaccompanied in a car with a stranger. For this reason, hackney carriage and private hire driving is a 'notifiable' occupation, so if a licensed driver is arrested, charged or convicted, or is the subject of a police investigation, the Licensing Authority must be informed.

In order to adequately protect the public, the procedure to be followed where a licensed driver is convicted, charged with, or alleged to have committed a sexual or violent offence or other serious misconduct ('Relevant Information') is set out below. The Council will consider the immediate revocation of the driver's licence in accordance with this procedure and **S 61 Local Government (Miscellaneous Provisions) Act 1976**

Notification/receipt of relevant information

The Council may be notified or become aware of relevant information from the following sources:

- a relevant police notification
- self-disclosure
- information received from another source (e.g. complainant, informant)

Where relevant information is received the receiving officer will:

- inform his/her line manager immediately, or, if not available, a more senior manager will be informed

The line manager/senior manager will:

- make an initial assessment of the type of offence to identify the route and actions required
- in the case of a conviction or investigation or where there are serious concerns over possible risk to the public, written confirmation of the individual's details and alleged offence(s), complaints or concerns are supplied/requested from Police Disclosure and Vetting or the partner supplying the information

- case details will be discussed with the Council's legal team and the appropriate action identified
- once all details confirmed, a recommendation to revoke the licence immediately on the grounds of public safety may be sought from a Deputy Chief Executive or in their absence the Director of Place Operations, supported by any relevant evidence
- if there are insufficient grounds for an immediate revocation but there is still a doubt about the licence holder's fitness and propriety, the matter is referred to the General Licensing Sub Committee
- if revocation is approved, details of the written revocation are served on the licence holder in person at their home address (if practical), confirmed by phone call if required. Included in the revocation is the instruction to return the licence and badge
- in addition, a vehicle licence may be suspended (a licensed vehicle can only be driven by a licensed driver and the individual would commit an offence if he/she continued to drive their own vehicle if it remained licensed)
- where appropriate, a private hire operator or vehicle owner is informed of the revocation
- a copy of the revocation letter (or details of other action taken) is sent to key partners

The Council will only revoke a licence with immediate effect where there is deemed to be, taking into consideration the evidence presented, a risk to public safety. Where the risk to public safety is removed, for example, the charge is dropped or the allegation is not found, the Council will invoke an accelerated application process to enable the Council to consider an application from the driver for the grant of a new licence as soon as practicable. However, such applications must be referred to the Licensing Sub-Committee for approval.

Any driver aggrieved by a decision of the Council to revoke a driver's licence may appeal to a magistrates' court.

Appendix G Escalating Warning System (EWS) Contents

1. General issues and procedures

2. Matters relating to poor driving

3. Table one: escalation procedure

4. Table two: serious motoring offences

1. General issues and procedures

1.1 The following measures have been developed to ensure consistent enforcement throughout the Borough for dealing with breaches of legislation, conditions and contraventions associated with hackney carriages, private hire vehicles, operators and drivers.

1.2 Where appropriate, warnings will be issued in accordance with table one of the Policy and officers will determine the appropriate action proportionate to the offence etc. where there is sufficient evidence of (in the Officer's professional opinion) a breach warranting action. The licence holder may submit an appeal on the grounds that no offence, breach or contravention has occurred, by referring the matter to the Officer's team leader / manager. The team leader/manager will have an option to refer the matter to the General Licensing Sub Committee)

1.3 The General Licensing Sub-Committee (GLSC) will consider each case on its merits and has options to dispose of the matter by taking the following actions:

- suspend a licence
- revoke a licence
- refusal to renew
- extend the period for which the EWS is applicable
- attach additional conditions to a licence*
- take no action

*additional conditions could include a requirement to undertake an approved driver assessment or complete the Cheshire West and Chester Council licensed driver's qualification or relevant part thereof or other relevant course or qualification within a specified period of time.

1.4 Once the matter has been dealt with by GLSC it may remove the warning from the licence holder's record and the record will be clean.

1.5 The licence holder may be represented at any hearing and will be given the opportunity to advise the GLSC of any mitigating circumstances.

1.6 These measures will be used without prejudice to the Council's ability to take additional or alternative action under legislation, byelaws and regulations.

2. Matters relating to poor driving

2.1 Hackney carriage and private hire drivers are professional drivers entrusted with the safety of the public. While it is recognised that minor

traffic offences may occasionally occur and can be committed unintentionally, a pattern of repeated motoring offences raises concerns about a driver's overall road safety behaviour.

2.2 The licensing authority will assess the suitability of applicants and current licence holders who have multiple motoring convictions or offences, including the use of a handheld device while driving. Such a record may indicate that the individual does not consistently demonstrate the behaviours expected of a safe and responsible professional driver.

2.3 The following circumstances will be considered as indicators of concern (this list is not exhaustive):

- More than two motoring offences within a 12-month period
- Nine or more current/live penalty points on the driving licence
- A single conviction resulting in six or more penalty points
- Any driving disqualification received within three years of the licence being reinstated

2.4 These factors may result in the refusal of a new application or the review of an existing licence, as they suggest the driver does not exhibit the behaviours of a safe road user and may not meet the standards required for professional passenger transport.

2.5 Once the matter has been dealt with by the GLSC it may, insofar as this part of the EWS is concerned, deem that the disqualification, serious motoring offence and/or penalty points are not taken into consideration at a later date / subsequent hearing.

Please note: the list of serious motoring offences in table two is not exhaustive and other motoring offences may be considered serious (following consultation with the Head of Regulatory Services / Chair of Licensing Committee) and be subject to this part of the policy

Table one: escalation procedure

Category	Example	Outcome
Category one	• Failure to display driver badge as required by conditions • Hackney vehicle: over ranking/ failure to proceed to an available rank • Breach of vehicle or driver conditions where there is little impact on public, driver or other road user safety or wellbeing e.g. licensed vehicle without valid first aid kit or fire extinguisher • Licence holder failure to notify the Council of a change of address within the timescale specified within the conditions. • Failure to notify change of vehicle ownership/transfer within the timescale specified within the conditions. • Failure to provide relevant documents on the reasonable request of an authorised officer • Failure to comply with code of conduct guidance • Parking/waiting otherwise than in accordance with restrictions/regulations without good reason or excuse. • Obstruction of a highway or footpath • Breach of signage conditions • Littering from a licensed vehicle • Incomplete records of private hire journeys	**First offence/contravention/breach:** Verbal warning. Record of warning maintained for 12 months. **Second (or any subsequent) offence/ contravention/ breach** Within 12 months of original offence, contravention or breach Written warning. Record maintained 24 months. **Any licence holder receiving two written warnings within a 24 month period will be referred to the General Licensing Sub-Committee (GLSC)**

Category	Example	Outcome
Category two	Failure to have vehicle tested within timescales specified within the vehicle conditions Breach of vehicle or driver conditions where there is significant risk to safety or wellbeing of driver, passenger, public or other road user e.g. tyre tread level below legal limit Evidence of aggressive behaviour to passengers or other road users Modification of a licensed vehicle without the consent of the Council Overcharging of a passenger Licence holder failure to notify the Council of a conviction or caution received within the timescale specified within the conditions Prolonging or increasing the length of a fare/journey without good cause or excuses Failure to notify the Council of a change of medical condition likely to affect the ability of the licence holder to drive a licensed vehicle	**Offence/contravention/breach:** Written warning. Record maintained for 24 months. **Any licence holder receiving two written warnings within a 24 month period will be referred to the General Licensing Sub-Committee (GLSC)**
Category three	Use of an unlicensed vehicle or driver Using a vehicle without valid insurance Carrying more passengers than authorised by the vehicle licence Supplying false or misleading documentation or information to the Council Any conviction or caution for drugs, violence or of a sexual nature. Illegal plying for hire	**Licence holder will be referred to the General Licensing Sub-Committee (GLSC)**

Table two: serious motoring offences

DVLA code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DG40	In charge of a vehicle while drug level above specified limit
DR90	In charge of a vehicle when unfit through drugs

Appendix H

Guidelines relating to the relevance of convictions and other relevant information.

1. Introduction

1.1 This policy provides guidance to the Licensing Committee and its Sub-Committee on criteria to be taken into account when determining whether or not an applicant is fit and proper to be licensed or continue to be licensed as a driver, vehicle proprietor or operator. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper (safe and suitable) or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving ability and other relevant information supplied by the Police or other agency.

1.2 Whilst this policy primarily applies to the determination of driver licences for hackney carriages/private hire vehicles or both, the principles within it are equally applicable to the determination of private hire operator and vehicle/ hackney carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold (or be granted) a private hire operator licence or a vehicle licence, then this policy must be referred to during the determination process.

1.3 It is the responsibility of the Council to issue hackney carriage, private hire, driver and operator licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, public safety is the primary consideration. Licences will not be issued unless the person is considered to be fit and proper (safe and suitable).

1.4 In seeking to safeguard the public the Council will ensure that all applicants and licence holders:

- are fit and proper person in accordance with Part II S51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976
- do not pose a threat to the public
- are honest
- do not pose a threat to the safety of children, young persons and vulnerable adults
- do not undermine the public's confidence in the Licensing Regime

1.5 The term fit and proper (safe and suitable) for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with

determining licences/applications are effectively asking the following question of themselves:

'Would I be happy to allow my son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom I care, to get into a vehicle with this person alone?'
'If all the information known about an applicant was written on the door of the vehicle or premises would I still be happy to use the services of the applicant or be happy with a loved one using their services?"
'Am I happy for this person to know when my home is empty or for them to be a alone with a vulnerable family member ?"

If the answer to the above questions is an unqualified 'yes', then the person can be considered to be fit and proper (safe and suitable). If there are any doubts in the minds of those who make the decision, then the answer must be no and the licence should not be granted. The public place significant trust and responsibility on individuals they may have never met and know nothing about, based purely on the fact that the Council has granted them a Licence. For the public to maintain their confidence in the Licensing system the decision maker must only grant licences to those applicants that pass both these simple questions.

Granting a licence or allowing a person to continue to hold a licence where there is any doubt about them being fit and proper (safe and suitable) for the benefit of the applicant, for example, to give them a second chance or a fresh start is not in the public interest. The primary aim of this policy and those empowered to implement it is the protection of the public.

In order to assess the suitability of an applicant (and to inform decision makers), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- The driving history of an applicant (including any driving licence penalty points)
- Right to work,
- Medical fitness (DVLA Group 2 Medical Standards)
- Standard of driving/driving ability
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing/former licence holders.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, Officers of the Council other licensing authorities and statutory agencies.

1.6 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:

- Applicants for a licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the Licensing Committee/Sub-Committee • Magistrates or other Court Officials dealing with appeals regarding Council decisions about fitness and propriety.

1.7 In considering this guidance the Council will be mindful that each case must be considered on its merits and, where the circumstances demand, the Committee may depart from this policy.

1.8 In this policy the word “Conviction” includes convictions, cautions, warnings, reprimands and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

1.9 In this policy the term applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing or are having their licence reviewed by the Council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light. The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

2. General Policy

2.1 Whilst a committee may consider that a person with a conviction for a serious offence may not automatically be prevented from obtaining a licence, it is however to be expected that the applicant would be required to remain free of conviction for an appropriate period (as detailed below); and show adequate evidence that they are a fit and

proper (safe and suitable) person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper (safe and suitable) person to hold a licence.

2.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

2.3 The standards and criteria set out in paragraphs 6 to16 below are those that would normally be applied to applications and licences. In setting these the Council has considered the "Guidance on previous convictions" continued in the Statutory Guidance relating to taxis and private hire standards issued by the DfT in September 2020

2.4 The Council may depart from these; however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered to be exceptional circumstances.

3. Powers

3.1 Under the provisions of S.61 of the Local Government (Miscellaneous Provisions) Act 1976 the Council has powers to suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds-

(a) that he has since the grant of the licence-

- been convicted of an offence involving dishonesty, indecency or violence, or
- been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or part II of the Local Government (Miscellaneous Provisions) Act 1976, or

(b) any other reasonable cause

3.2 A suspension or revocation of a driver's licence takes effect at the end of a period of 21 days beginning with the day on which notice is given. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement to this effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. (S61(2B) of the Local Government (Miscellaneous Provisions) Act 1976

3.3 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an applicant or the holder of a private hire or hackney carriage driver's licence, whether spent or not. Therefore the Council will have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

3.4 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will take into account:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) are
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court • The applicant's age at the time of offence/incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending

Other factors that might be relevant include:

- Whether the applicant has intentionally misled the council or lied as part of the application process,
- Information provided by other agencies/Council departments.

3.5 Existing holders of driver's licences are required to notify the Council in writing within seven days of receiving an endorsement on their DVLA licence, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council about the honesty of the licence holder and will be taken into account as part of any subsequent application or any decision about the person's licence.

3.6 The Council requires all applicants for a driver's licence to supply an enhanced disclosure from the Disclosure and Barring Service (DBS) as part of the application process and maintain a valid subscription to the DBS Update Service for the duration of any licence. Where

applicants are required to obtain a new enhanced DBS certificate this will be done at their expense.

3.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information and benefit payments etc.

3.8 It is an offence for any person to knowingly or recklessly make a false declaration or to omit any "material particular" in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will normally be refused.

3.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

4. Appeals

4.1 Any person refused a driver's licence, or has their licence suspended or revoked on the grounds that the Council is not satisfied that they are a fit and proper (safe and suitable) person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal (Local Government (Miscellaneous Provisions) Act 1976, s 77
(1)).

5 Options when determining an application/licence

5.1 When determining an application or reviewing an existing licence the Council have the following options:

- approve the application
- refuse the application/
- revoke the licence
- suspend the licence
- issue a warning which may include the use of the escalated warning system.
- Attach any conditions that are deemed to be appropriate
- take no action

6. Crimes resulting in death

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

7. Terrorism

Where an applicant or licensee has been convicted of any terrorism offences they will not be licensed.

8. Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

9. Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

10. Possession of a weapon

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

11. Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

12. Dishonesty

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

13. Criminal Damage

Applications by persons who have a conviction for any offence of criminal damage imposed less than five years before the date of the

application will be determined by the General Licensing Sub-Committee.

14. Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted.

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

15. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

16. Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and the occasional occurrence of a minor traffic offence would not prohibit the granting of a licence.

Applicants and current licence holders with multiple motoring convictions or offences including the use of a handheld device. In these cases, it may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally/a licenced vehicle. This will include, but not exclusively those with more than two offences in a 12 month period, have 9 or more current/live penalty points on their licence, have a conviction for an offence where 6 or more penalty points have been awarded or have received any driving ban within 3 years from the re-instatement of the licence.

Motoring convictions involving alcohol/drink or drugs
Where an applicant has a motoring conviction where alcohol/drink or drugs is a factor, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Motoring insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant/licence holder has been free of conviction for three years.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward or driving without insurance will have their operator's licence revoked and will not be permitted to hold a licence for a period of at least ten years.

17. Licensing and Equality Act 2010 Offences

Offences such as plying for hire, overcharging, or refusing to carry disabled persons or Assistance Dogs will prevent a licence being granted or renewed until a period of three years has passed

18. Failure to declare, omissions and misrepresent

Failure to declare/omit or misrepresent any of the facts or details requested by the Council, will cause the Council to question if the application can be regarded as fit and proper (safe and suitable). An applicant's failure to read and/or understand any questions or requests will not be accepted as mitigation. Applicants or existing licence holders that are found to have intentionally misled the Council or lied as part of the application process, will not be issued with a licence.

19. Pattern of offending and multiple convictions

A licence will not normally be granted if an applicant has displayed a pattern of re-offending or has multiple convictions for similar offences.

20. None conviction information

The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals and circumstances in which convictions were quashed due to misdirection to the jury, where the decision was taken not to prosecute, where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness/complainant and the licence holder will be taken into account.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration will be given to refusing the application. Such offences would include violence, drugs and sexual offences.

21. Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, this decision will be made on a case-by-case basis

Appendix I

Cheshire West and Chester Borough Council Approved Vehicle List for Hackney Carriages

This document applies to both new and replacement vehicles which are both subject to the Council's age policy (as approved 16 April 2013 as amended). It names the approved vehicles and specifications approved for use as hackney carriage vehicles.

There are three hackney carriage zones across the district, each with their own requirements. See full policies for details,
With effect from February 2014, all hackney carriage vehicles that are to be considered for the grant of a hackney carriage proprietor's licence must comply/have;

- approval from the Council's Senior Access Officer;
- EC Whole Vehicle Type Approval (in the case of vehicles having UK Low Volume Type Approval only, additional permission must be sought. Individual vehicle conversions will not be approved);
- a hearing induction loop fitted
- high-visibility, contrasting style coloured internal fittings including grab handles and seat pads (for persons with sight difficulties);
- a passenger side-step on each side of the vehicle. If permanently deployed or protruding, must have high-visibility edging to step; (may not be required for vehicles with a lower floor height)
- three-point seatbelts to all seats;
- a taximeter to control the roof-light;
- a partition/bulk-head divider (between driver/rear passengers);
- Been permanently adapted / modified to enable a passenger using a wheelchair (reference wheelchair) to enter, exit and travel safely and securely whilst always remaining in their wheelchair for the entire journey. Any ramp must be certified for a minimum load weight in excess of 300 Kg and the angle of assent from the road level must not exceed a 1:4 gradient. Any lift must be certified to a minimum load weight in excess of 300 Kg and have a current lift service/inspection certificate in line with the Lifting Operations Equipment Regulations 1998 (inspection 6 months and service and weight test annually). Any vehicle conversions must have the appropriate DVSA documentation/approval for the conversion.

- In the case of vehicles with rear sliding passenger doors, an illuminated warning bar be fitted to the rear of the vehicle to indicate when the passenger doors are open. This must be fitted externally, be to the specification of the vehicle manufacture and approved by the Council.

- a minimum of 135 cm rear headroom, when measured at the shortest distance between the vehicle floor and roof lining.

- Must evidence that Fare meter is set to appropriate fare tariff and a calibration certificate must be produced.

Approved Hackney Carriage Vehicle List

- LTI – London Taxi International and London Electric Vehicle Company TX Electric taxi approved ultra low emission vehicle
- Cab Direct/Allied Vehicle Conversions – Peugeot E7; Mercedes M8, Peugeot Euro Taxi, Ford Pro-Cab, Mercedes Vito Taxi

- **Nissan e-NV200 Dynamo Motor Company** approved ultra low emission vehicle

- Voyager Multipurpose Vehicle Conversions – Renault NX8; Vauxhall Vivaro; Nissan NX8; Fiat/Citroen Voyager LC7; Ford Tourneo; Vauxhall
  Vivaro VX8

- Cab Direct/Allied Vehicles Peugeot All Electric “Premier” Rear Loading WAV . Requires hearing loop fitted (if required by access officer), passenger step (portable), high visibility grab handles and seat flashes, taxi roof-light and approved taxi meter. A road safety/warning triangle and driver high visibility vest/tabard to be supplied for use when loading in an active roadway.

  Specific to the **Vale Royal Zone Only**
  Peugeot Premier (supplied by Cab Direct)
  Ford Journey (supplied by Cab Direct)
  Volkswagen Kudos (supplied by Cab Direct)

Guidance notes:

- The Council approves vehicles from specific manufacturers/suppliers/ converters. Before purchasing a vehicle, you must be satisfied that the vehicle was manufactured/converted by an approved source. In the case of used vehicles, conversion certificates are vitally important. Vehicles without certificates proving the origin of the conversion should not be purchased. Purchases based on the make/model alone

are not sufficient and may result in the licence application being refused.

- Vehicles presented to the Council for licensing must be accompanied by original documentation confirming the vehicles type approval at time of manufacture (European whole vehicle), the details of the vehicle and the conversion company. You are advised not to purchase a vehicle without both adequate and valid documentation.

- If you are unsure as to whether the vehicle will be licensed, you are strongly advised to check with the Council's licensing team prior to entering into any finance agreement or prior to committing to the purchase of any vehicle.

- The reference wheelchair (powered or none powered) has: (a) total length of 1200mm including extra-long footplates (b) total width of 700mm (c) sitting height (from ground to top of head) of 1350mm and the footrest is 150mm above floor level.

Appendix J

Taxi and Private Hire Vehicles/Drivers – Guidance on Medical Exemption under the Equality Act 2010

Legal Duties under the Equality Act 2010

Licensed Hackney Carriage and Private Hire Vehicle (PHV) drivers have legal obligations under the Equality Act 2010 when transporting disabled passengers. These include specific duties regarding the carriage of assistance dogs and wheelchair users.

Carriage of Assistance Dogs

Drivers are legally required to:

- Carry guide, hearing, and other assistance dogs accompanying disabled passengers.
- Do so without imposing any additional charge.

These duties apply regardless of:

- Whether the dog is provided by a UK charity affiliated with Assistance Dogs UK, an equivalent overseas organisation, or trained by the owner.
- Whether the dog wears a recognisable harness or jacket.
- Whether formal certification is presented.

If a passenger states that their dog is an assistance dog, this should be accepted without challenge.

Passenger and Dog Comfort

- Assistance dogs are trained to travel in the main passenger compartment, typically lying at their owner's feet.
- Drivers should ask passengers if they have a seating preference, as some may prefer the front passenger seat for additional space.
- Drivers must not separate assistance dogs from their owners or insist the dog travel in a different part of the vehicle, as this may cause distress.
- In estate vehicles, assistance dogs may travel in the rear load space only if the owner consents.

Driver Concerns and Exemptions

Assistance dogs are:

- Selected for their calm temperament.
- Professionally trained.
- Subject to regular grooming and veterinary checks.

Discomfort around dogs or religious beliefs do not constitute valid grounds for refusing carriage of an assistance dog.

However, drivers may apply for a medical exemption if they have a condition aggravated by exposure to dogs, such as:

- Severe asthma
- Allergies
- Acute phobia of dogs

Applying for a Medical Exemption

To apply, drivers must:

1. Submit Form A (form provided by Cheshire West and Chester Council's Licensing Team). The application form must be completed by a Specialist Medical Practitioner, and,

2. Provide supporting medical evidence, such as:

    - Allergen test results
    - Clinical history
    - Psychiatric or psychological reports (for phobias)

Acceptable medical professionals include:

- Consultants or specialists
- Specialist nurses (e.g., asthma nurses)
- Practice nurses
- The council's nominated independent doctor.

In exceptional cases, evidence from a General Practitioner may be considered only if no other alternatives are available.

A simple statement from a medical professional will not be accepted as sufficient evidence.

Exemption Certificate and Badge

If granted:

- The driver will receive a certificate and badge as prescribed by law.
- The badge must be clearly displayed at all times in any Hackney Carriage or PHV operated by the exempt driver.
- The exemption will be valid for a specified period, as determined by the Licensing Authority.

Legal Implications

Without a valid exemption:

- It is a criminal offence to refuse to carry an assistance dog.

- It is also an offence to:
- Refuse to allow the dog to remain with the passenger throughout the journey.
- Charge extra for carrying the assistance dog.

Vehicle Considerations

The Licensing Authority will also consider:

- The type of Hackney Carriage/Private Hire vehicle used.
- The interior layout, including whether a partition separates the driver from the passenger and assistance dog.
- Available space with any luggage.

Carriage of Wheelchair Users – Driver Responsibilities

Under the Equality Act 2010, licensed Hackney Carriage and PHV drivers operating Wheelchair Accessible Vehicles (WAVs) are legally required to:

- Carry passengers who use wheelchairs.
- Provide appropriate assistance to ensure their safety and reasonable comfort.
- Do so without imposing any additional charge.

Types of Assistance Required

Drivers must provide assistance in accordance with the passenger's preference:

- **If the passenger remains in the wheelchair:**
  - Assist with boarding and alighting.
  - Ensure the wheelchair is properly secured in line with the vehicle's specifications.
- **If the passenger transfers to a seat:**
  - Assist with the transfer.
  - Load the wheelchair into the vehicle.
  - Handle any accompanying luggage.

Failure to comply—without a valid legal defence—is a criminal offence, punishable by a fine of up to £1,000 per offence and may result in suspension or revocation of the driver's hackney carriage/private hire driver licence.

Reference Wheelchair Dimensions

The statutory definition of a "reference wheelchair" includes:

- Length: 1200mm (approx. 48") including footplates
- Width: 700mm (28")

- Seated Height: 1350mm (54")
- Footrest Height: 150mm (6")

Specialist or motorised wheelchairs and mobility scooters may exceed these limits and may not be safely carried in all WAVs.

In such cases, drivers are expected to:

- Assess whether safe and comfortable carriage is possible.
- Carry the passenger if it is safe to do so.
- Assist the passenger in locating a suitable alternative vehicle, where practicable.

Such circumstances may constitute a valid defence to non-compliance. Regardless of the outcome, drivers must treat passengers with respect and sensitivity and provide a clear explanation if unable to provide carriage.

Medical Exemptions – Wheelchair Duties

Drivers may apply for a medical exemption from the duty to carry wheelchair users and/or provide assistance, where a physical condition makes it impossible or unreasonably difficult for them to comply with the duty.

Each case is decided on its own merits.

Most exemption requests are likely to relate to musculoskeletal conditions, which may also affect driving ability and there may also be other physical conditions that would qualify a driver for an exemption certificate. The medical expert's opinion will be taken into consideration in each case.

Application Process

To apply:

- Submit Form B (form provided by Cheshire West and Chester Council's Licensing Team). The application form must be completed by the applicant's General Practitioner or Specialist Medical Practitioner.
- The application must include detailed medical evidence, such as a diagnosis and information on ongoing medical investigations.
- Simple statements from medical professionals will not be accepted.
- All costs associated with the application are the responsibility of the applicant.

<u>Licensing Authority Decision</u>:

- The Licensing Authority will make a decision based on the submitted application and medical documentation/evidence.
- If the information is ambiguous or incomplete, further clarification will be required.
- Temporary conditions may result in a time-limited exemption certificate.

- To extend an exemption, a new medical assessment must be submitted before the certificate expires.
- If no extension is sought, the driver is expected to resume full duties under the Equality Act once the exemption expires.
- Expired certificates must be returned to the Licensing Authority within one working day.

Appeals

Drivers dissatisfied with the Licensing Authority's decision to refuse a medical exemption may appeal to the Magistrates' Court within 28 days of the date of refusal.

APPLICATION FORMS

Form A and Form B application forms are available upon request from Cheshire West and Chester Borough Council's Licensing Team.

To request an application form, please email licensing@cheshirewestandchester.gov.uk or call 0300 123 7737