

## MEETING OF EXECUTIVE CABINET

29 June 2017

Commenced: 2.00 pm

Terminated: 3.05 pm

Present: Councillor K. Quinn (Chair)  
Councillors Cooney, J. Fitzpatrick, Gwynne, Robinson, Taylor, L Travis and Warrington

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Executive Cabinet.

### 2. MINUTES

#### (a) Executive Cabinet

Consideration was given to the Minutes of the meeting of Executive Cabinet held on 22 March 2017.

#### RESOLVED

**That the Minutes of the meeting of Executive Cabinet held on 22 March 2017 be taken as read and signed by the Chair as a correct record.**

#### (b) Single Commissioning Board

Consideration was given to the Minutes of the meeting of the Single Commissioning Board held on 11 April 2017.

#### RESOLVED

**That the Minutes of the meeting of the Single Commissioning Board held on 11 April 2017 be received.**

#### (c) Association of Greater Manchester Authorities / Greater Manchester Combined Authority

Consideration was given to a report of the Executive Leader and Chief Executive, which informed Members of the issues considered at the AGMA Executive Board and Greater Manchester Combined Authority held on 28 April 2017 and the Forward Plan of Strategic Decisions of the Greater Manchester Combined Authority and AGMA Executive.

#### RESOLVED

**That the content of the report be noted.**

### 3. REVENUE MONITORING – QUARTER 4 2016/17

Consideration was given to a report of the First Deputy (Performance and Finance) and the Assistant Executive Director (Finance) showing that at Quarter 4 the overall net revenue expenditure for the 2015/2016 financial year was £1.234m under budget. This was after movements to reserves to assist with future years' budget pressures. The reports explained the main variations to the Council's approved budget for the year.

## **RESOLVED**

- 1. That the revenue outturn position be noted.**
- 2. That the detail for each service be noted.**
- 3. That the changes to revenue budgets as set out in Appendix 1 to the report be approved.**

## **4. CAPITAL MONITORING**

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Director (Finance) summarising the capital monitoring position at 31 March 2017. The report showed total capital investment of £35.288 in 2016/2017, which was £15,158m less than the total programmed spend for the year.

The projected outturn capital expenditure by service area was detailed and explanations were provided for capital projects with a projected variation of £0.100m or above over the life of the project. Schemes with an in-year variation in excess of £0.100m were highlighted and approval was being sought to re-profile the capital expenditure of these project.

## **RESOLVED**

- 1. That approval be given to:**
  - (i) The reprofiling to reflect up to date investment profiles;**
  - (ii) The revised Capital Programme (including changes).**
  - (iii) The Capital Financing statement for 2016/17.**
- 2. That the following be noted:**
  - (i) The 2016/17 Capital Outturn position.**
  - (ii) The current position in regards to compulsory purchase orders (CPOs) and indemnities**
  - (iii) The capital receipts position**

## **5. TREASURY MANAGEMENT ACTIVITIES**

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Director (Finance), which set out the Treasury Management activities for the financial year 2016/2017. It was explained that, given that investment interest rates were lower than external borrowing throughout the year, available cash reserves were used to fund internal borrowing on a temporary basis. This had resulted in lower than anticipated borrowing costs, with an external interest saving of £6.691m. Investment returns were £0.803m higher than estimated.

## **RESOLVED:**

- 1. That the treasury management activities undertaken on behalf of both Tameside MBC and the Greater Manchester Metropolitan Debt Administration Fund (GMMDAF) are noted.**
- 2. The outturn position for the prudential indicators in Appendix A is approved.**
- 3. The counterparty limit for GMPF is increased from £50m to £75m.**

## **5. COUNCIL TAX SUPPORT SCHEME**

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Director (Exchequer Services), which set out the procedural requirement for deciding if changes were required to the Council Tax Support scheme to become effective from April 2018. It was explained that scheme costs and claimant numbers continued to decline and support for claimants remained in place. It was stated that there appeared to be no adverse equality impact arising from the quarterly reviews that took place and further guidance, which may have a bearing on the scheme, from the Department for Communities and Local Government was not expected.

## **RESOLVED**

**That it be RECOMMENDED to Council that the Council Tax Support scheme for 2018/2019 in principle remains the same scheme as that effective from April 2017, subject to annual benefit uprating as detailed in the scheme and any further guidance, which may be issued from the Department for Communities and Local Government.**

## **6. TAMESIDE FUTURE 5**

Consideration was given to a report of the Executive Leader / Assistant Director (Policy, Performance and Communications), which set out a proposal for a 12 month contextual communications and engagement campaign that aimed to set out the narrative for a range of public service changes over the period. The report set out the proposed narrative that would be used for communicating and engaging with partners, citizens and businesses on the work being undertaken to provide a secure and sustainable future for Council services and Tameside communities. The report also set out examples of the campaign material. It was stated that a reformed public sector would support local residents to become resilient, independent and strong communities whilst engaging with others to help them do the same.

## **RESOLVED**

**That the proposed approach for the Tameside Future 5 campaign outlined in the report be agreed.**

## **7. RE-USE OF ASHTON TOWN HALL**

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Director (Development and Growth), which provided an update on project development, costs, delivery timescales and risks associated with the project for the re-use of Ashton Town Hall.

It was explained that Creative Heritage Consultants Ltd, a specialist heritage assets consultancy, had been commissioned in 2016 to develop a draft vision and high-level business plan for the sustainable future use of Ashton Town Hall capable of supporting an application for funding to the Heritage Lottery Fund. The report proposed a future for the building based on the following concepts:

- **Inform** – art and culture hub, retail / food & drink;
- **Debate** – Council Chamber, Mayor's Parlour, committee / meeting rooms and Forshaw Room;
- **Celebrate** – ballroom and function rooms.

A comprehensive condition survey had been completed in November 2016 by Donald Insall Associates and BCA Consulting. The condition survey identified £3.72 million of repairs needed on the building and established that its Mechanical and Electrical infrastructure was at the end of its serviceable life. £534k of repairs were urgent and £2.58 million would be required within 5 years to arrest further deterioration of the building. A sum of £607,326 had also been suggested to address desirable items such as replacing some of the windows with traditional sash windows, replacing some internal doors with doors more in keeping with the buildings character and heritage.

It was stated that the project would involve refurbishment/renovation works currently estimated at £7.3 million to a listed building. It would involve the stripping out and renewal of the existing Mechanical & Electrical installations, developing new museum and exhibition spaces, moving the existing museum, various alterations and re-modelling of internal space and a new lift/stairwell on the external façade. There would also be a degree of maintenance work to the roof and external façade.

The project had been registered with the Heritage Lottery Fund (HLF) towards an application for heritage grant funding. The initial advice is that the elements relating to the museum and arts

gallery could be supported subject to detailed proposals. A detailed bid for £1.5 million of Heritage Lottery Fund grant was being prepared for submission in Summer 2017. The Council would need to consider the possible level of funding available to support the project within its overall capital programme.

## **RESOLVED**

- 1. That the progress made to date with developing the project to secure the reuse of Ashton Town Hall be noted;**
- 2. That approval be given to a project development budget of £0.250 million for design and planning work up to RIBA Stage 4 (Technical Design) as outlined in the report to enable a full feasibility and costings to provide sufficient information for Members to determine whether an allocation from the revised Capital Programme should be made.**

## **8. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES AND CONDITIONS**

Consideration was given to a report of the Executive Member (Clean and Green) / Assistant Director (Environmental Services), which informed Board of the results of the recent consultation on proposed changes to the existing policies & conditions for licensed private hire & hackney carriage vehicles & drivers and the subsequent comments of the Speaker's Panel (Licensing) in relation to the proposed changes.

Members were reminded that in August 2016, permission had been granted by the Executive Member (Environmental Services), for a 12 week public consultation in respect of the proposed amendments, during which all key stakeholders would be given the opportunity to give their responses. The full consultation was attached at **Appendix 1** to the report and the responses to the consultation were attached at **Appendix 2** to the report.

Attached at **Appendix 3** to the report was a summary of all the proposed changes to policies & conditions, together with a summary of the perceived benefits & risks associated with the proposed changes.

On 24 January 2017, a report had been presented to the Speaker's Panel (Licensing), summarising the proposed changes to policy & conditions and outlining in detail the results of the public consultation. Members of the Tameside Owners and Drivers Association were present at the meeting and addressed the Panel in respect of each individual proposal. The Panel was asked to make comments on the proposals, and the Panel's comments are included in the report.

Members were requested to consider the contents of the report and make a recommendation to Full Council on whether some, or all of the proposed amendments to licensed vehicle & driver policies & conditions listed below should be adopted by the Authority.

- Lower age limit for licensed wheelchair-accessible vehicles
- Conditions relating to vehicles which have been written off in an accident
- Additional types of vehicle to be licensed as hackney carriages
- Including the acceptable condition standard in the vehicle licence conditions
- The Councils "Convictions Policy" for licensed drivers and applicants for drivers licences
- Policy relating to the requirement for new applicants to pass an English Language test and a local knowledge test.
- CCTV

## **RESOLVED**

**That Council be RECOMMENDED to agree that the amended policies and conditions for private hire and hackney carriage drivers and vehicles as set out in the appendix to the report be adopted by the Council.**

## **9. TAMESIDE INTERCHANGE LAND ASSEMBLY GOVERNANCE**

(Note: The Chair agreed that this item could be considered as a matter of urgency as delay in its consideration could be financially detrimental to the Council).

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Director (Development and Growth), which sought approval for a land assembly agreement made by Tameside Council on behalf of Transport for Greater Manchester in securing all the required land for the new Tameside Interchange.

Members were reminded that the Tameside Interchange would see a new interchange constructed primarily on the existing bus station site, but with the footprint shifted to the west to improve links with the Metrolink terminus. In order to deliver the project land was required from the Ministry of Justice at Francis Thompson Drive and New Charter Housing adjacent to Assheton House. It was explained that at the time the original approval was granted in 2015, it was anticipated that the land assembly costs would at least be covered by the potential sale receipt from the development land. This was at the time when costs were anticipated to be in the order of £230k. The report explained that the site assembly costs had increased significantly and the total outlay was now expected to be in the region of £850k, albeit this would be shared with Transport for Greater Manchester and currently did not include any rental income to be agreed with the Ministry of Justice for the decant location in Birchcroft.

Indicative valuations of site ranged between £800k and £1m based on assumptions around future use and planning. Therefore, the financial position was much more finely balanced. Based on these figures there could be a loss of £50k or a surplus of £150k (before any sharing with TfGM) but ultimately this was dependent on the development receipt actually received.

### **RESOLVED:**

**That approval is given to the following inter dependant actions, in order to complete the land-assembly agreements which are necessary to facilitate the new Tameside interchange (Ashton-Under-Lyne) development:**

- (a) purchase by the Council of the Ministry of Justice facility at Francis Thompson Drive together with relocation compensation equating to a total compensation package of £800k subject to £400k being met by Transport for Greater Manchester; purchase by the Council of freehold land at Assheton Close from New Charter of £15,000;**
- (b) payment by the Council of any tax liabilities falling to the Council as set out in the financial implications within this report;**
- (c) delegation of any consequential agreements arising out of the actions approved in this report to the Executive Director Governance, Resources, and Pensions in consultation with the Executive Director of Place to agree and execute, including:**
- (d) Payment by Transport for Greater Manchester to the Council of £400,000 forming 50% of the compensatory payment to be paid to the Ministry of Justice;**
- (e) the transfer of the surplus residual land from Transport for Greater Manchester to the Council for £1 (i.e. the land of the current transport interchange that is not required for the new Interchange) following completion of the development, with any direct receipt split equally between the Council and TFGM, with Governance to be sought at a later date; and**
- (f) To agree with Transport for Greater Manchester how transactional costs arising out of the actions approved in this report, including any tax required to be paid, such as Stamp Duty and Land Tax, and Value Added Tax, and New Charter land costs are to be met.**

**CHAIR**


# APPENDIX 1

<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	28 June 2017
<b>Executive Member/Reporting Officer:</b>	Councillor Allison Gwynne, Executive Member (Clean and Green) Ian Saxon, Assistant Director (Environmental Services)
<b>Subject:</b>	<b>REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES &amp; CONDITIONS</b>
<b>Report Summary:</b>	This report outlines the consultation process recently undertaken in relation to proposed changes to policies & conditions for licensed private hire & hackney carriage vehicles and drivers. The report includes all responses to the public consultation, together with the comments from the Speaker's panel (Licensing).
<b>Recommendations:</b>	That the amended policies & conditions for private hire & hackney carriage drivers & vehicles be adopted by the Council.
<b>Links to Community Strategy:</b>	The licensing of Hackney Carriage vehicles contributes towards the Community Strategy theme of providing a safe environment.
<b>Policy Implications:</b>	Any future changes to these policies will be subject to Council decision.
<b>Financial Implications:</b> <b>(Authorised by the Section 151 Officer)</b>	Any expenditure relating to the implementation of changes to the policies and conditions will be financed from the service revenue budget.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	The Council has previously resolved that Part II of the Local Government (Miscellaneous Provisions) Act 1976 should apply within Tameside. Consequently the Council is responsible for regulating the Private Hire and Hackney Trade within the Tameside. The Council has policies and conditions in place to enable members of the trade (private hire and hackney drivers, owners of private hire and hackney vehicles and private hire operators) to know how the Council will carry out these functions. The policies and conditions also ensure the Council carries out these functions in a transparent, fair, reasonable and proportionate manner. The Council is entitled and expected to amend these policies and conditions to reflect the changing needs of the Council, the trade and the public. In respect of the proposed changes to the current policies and conditions appropriate consultation has been carried out and had regard to which should reduce the risk of them being successfully challenged by way of a judicial review.
<b>Risk Management:</b>	Failure to properly consult on these proposals could result in a challenge from the trade or their representatives through a judicial review. This risk has been managed by extensive discussions with the trade which means that officers believe that the proposals in this report are broadly acceptable to most

members.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer, by Ian Saxon, Assistant Executive Director:

 Telephone: 0161 342 34701

 e-mail: [lan.saxon@tameside.gov.uk](mailto:lan.saxon@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 In 2011, the Council adopted new policies and licence conditions for Hackney Carriage & Private Hire drivers, vehicles & operators. The new policies and conditions were the first such update since 1980.
- 1.2 Before adopting the new policies & licence conditions, an extensive consultation exercise was carried out which invited comment from the taxi & private hire trade, the public and elected members. As part of this consultation exercise, a report was presented to the Speaker's Panel (Licensing) on 11 March 2011, asking for a number of recommendations to be made by the panel to assist in the final decision.
- 1.3 When the Panel made their final recommendations, they also recommended that, once adopted, the policy & conditions should be reviewed again after a period of 3 years.
- 1.4 In November 2011, the Executive Member for Environmental Services formally adopted the revised policies & conditions by way of a key decision. The new policies included several significant amendments such as an age limit for licensed vehicles (a first for Tameside), a condition standard for licensed vehicles, a code of conduct for licensed drivers and a requirement for larger operators to keep electronic booking records.
- 1.5 In October 2015, the Tameside Owners & Drivers Association (the trade body representing licensed drivers and vehicle owners in Tameside) carried out two "go slow" protests around the Tameside area. One of the Association's main grievances was with some of the policies & conditions adopted by the Council in November 2011.
- 1.6 Following the protest, and taking into account the recommendation made by Panel in 2011 to review the conditions after 3 years, a decision was made to review some of the licence conditions for hackney carriage and private hire vehicles & drivers. Some amendments have been suggested by the representatives of the taxi trade and some have been suggested by the Licensing Manager.

## 2. REPORT

- 2.1 In August 2016, permission was granted by the Executive Member for Environmental Services, for a 12 week public consultation in respect of the proposed amendments, during which all key stakeholders would be given the opportunity to give their responses.
- 2.2 The consultation started on 6 September 2016 and remained active until 29 November 2016. The consultation was run via the Council's "Big Conversation" web page and anyone could respond to give their views on the proposed amendments to licence conditions.
- 2.3 The full consultation is attached at **Appendix 1**. This is the full list of questions relating to all the issues which are under review. The responses to the consultation are attached at **Appendix 2**.
- 2.4 Attached at **Appendix 3** is a summary of all the proposed changes to policies & conditions, together with a summary of the perceived benefits & risks associated with the proposed changes.
- 2.5 On 24 January 2017 a report was presented to the Speaker's Panel (Licensing), summarising the proposed changes to policy & conditions & outlining in detail the results of the public consultation. Members of the Tameside Owners & Drivers Association were present at the meeting and addressed the Panel in respect of each individual proposal.



The Panel were asked to make comments on the proposals, and the Panel's comments are included in this report.

- 2.6 Following the public consultation, some minor amendments were made to the proposed policies & conditions & a further 2-week consultation was carried out in relation to these minor amendments. The responses to this short consultation are attached at **Appendix 10**.

#### **Licensed vehicle age limit**

- 2.8 The current conditions for hackney carriages and private hire vehicles require new vehicles (those being issued with a licence for the first time) to be less than 5 years old, and existing vehicles to be taken off the fleet at 12 years of age (15 years for wheelchair accessible vehicles – which includes all hackney carriage vehicles).
- 2.9 The taxi & private hire association have requested that the Council consider amending the lower age limit of 5 years for wheelchair accessible vehicles only. Their request is that the lower age limit be raised to allow wheelchair accessible vehicles up to 8 years old to be licensed for the first time.
- 2.10 The public consultation showed that 65% of respondents either agreed or strongly agreed with the proposal to increase the lower age limit for vehicles and 35% either disagreed or strongly disagreed.
- 2.11 The Speakers Panel (Licensing) commented that they were satisfied that there was scope to increase the lower age limit (for wheelchair accessible vehicles only), providing any increase was balanced out by the introduction of an emissions policy and a condition policy which applies to all licensed vehicles, irrespective of age. The Panel commented that a lower age limit of 7 years may be appropriate in these circumstances.
- 2.12 The lower age limit of 7 years for wheelchair accessible vehicles is proposed as an amendment to be adopted by the Council.

#### **Conditions relating to vehicles which have been written off in an accident**

- 2.13 Currently, there are no conditions which prevent the Authority from issuing licences to vehicles, which have repaired after having previously been damaged and then declared a total loss by an insurance company.
- 2.14 The Licensing Manager has asked for a policy to be introduced, which precludes the Authority from licensing previously written-off vehicles due to concerns about the vehicle's structural integrity in the event of a second accident.
- 2.15 Subject to certain exemptions, the taxi & private hire trade association have agreed that there are benefits in introducing a restriction on the licensing of written-off vehicles.
- 2.16 In addition, the trade association have requested that the existing conditions be amended to allow the owners of vehicles which are above the "lower" age limit, to replace their vehicle with one, which is of a similar, or younger age (as long as the vehicle is below 10 years old), if their existing vehicle is written off or stolen.
- 2.17 This amendment would ensure that vehicle owners were not penalised by having to find additional money to buy a vehicle which is below the lower age limit.
- 2.18 The public consultation showed that 70% of respondents either agreed or strongly agreed with the proposal to prohibit the licensing of vehicles, which have previously been written-off and 29% disagreed.
- 2.19 In addition, the public consultation showed that 51% of all respondents supported the suggestion that vehicle owners whose vehicle is written-off or stolen should be able to

replace their vehicle with one which is of a similar or younger age. 49% either disagreed or strongly disagreed.

2.20 The Speaker's Panel (Licensing) agreed that these proposals were reasonable and proportionate, and that prohibiting the licensing of previously written-off vehicles was a suitable public protection measure. In addition, they supported allowing owners to replace written-off vehicles with older replacements, providing a vehicle condition policy could be introduced which applies to all vehicles, irrespective of their age.

2.21 The suggested changes relating to written-off vehicles is recommended to Council.

#### **Additional types of vehicle to be licensed as hackney carriages**

2.22 The taxi trade have requested that the Council consider licensing a wider range of vehicles as hackney carriages, including smaller, rear (wheelchair) loading vehicles. The trade association believe that there are cost benefits to the owners of hackney carriages, and have provided a list of vehicles which are marketed as purpose-built taxis and are cheaper to buy – both new and used – than the current list of approved vehicles.

2.23 The public consultation showed that 79% of respondents either agreed or strongly agreed with this proposal and 21% either disagreed or strongly disagreed.

2.24 The Speaker's panel (Licensing) agreed with the proposal.

2.25 It is recommended that Council allows the additional types of vehicle to be licensed as hackney carriage vehicles.

#### **Acceptable condition policy**

2.26 The existing acceptable condition policy requires the owners of licensed vehicles over 10 years old to keep them in good condition, or risk the Council refusing to re-license them.

2.27 The taxi trade have suggested the removal of this policy and the introduction of an alternative policy requiring all vehicles, regardless of age, to meet the same high standards. Their view is that this would be fairer, as all vehicles, irrespective of age, would need to meet the same standards. They also believe that it would be a clearer policy, as having the same standards for all vehicles would make the requirements clearer and easier to understand.

2.28 92% of respondents to the public consultation either agreed or strongly agreed with this proposal and 8% either disagreed or strongly disagreed.

2.29 The Speaker's Panel (Licensing) agreed that the acceptable condition policy should apply to all vehicles, irrespective of age. They also commented that the introduction of a vehicle emissions policy would also help to address air quality issues across Tameside and the rest of Greater Manchester.

2.30 It is recommended that the Council incorporates the acceptable condition policy and the new emissions policy within the policies & conditions for private hire and hackney carriage vehicle conditions.

#### **The Councils "Convictions Policy" for licensed drivers and applicants for drivers licences**

2.31 The Convictions Policy defines the matters which the Speaker's Panel (Licensing) should take into account when deciding if a licensed driver or applicant is a "Fit & Proper" person & gives guidance to the Panel on applying the "Fit & Proper Test".

- 2.32 The existing convictions policy was introduced in 2006 and will benefit from a refresh to ensure it is fit for purpose. The new policy is based on a policy which has been commonly adopted by the majority of Greater Manchester authorities.
- 2.33 In addition, the current policy does not give any guidance on how the Panel should consider “non conviction-related matters” such as intelligence and court acquittals for serious offences. A revised policy would help the Panel in making appropriate decisions and assist in protecting the public. The proposed new policy is attached at **Appendix 4**
- 2.34 48 respondents to the public consultation gave narrative responses to this proposal – the responses are attached at **Appendix 5**
- 2.35 The Speaker’s Panel (Licensing) strongly supported the introduction of a new convictions policy.
- 2.36 It is recommended that the new policy be adopted by the Council.

**Policy relating to the requirement for new applicants to pass an English Language test and a local knowledge test.**

- 2.37 Under the current policy & conditions, new applicants for driver’s licences are required to pass an English language test and a local knowledge test. These tests are currently administered by Officers from the Licensing Department.
- 2.38 The proposal is for the function of testing prospective applicants to be outsourced to an appropriate college or training facility to ensure fairness and high standards are maintained in respect of the training and testing of new applicants for taxi & private hire driver’s licences.
- 2.39 91% of respondents to the public consultation either agreed or strongly agreed with this proposal and 9% either disagreed or strongly disagreed.
- 2.40 The Speaker’s Panel (Licensing) supported the proposal on the understanding the Licensing Authority retained control of the content & curriculum of any new course or exam.

**CCTV cameras in licensed vehicles**

- 2.42 CCTV can offer additional protection to members of the public and licensed drivers, prevent crimes against drivers and provide useful evidence in the event of a complaint.
- 2.43 The proposal is to introduce a policy which encourages the use of CCTV in licensed vehicles and gives clear guidance to drivers and owners on all aspects of CCTV use in licensed vehicles. A draft CCTV policy is attached at **Appendix 6**
- 2.44 90% of respondents to the public consultation either agreed or strongly agreed with this proposal and 10% either disagreed or strongly disagreed.
- 2.45 The Speaker’s Panel (Licensing) strongly supported this proposal.
- 2.46 It is recommended that the Council adopts the new CCTV policy.
- 2.47 The proposed new vehicle conditions, including the revised vehicle condition policy, restrictions on written-off vehicles and a new emissions policy for licensed vehicles are attached at **Appendix 7** and **Appendix 8**.
- 2.48 An Equality Impact Assessment has been completed in relation to the proposed amendments & is attached at **Appendix 9**.

- 2.49 The initial screening section of the equality impact assessment showed that none of the groups with protected equality characteristics would be negatively impacted by the adoption of any of the amended & new policies & conditions.
- 2.50 The only exception related to members of the public with disabilities, for whom it was felt that the impact of extending the lower age limit for wheelchair accessible vehicles may have a positive impact by increasing the number of such vehicles within Tameside.
- 2.51 In view of the results of the initial screening, it was not felt necessary to carry out a full equality impact assessment.

### **3.0 RECOMMENDATION**

- 3.1 As stated on the report cover



## PRIVATE HIRE & HACKNEY VEHICLES POLICIES & CONDITIONS REVIEW

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### QUESTIONS

**Q1. Please indicate which of the following best describes your interest in this consultation (Please tick one box only):**

- A holder of a taxi related licence with Tameside Council
- A member of the public
- A community or voluntary group
- A partner organisation
- A business /private organisation
- Other (please specify below)

**Q2. Have you used a private hire or hackney vehicle in Tameside during the last 12 months? (Please tick one box only):**

- Yes (Go to Q3)
- No (Go to Q4)

**Q3. Approximately how often have you used a private hire or hackney vehicle in Tameside during the last 12 months? (Please tick one box only)**

- More than once a week
- At least once a week
- Two or three times a month
- At least once a month
- About once every six months
- At least once a year

**Q4. If an individual currently wishes to licence a taxi or private hire vehicle with Tameside Council, it must be less than 5 years old (referred to as the 'lower age limit'). Once licensed, the vehicle can remain licensed until it is 12 years old, or 15 years old if it is wheelchair accessible.**

Members of the taxi trade have requested that consideration be given to raising the lower age limit from 5 years to 8 years for wheelchair accessible vehicle (this includes all hackney carriages – or 'black cabs' - in Tameside). There is no proposal to increase the upper age limit of 15 years.

**To what extent do you agree that the lower age limit for wheelchair accessible vehicles should be raised from 5 years to 8 years? (Please tick one box only)**

- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q5. If a licensed vehicle is written off in an accident or stolen, the owner must replace the vehicle with one which is less than 5 years old – irrespective of the age of the vehicle which was written off.**

**Members of the taxi trade have requested that this policy be reviewed to allow vehicles of up to 10 years old to be licensed as direct replacements for existing licensed vehicles which have been written off or stolen.**

**To what extent do you agree that owners of a licensed vehicle which has been written off in an accident or stolen should be able to replace their vehicle with one which is up to 10 years old? (Please tick one box only)**

- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q6. We are also seeking views on whether the council should stop the licensing of vehicles which have previously been written off, and then repaired.**

**To what extent do you agree that vehicles which have previously been written off and then repaired should not be issued a licence to be used as a private hire or hackney vehicle? (Please tick one box only)**

- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q7. Prior to 2011, the Council could only licence “London style” taxis as hackney carriages (shown as Image A).**

Image A



**In 2011, a change in policy allowed a limited number of different vehicles to be licensed as hackney carriages, such as the Peugeot E7 (shown as Image B) and the Mercedes M8 (shown as Image C).**

Image B



Image C



**Members of the taxi trade have now requested that the Council considers licensing other, smaller vehicles as hackney carriages, such as the Ford Journey (shown as Image D) and the Peugeot Premier (shown as image E). These vehicles are smaller and wheelchair passengers are loaded from the rear, rather than from the side. They are also cheaper to buy.**

Image D



Image E



**To what extent do you agree that smaller vehicles, such as the Ford Journey (shown as image D) and the Peugeot Premier (shown as image E), should be considered for licensing as hackney vehicles? (Please tick one box only)**

- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q8. The Council adopted an “acceptable condition policy” in 2011. This policy required all vehicles over the age of 10 years old to be maintained to a higher standard to ensure older vehicles are maintained sufficiently well to protect the travelling public.**

**Members of the taxi trade have suggested that the enhanced conditions of this policy applicable to vehicles aged 10 years or over should be extended to all licensed vehicles so that all are maintained to the same high standard.**

**To what extent do you agree that the enhanced conditions of the acceptable condition policy, applicable to vehicles aged 10 years or over, should be applied to all vehicles irrespective of their age? (Please tick one box only)**

- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q9. The Council is not allowed to grant taxi driver licences to individuals unless they are a 'fit and proper' person. Currently, this decision is made in accordance with a 'convictions policy' which was adopted by the Council in 2006.**

**A new policy and set of guidelines relating to the application of the 'Fit & Proper Test' to licensed drivers & operators has been drafted which can be viewed at [www.tameside.gov.uk/tbc/FitProperTestPolicy.pdf](http://www.tameside.gov.uk/tbc/FitProperTestPolicy.pdf). The revised policy and guidelines tighten up the existing restrictions on individuals with certain convictions, and allows the Council to take into account a much wider range of information when deciding whether individuals are fit and proper.**

**Do you have any comments you wish to make in relation to the Policy & Guidelines relating to the Application of the "Fit & Proper Test" to Licensed Drivers & Operators? (Please state in the box below)**

**Q10. Applicants for hackney & private hire driver licences currently have to undergo an English language, numeracy and local knowledge test before being granted a licence.**

**The Council are considering requiring new applicants to undergo a course which would test potential drivers to a higher standard in terms of English, numeracy and local knowledge. The course would also give applicants instruction on other aspects of taxi driving, such as disability legislation, safeguarding etc.**

**To what extent do you agree with the introduction of a course which would ensure potential drivers are tested to a higher standard in terms of English numeracy and local knowledge? (Please tick one box only)**



- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q11. The Council is considering the introduction of a policy relating to CCTV in licensed vehicles. The proposed policy may include information relating to: advice and guidance in installing CCTV in vehicles; the type of CCTV systems which can be used; ensuring passengers are aware that CCTV is installed in the vehicle; training and competency in using CCTV systems.**

**To what extent do you agree with the introduction of a policy relating to CCTV in licensed vehicles? (Please tick one box only)**

- Strongly agree
- Agree
- Disagree
- Strongly disagree

**Q12. Do you have any other comments you wish to make in relation to our private hire or hackney vehicle policy & conditions? (Please state in the box below)**

## **ABOUT YOU**

**The following information will only be used as part of the consultation and will not be used or processed for any other purpose**

**Q13: Name:**

**Postcode:**

**If you are interested in joining The Big Conversation, your local online community for people who live, work and spend free time in Tameside, please provide your e mail address below and we will contact you.**

**E mail:**

**Q14 Are you.....?**

- Male  Female

**Q15 What is your age? (Please state)**

**Q16 What is your ethnic group? (Please tick one box only)**

**White**

- English / Welsh / Scottish / Northern Irish / British  
 Irish  
 Gypsy or Irish Traveller  
 Any other White background (Please specify)

**Mixed / Multiple Ethnic Groups**

- White and Black Caribbean  
 White and Black African  
 White and Asian  
 Any other Mixed / Multiple ethnic background (Please specify)

**Black / African / Caribbean / Black British**

- African  
 Carriibbean  
 Any other Black / African / Caribbean background (Please specify)

**Asian / Asian British**

- Indian  
 Pakistani  
 Bangladeshi  
 Chinese  
 Any other Asian background (Please specify)

**Other ethnic group**

- Arab  
 Any other ethnic group (Please specify)

**Q17 Are your day-to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This may include problems related to old age. (Please tick one box only)**

- Yes, limited a lot  
 Yes, limited a little  
 No

**Q18 Do you look after, or give any help or support to family members, friends, neighbours or others because of either: (Please tick one box only)**

- Long term physical or mental ill-health / disability?

- Problems due to old age?

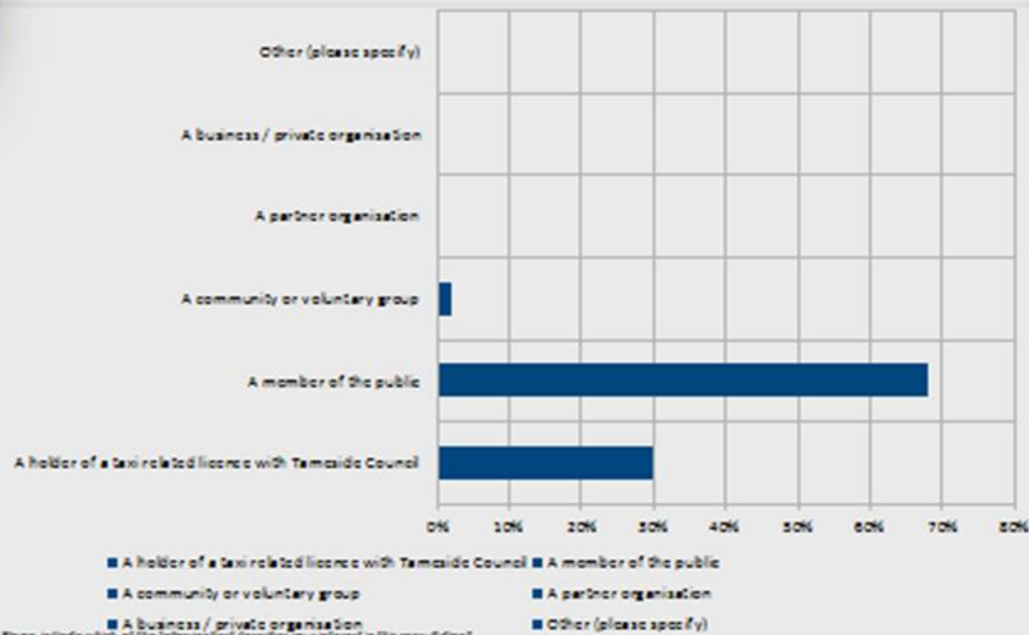
- No
- Yes, 1-19 hours a week
- Yes, 20-49 hours a week
- Yes, 50 or more a week

# Private Hire & Hackney Vehicle Policies & Conditions Review

November 2016

**decipher** | illuminate opportunity

[Q1] Please indicate which of the following best describes your interest in this consultation?



[Q1] Please indicate which of the following best describes your interest in this consultation?

8328 ((DPT0104)) (SN N = 112)



illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q1] Please indicate which of the following best describes your interest in this consultation?

	All
Total	100%
A holder of a taxi related licence with Tameside Council	30%
A member of the public	68%
A community or voluntary group	2%
A partner organisation	0%
A business / private organisation	0%
Other (please specify)	0%

[Q1] Please indicate which of the following best describes your interest in this consultation?

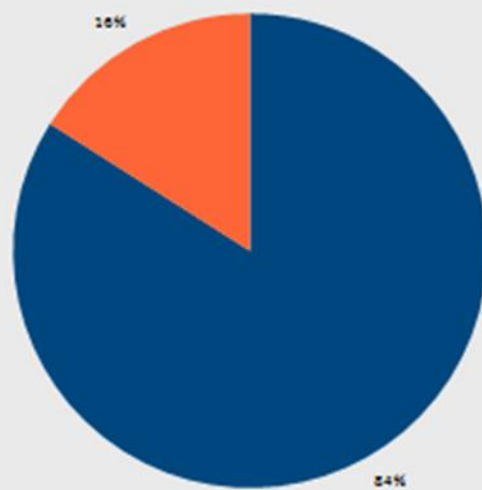
8328 ((DPT0104)) (SN N = 112)



illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q2] Have you used a private hire or hackney vehicle in Tameside during the last 12 months?

All



[Q2] How often you used a private hire or hackney vehicle in Tameside during the last 12 months?

8328 (84) (84 N = 118)

■ Yes ■ No

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q2] Have you used a private hire or hackney vehicle in Tameside during the last 12 months?

	All
Total	100%
Yes	84%
No	16%

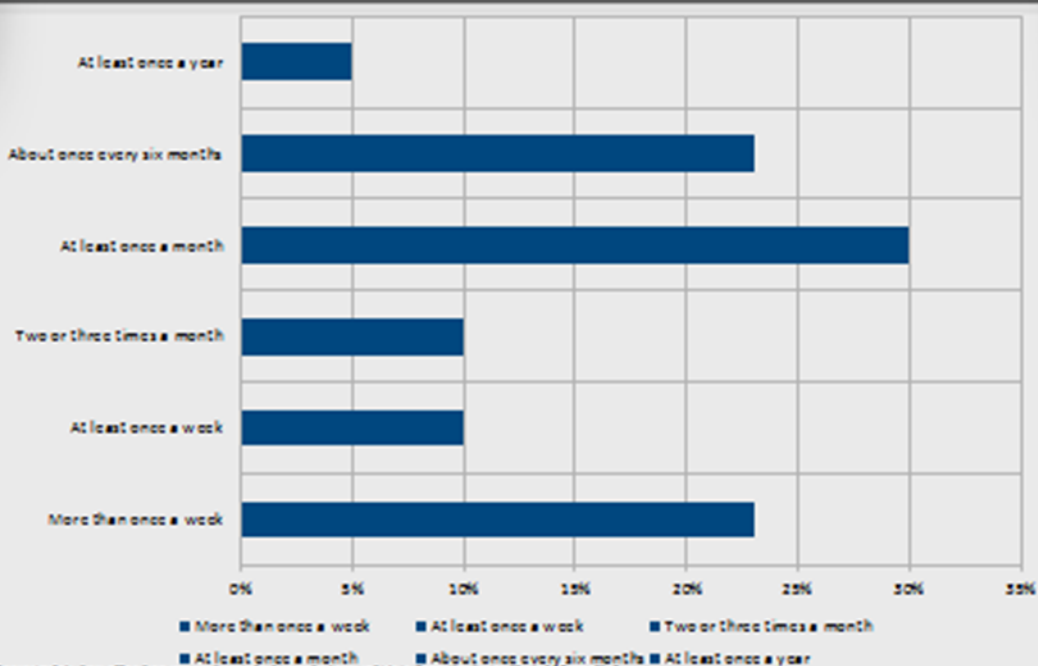
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8328 (84) (84 N = 118)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q3] Approximately how often have you used a private hire or hackney vehicle in Tameside during the last 12 months?



[Q3] Approximately: How often have you used a private hire or hackney vehicle in Tameside during the last 12 months?

8328 ((OPTD142)) (SN N = 100)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q3] Approximately how often have you used a private hire or hackney vehicle in Tameside during the last 12 months?

	All
Total	100%
More than once a week	23%
At least once a week	10%
Two or three times a month	10%
At least once a month	30%
About once every six months	23%
At least once a year	5%

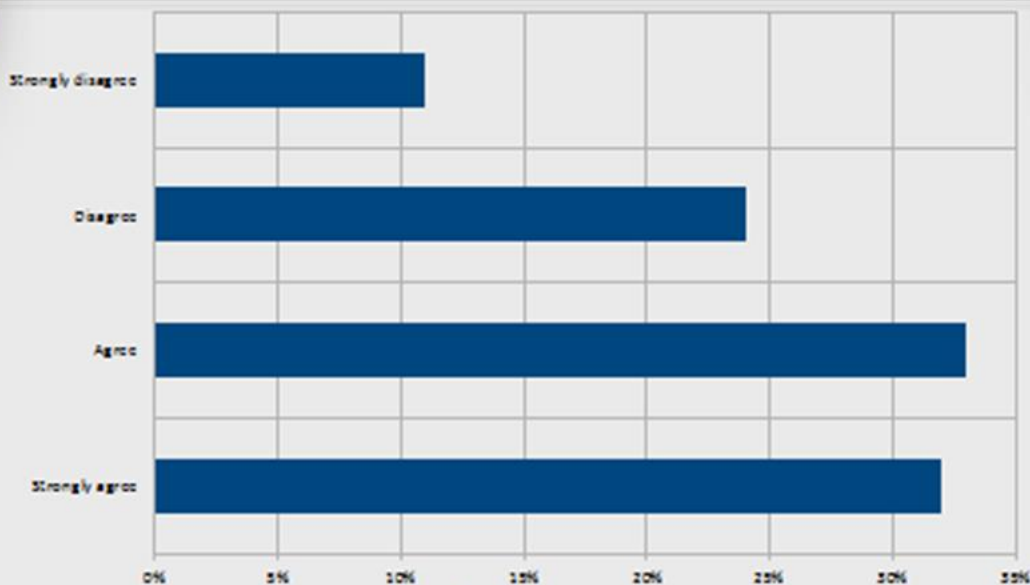
[Q3] Approximately: How often have you used a private hire or hackney vehicle in Tameside during the last 12 months?

8328 ((OPTD142)) (SN N = 100)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

Q4) If an individual currently wishes to licence a taxi or private hire vehicle with Tameside Council, it must be less than 3 years old (referred to as the 'lower age limit'). Once licensed, the vehicle can remain licensed until it is 12 years old, or 15 years old if it is wheelchair accessible. Members of the taxi trade have requested that consideration be given to raising the lower age limit from 3 years to 8 years for wheelchair accessible vehicles (this includes all hackney carriages – or 'black cabs' – in Tameside). There is no proposal to increase the upper age limit of 15 years. To what extent do you agree that the lower age limit for wheelchair accessible vehicles should be raised from 3 years to 8 years?



Q4) If an individual currently wishes to licence a taxi or private hire vehicle with Tameside Council, it must be less than 3 years old (referred to as the 'lower age limit'). Once licensed, the vehicle can remain licensed until it is 12 years old, or 15 years old if it is wheelchair accessible. Members of the taxi trade have requested that consideration be given to raising the lower age limit from 3 years to 8 years for wheelchair accessible vehicles (this includes all hackney carriages – or 'black cabs' – in Tameside). There is no proposal to increase the upper age limit of 15 years. To what extent do you agree that the lower age limit for wheelchair accessible vehicles should be raised from 3 years to 8 years?

Q4) (OPTIONAL) (Q4 N = 110)

**decipher**

Illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

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	All
Total	100%
Strongly agree	32%
Agree	33%
Disagree	24%
Strongly disagree	11%

Q4) If an individual currently wishes to licence a taxi or private hire vehicle with Tameside Council, it must be less than 3 years old (referred to as the 'lower age limit'). Once licensed, the vehicle can remain licensed until it is 12 years old, or 15 years old if it is wheelchair accessible. Members of the taxi trade have requested that consideration be given to raising the lower age limit from 3 years to 8 years for wheelchair accessible vehicles (this includes all hackney carriages – or 'black cabs' – in Tameside). There is no proposal to increase the upper age limit of 15 years. To what extent do you agree that the lower age limit for wheelchair accessible vehicles should be raised from 3 years to 8 years?

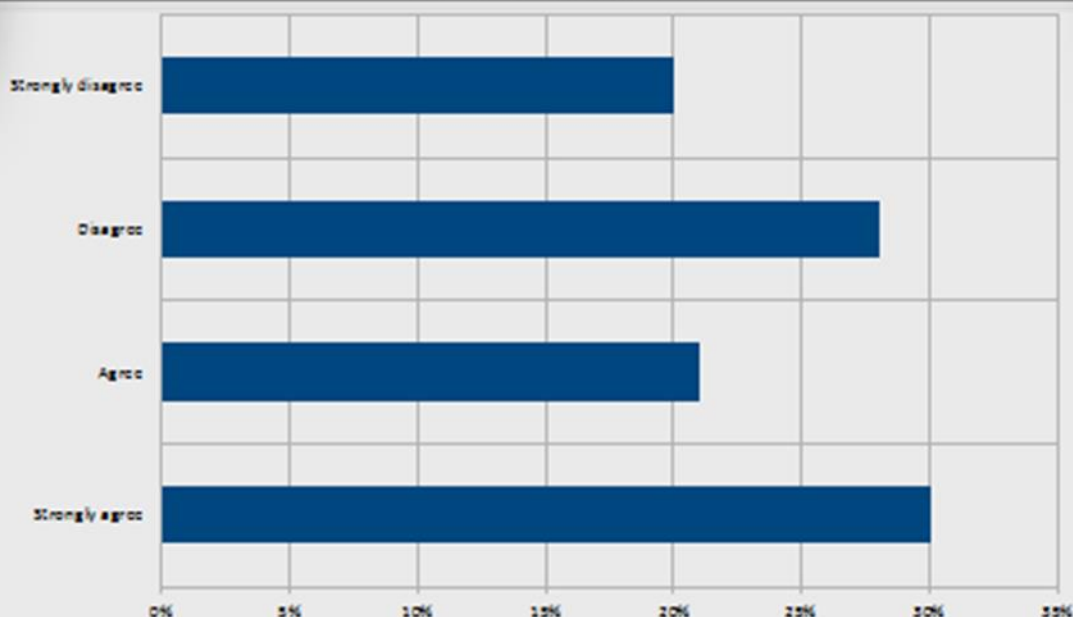
Q4) (OPTIONAL) (Q4 N = 110)

**decipher**

Illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review



Q3) If a licensed vehicle is written off in an accident or stolen, the owner must replace the vehicle with one which is less than 3 years old – irrespective of the age of the vehicle which was written off. Members of the taxi trade have requested that this policy be reviewed to allow vehicles of up to 10 years old to be licensed as direct replacements for existing licensed vehicles which have been written off or stolen. To what extent do you agree that owners of a licensed vehicle which has been written off in an accident or stolen should be able to replace their vehicle with one which is up to 10 years old?



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Q38 (OPT0404) (SA/N = 117)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

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	All
Total	100%
Strongly agree	30%
Agree	21%
Disagree	28%
Strongly disagree	20%

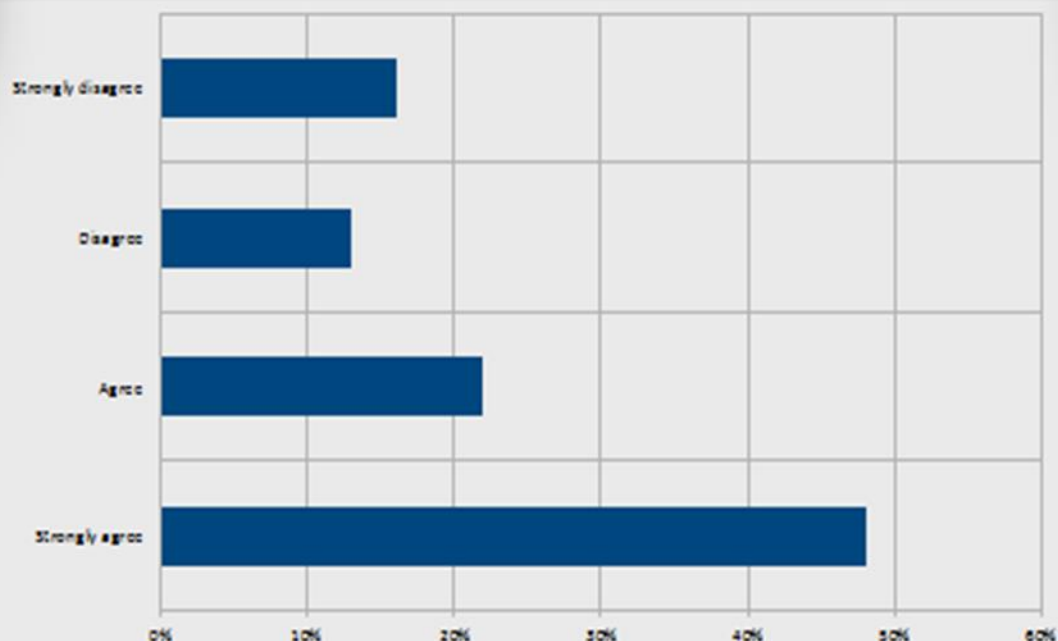
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Q38 (OPT0404) (SA/N = 117)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q6] We are also seeking views on whether the council should stop the licensing of vehicles which have previously been written off, and then repaired. To what extent do you agree that vehicles which have previously been written off and then repaired should not be issued a licence to be used as a private hire or hackney vehicle?



[Q6] We are also seeking views on whether the council should stop the licensing of vehicles which have previously been written off, and then repaired. To what extent do you agree that vehicles which have previously been written off and then repaired should not be issued a licence to be used as a private hire or hackney vehicle?

■ Strongly agree ■ Agree ■ Disagree ■ Strongly disagree

Q128 (OPTIONAL) (56 N = 112)

**decipher**

Illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q6] We are also seeking views on whether the council should stop the licensing of vehicles which have previously been written off, and then repaired. To what extent do you agree that vehicles which have previously been written off and then repaired should not be issued a licence to be used as a private hire or hackney vehicle?

	All
Total	100%
Strongly agree	48%
Agree	22%
Disagree	13%
Strongly disagree	16%

[Q6] We are also seeking views on whether the council should stop the licensing of vehicles which have previously been written off, and then repaired. To what extent do you agree that vehicles which have previously been written off and then repaired should not be issued a licence to be used as a private hire or hackney vehicle?

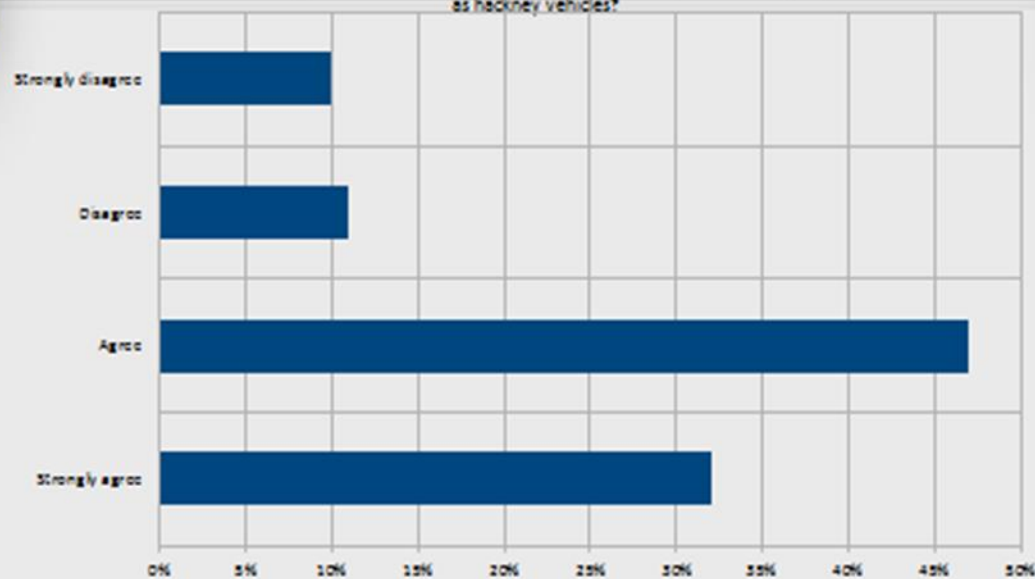
Q128 (OPTIONAL) (56 N = 112)

**decipher**

Illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

allowed a limited number of different vehicles to be licensed as hackney carriages, such as the Peugeot E7 (shown as image B) and the Mercedes MB (shown as image C). Members of the taxi trade have now requested that the Council considers licensing other, smaller vehicles as hackney carriages, such as the Ford Journey (shown as image D) and the Peugeot Premier (shown as image E). These vehicles are smaller and wheelchair passengers are loaded from the rear, rather than from the side. They are also cheaper to buy. To what extent do you agree that smaller vehicles, such as the Ford Journey (shown as image D) and the Peugeot Premier (shown as image E), should be considered for licensing

as hackney vehicles?



[Q7] Prior to 2013, the Council would only license "London style" taxis as hackney carriages (shown as image A). In 2013, a change in policy allowed a limited number of different vehicles to be licensed as hackney carriages, such as the Peugeot E7 (shown as image B) and the Mercedes MB (shown as image C). Members of the taxi trade have now requested that the Council considers licensing other, smaller vehicles as hackney carriages, such as the Ford Journey (shown as image D) and the Peugeot Premier (shown as image E). These vehicles are smaller and wheelchair passengers are loaded from the rear, rather than from the side. They are also cheaper to buy. To what extent do you agree that smaller vehicles, such as the Ford Journey (shown as image D) and the Peugeot Premier (shown as image E), should be considered for licensing as hackney vehicles?

8028 (OPT0164) (SA N - 112)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

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as hackney vehicles?

	All
Total	100%
Strongly agree	32%
Agree	47%
Disagree	11%
Strongly disagree	10%

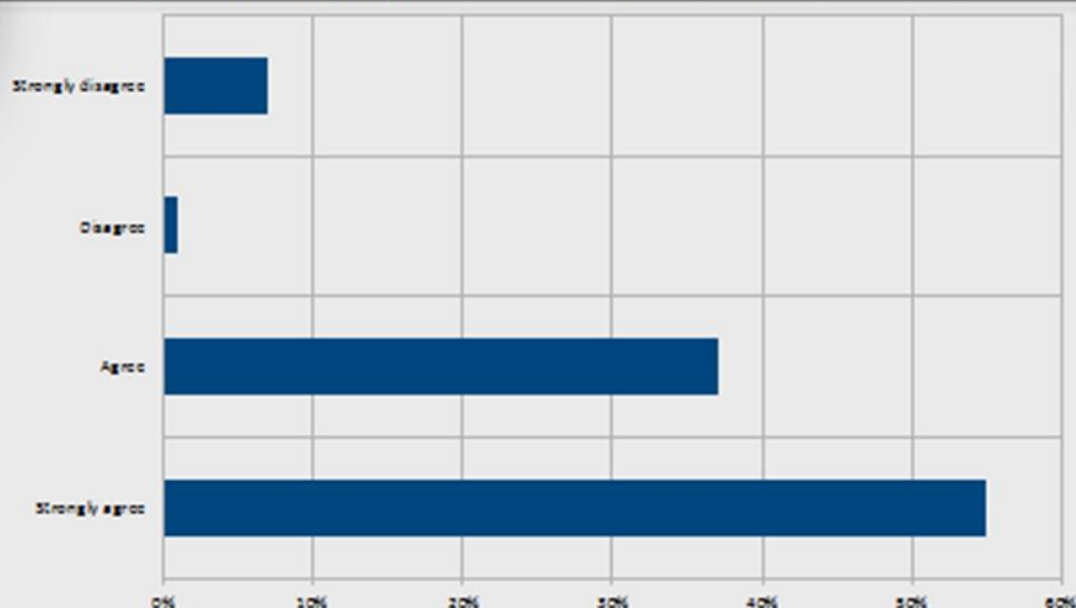
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8028 (OPT0164) (SA N - 112)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q8] The Council adopted an "acceptable condition policy" in 2011. This policy required all vehicles over the age of 10 years old to be maintained to a higher standard to ensure older vehicles are maintained sufficiently well to protect the travelling public. Members of the taxi trade have suggested that the enhanced conditions of this policy applicable to vehicles aged 10 years or over should be extended to all licensed vehicles so that all are maintained to the same high standard. To what extent do you agree that the enhanced conditions of the acceptable condition policy, applicable to vehicles aged 10 years or over, should be applied to all vehicles irrespective of their age?



[Q8] The Council adopted an "acceptable condition policy" in 2011. This policy required all vehicles over the age of 10 years old to be maintained to a higher standard to ensure older vehicles are maintained sufficiently well to protect the travelling public. Members of the taxi trade have suggested that the enhanced conditions of this policy applicable to vehicles aged 10 years or over should be extended to all licensed vehicles so that all are maintained to the same high standard. To what extent do you agree that the enhanced conditions of the acceptable condition policy, applicable to vehicles aged 10 years or over, should be applied to all vehicles irrespective of their age?

838 ((DP104)) (56 N - 117)

**decipher**

Illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

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	All
Total	100%
Strongly agree	55%
Agree	37%
Disagree	1%
Strongly disagree	7%

[Q8] The Council adopted an "acceptable condition policy" in 2011. This policy required all vehicles over the age of 10 years old to be maintained to a higher standard to ensure older vehicles are maintained sufficiently well to protect the travelling public. Members of the taxi trade have suggested that the enhanced conditions of this policy applicable to vehicles aged 10 years or over should be extended to all licensed vehicles so that all are maintained to the same high standard. To what extent do you agree that the enhanced conditions of the acceptable condition policy, applicable to vehicles aged 10 years or over, should be applied to all vehicles irrespective of their age?

838 ((DP104)) (56 N - 117)

**decipher**

Illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review



[Q9] Do you have any comments you wish to make in relation to the Policy & Guidelines relating to the Application of the 'Fit & Proper Test' to Licensed Drivers & Operators?

	All
	47

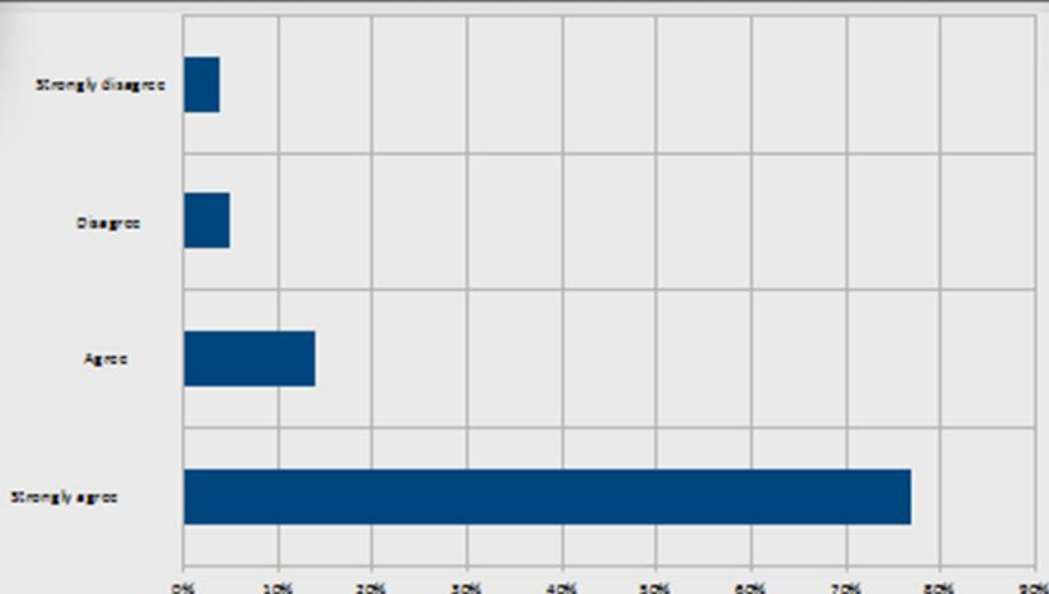
[Q9] Do you have any comments you wish to make in relation to the Policy & Guidelines relating to the Application of the 'Fit & Proper Test' to Licensed Drivers & Operators?

8128 (10/10/2023) (26 N + 17 answers)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q10] Applicants for hackney & private hire driver licences currently have to undergo an English language, numeracy and local knowledge test before being granted a licence. The Council are considering requiring new applicants to undergo a course which would test potential drivers to a higher standard in terms of English, numeracy and local knowledge. The course would also give applicants instruction on other aspects of taxi driving, such as disability legislation, safeguarding etc. To what extent do you agree with the introduction of a course which would ensure potential drivers are tested to a higher standard in terms of English numeracy and local knowledge?



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8128 (10/10/2023) (26 N + 110)

**decipher**

illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

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	All
Total	100%
Strongly agree	77%
Agree	14%
Disagree	5%
Strongly disagree	4%

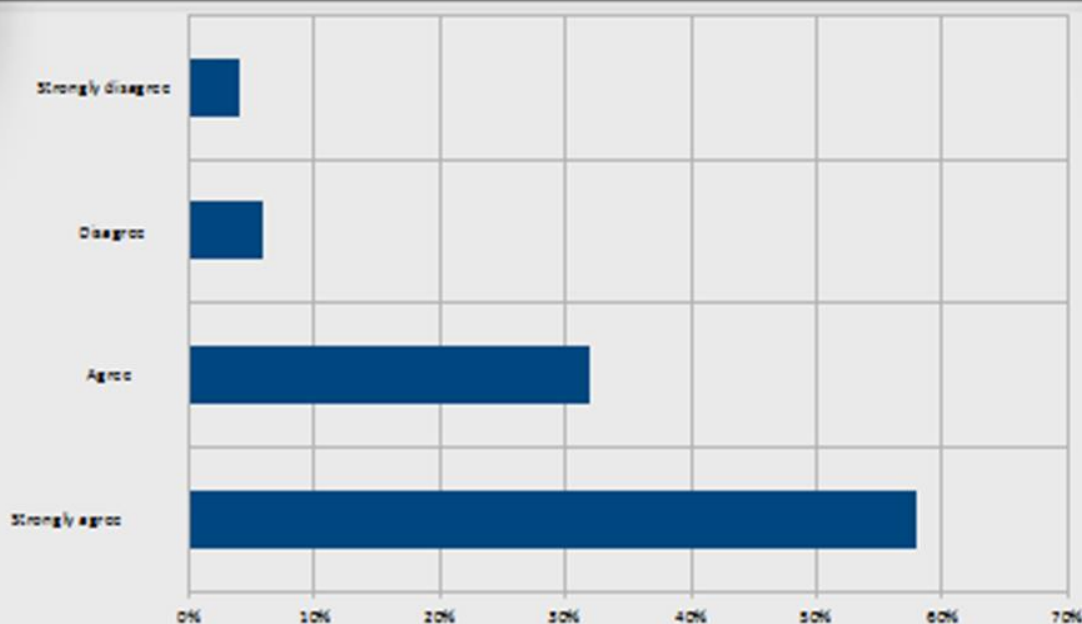
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8326 ((OPTIONAL)) (26/11/2020)

**decipher**

illuminate opportunity - Private Hire & Hackney Vehicle Policies & Conditions Review

[Q11] The Council is considering the introduction of a policy relating to CCTV in licensed vehicles. The proposed policy may include information relating to: advice and guidance in installing CCTV in vehicles; the type of CCTV systems which can be used; ensuring passengers are aware that CCTV is installed in the vehicle; training and competency in using CCTV systems. To what extent do you agree with the introduction of a policy relating to CCTV in licensed vehicles?



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8326 ((OPTIONAL)) (26/11/2020)

**decipher**

illuminate opportunity - Private Hire & Hackney Vehicle Policies & Conditions Review

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	All
Total	100%
Strongly agree	58%
Agree	32%
Disagree	6%
Strongly disagree	4%

[Q11] The Council is considering the introduction of a policy relating to CCTV in licensed vehicles. The proposed policy may include information relating to advice and guidance in installing CCTV in vehicles; the type of CCTV systems which can be used; ensuring passengers are aware that CCTV is installed in the vehicle; training and competency in using CCTV systems. To what extent do you agree with the introduction of a policy relating to CCTV in licensed vehicles?

#128 ((OPTIONAL)) (AN - 110)

**decipher** illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

[Q12] Do you have any other comments you wish to make in relation to our private hire or hackney vehicle policy & conditions?

	All
	51

[Q12] Do you have any other comments you wish to make in relation to our private hire or hackney vehicle policy & conditions?

#128 ((OPTIONAL)) (AN - 21 answers)

**decipher** illuminate opportunity Private Hire & Hackney Vehicle Policies & Conditions Review

## APPENDIX 3

Policy to be Reviewed	Review Requested/ Suggested by	Suggested/Requested Amendment to Policy	Possible Benefits of Amendment	Possible Risks of Amendment
<p>“Lower” age limit policy for wheelchair accessible vehicles (including all hackney carriage vehicles). The current policy is to refuse licences to new vehicles if they are over 5 years old.</p>	<p>Taxi &amp; Private Hire Trade Association</p>	<p>To increase the lower age limit policy to allow licences to be issued to new vehicles up to 8 years old.</p>	<p>Cost – Vehicles up to 8 years old are significantly cheaper to buy than vehicles under 5 years old.</p> <p>Availability – The Trade Association report that vehicles under 5 years old are difficult to source.</p>	<p>Public Safety – Taxis are subject to hard use &amp; high mileages. Allowing older vehicles to be licensed increases the risk of a vehicle being deemed unroadworthy.</p> <p>Air Quality – Older vehicles are more polluting &amp; could potentially add to the air quality problems in Greater Manchester</p>
<p>Conditions relating to vehicles which have been written off in an accident.</p>	<p>Taxi &amp; Private Hire Trade Association &amp; Tameside Council Licensing Service</p>	<p>The Trade have suggested a relaxation of the lower age policy for vehicles which have been written off in an accident.</p> <p>Tameside Council’s Licensing Service has suggested a condition which prohibits the licensing of vehicles which have previously been written off.</p>	<p>Cost – if a vehicle over 5 years old is written off following an accident, the owner will only be paid out the value of the older vehicle &amp; may not be able to afford the additional cost of a vehicle under 5 years old.</p> <p>Prohibiting the licensing of repaired write-offs will protect public safety by ensuring passengers are carried in vehicles which are structurally sound.</p>	<p>Public Safety - Allowing older vehicles to be licenced increases the risk of a vehicle being deemed unroadworthy.</p> <p>Air Quality - Older vehicles are more polluting &amp; could potentially add to the air quality problems in Greater Manchester</p>
<p>The policy which restricts the types of vehicles which the Council will license as hackney carriages.</p>	<p>Taxi &amp; Private Hire Trade Association</p>	<p>The taxi trade have requested that the Council consider licensing a wider range of vehicles as hackney</p>	<p>Cost – The trade have provided a list of vehicles which are marketed as purpose-built taxis and are cheaper to buy – both new</p>	<p>Public Safety – rear-loading vehicles require the driver and wheelchair passenger to enter the road at the rear of the vehicle when loading, rather than loading from</p>



		carriages, including smaller, rear (wheelchair) loading vehicles.	and used – than the current list of approved vehicles.	<p>the kerbside.</p> <p>Rank Space – when loading a wheelchair passenger, the rear ramps require additional space between vehicles on taxi ranks.</p> <p>Reduced Passenger Capacity – these vehicles have fewer seats and additional passengers may be unable to accompany disabled companions.</p>
The Council's "Acceptable Condition Policy". This policy requires the owners of licensed vehicles over 10 years old to keep them in good condition, or risk the Council refusing to re-license them.	Taxi & Private Hire Trade Association	The taxi trade have suggested the removal of this policy and the introduction of an alternative policy requiring all vehicles, regardless of age, to meet the same high standards.	<p>Fairness – all vehicles, irrespective of age, would need to meet the same standards.</p> <p>Clarity – Having the same standards for all vehicles would make the requirements clearer and easier to understand.</p>	Maintenance of Older Vehicles – the current policy encourages the owners of vehicles over 10 years old to maintain them to a higher standard. There is a risk that changing this policy could lead to older vehicles being less well maintained.
The Councils "Convictions Policy" for licensed drivers and applicants for drivers licences.	Tameside Council Licensing Service	The Convictions Policy defines the matters which the Speaker's Panel (Licensing) should take into account when deciding if a licensed driver or applicant is a "Fit & Proper" person & gives guidance to the Panel on applying the "Fit & Proper Test".	<p>Updating Existing Policy – The existing policy was introduced in 2006 and will benefit from a refresh to ensure it is fit for purpose. The new policy is based on a policy which has been commonly adopted by the majority of Greater Manchester authorities.</p> <p>Public Protection – The current policy does not give any guidance on how the Panel should consider "non</p>	None identified at this stage.

			conviction-related matters” such as intelligence and court acquittals for serious offences. A revised policy would help the Panel in making appropriate decisions and assist in protecting the public	
The Policy relating to the requirement for new applicants to pass an English Language test and a local knowledge test.	Tameside Council Licensing Service & Taxi Trade Association	Under the current policy & conditions, new applicants for driver’s licences are required to pass an English language test and a local knowledge test. These tests are currently administered by Officers from the Licensing Department.	Better Public Service – the Taxi Trade Association have expressed concern that the standard of new licence holders has dropped – particularly in relation to English language and local knowledge. A review of this policy will examine whether there is a better alternative to in-house testing of new applicants.	None identified at this stage.
A policy relating to the use of CCTV cameras in licensed vehicles	Tameside Councils Executive Members	The introduction of a policy relating to CCTV in licensed vehicles	CCTV can offer additional protection to members of the public and licensed drivers. CCTV can prevent crimes against drivers and provide useful evidence in the event of a complaint.	Questions have been raised about the protection of people’s privacy when travelling in licensed vehicles.

# Policy & Guidelines relating to the Application of the “Fit & Proper Test” to Licensed Drivers & Operators

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## **STATEMENT OF POLICY – APPLICATION OF THE “FIT & PROPER” TEST**

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

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Licensing Officers
- Members of the Speaker's Panel (Licensing) or other relevant decision making body
- Magistrates hearing appeals in respect of local authority decisions
- Police

The aim of the guidance is to provide transparency and consistency across the Greater Manchester region, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

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

## Background

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence. *Local Government (Miscellaneous Provisions) Act 1976 S51 (1)(a) and S59 (1)(a)*
3. In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal).
4. Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence. *Local Government (Miscellaneous Provisions) Act 1976 S55 (1)*
5. The policy is intended to give guidance on deciding whether a person is or is not a fit and proper person. The policy cannot cover every eventuality, but does give guidance in relation to individuals with previous convictions and cautions, other offences, such as motoring offences, and on the application of the “fit and proper test” to individuals when other information or intelligence may call into question their suitability to hold the relevant licences.
6. The Council is concerned to ensure:
  - (a) That an individual is a fit and proper person.
  - (b) That the public are not exposed to persons with a history of dishonesty, indecency, violence or other serious criminal matters.
  - (c) The safeguarding of children, young persons and vulnerable adults.
7. The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the committee or officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operators licence, individuals are required to declare all their previous convictions. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice, all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of investigation or prosecution.
9. The information given will be treated in confidence and will only be taken into account in relation to the relevant application, to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (suspension, revocation or refusal to renew a licence).

10. Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure & Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will, where appropriate, contact other agencies for any further information which they may hold e.g. Housing Service, Children's Services and Greater Manchester Police. Information received from the Disclosure & Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

11. The disclosure of criminal convictions, fines, cautions or other relevant information relating to an individual's conduct will not necessarily disqualify an individual from being granted, renewing or retaining a licence. The primary consideration is whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.

12. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

13. In considering evidence of an individual's character and fitness to hold a drivers licence or operators licence, where previous convictions, cautions or other information relating to an individual's character are disclosed, the Council will consider the nature of the issue and any penalty imposed on the individual. The Council will also consider when the incident(s) took place, the date of any conviction and the length of time which has elapsed since the incident or conviction.

14. Other matters which the Council may take into account include the individual's age when the incident or offence took place, whether or not it demonstrates a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

15. These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines reference will be made to the factors at paragraph 14 when deciding whether any action should be taken.

Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines

16. These guidelines are not an attempt to define a "fit and proper person".

17. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the grounds that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

18. Any individual who is refused an operators licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

19. This guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and private hire operator licences.

20. It is common practice for individuals to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Licensing Authorities may use the same application form which allows the individual to specify if they are applying for both types of driver's licences or only one type. This provides an efficient service for the customer and saves needless duplication. For dual applications the Speaker's Panel (Licensing) will be asked to apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Committee/Panel the fit and proper test will be applied individually to each Licence.

## **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS AND OTHER INFORMATION**

### **General Policy**

1. Each case will be decided on its own merits.
2. In every case, it is the responsibility of the applicant or licence holder to prove that they are a fit and proper person.
3. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate whether a person is or is not a fit and proper person, and whether or not they would be likely to take advantage of passengers or abuse or assault them.
4. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
5. A person with a conviction for a serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:
  - a. Remain free of conviction for an appropriate period, which will depend on the nature of the offence(s); and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to provide such evidence).

Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

6. In certain situations it may be appropriate to depart from the general policy. For example, where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves murder, manslaughter or sexual offences, a licence will normally be refused.

7. Where the Council has received any information which suggests that a person is not (or is no longer) a fit and proper person, or that an individual has breached one or more conditions attached to their licence (and such breach/breaches call into question whether the licence holder remains a fit and proper person), the Speaker's Panel (Licensing) will meet to consider the information. After hearing the available evidence, the Panel may refuse to grant, refuse to renew, revoke or suspend a licence for any specified period.

- a. Hearing with notice – Where the Speaker’s Panel (Licensing) is to meet to consider whether or not an individual is a “fit and proper” person, notice of the time and date when the Panel meeting is to be convened will then be given ahead of the date listed with sufficient time to allow the person to seek independent legal advice and to attend and be represented at the hearing.
  - b. Ex-parte hearing – Where a meeting of the Speaker’s Panel (Licensing) is convened as a result of sensitive information being received by the Council, an assessment will be undertaken in balancing a person’s right to a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.
  - c. Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.
8. The following examples afford a general guide on the action which might be taken where convictions are disclosed:

### **A. Offences of Dishonesty**

Drivers of hackney carriages and private hire vehicles are in a position of trust. It could be comparatively easy for a dishonest driver to defraud the public by, for example, demanding more than the legal fare, or by other criminal means.

Passengers of hackney carriages and private hire vehicles may include especially vulnerable people and children.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

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

For these reasons a serious view is taken of any offences involving dishonesty. An applicant with conviction(s) for dishonesty, which are less than 5 years old is unlikely to be considered favourably and should be referred to Panel for determination.

In particular, an application will normally be refused or an existing licence revoked where the individual has a conviction for an offence or similar offences listed below, if the date of conviction or the date on which any custodial sentence is completed\* is less than 5 years prior to the date of application:

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail
- xi. Unauthorised taking of a motor vehicle
- xii. Abstracting electricity
- xiii. Perjury
- xiv. Attempting to or perverting the course of justice



\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

## **B. Violence**

Members of the public entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.

Passengers often travel alone and are vulnerable to physical attack etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a history of violent behaviour of any description.

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

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

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

Where the commission of an offence involved loss of life, a licence will normally be refused or revoked, irrespective of the date of offence or conviction.

Any other conviction will generally result in an application being refused or an existing licence revoked where the individual has a conviction for an offence or similar offences listed below, if the date of conviction or the date on which any custodial sentence is completed\* is less than 10 years prior to the date of application.

\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

### **2. Offences against Other Persons**

An application will normally be refused or an existing licence revoked where the individual has a conviction for the below offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

An application will normally be refused or an existing licence revoked where the individual has a conviction for an offence or similar offences listed below, if the date of conviction or the date on which any custodial sentence is completed\* is less than 10 years prior to the date of application.

- Arson
- Inflicting grievous bodily harm or wounding with intent (s.18 Offences Against the Person Act)
- Inflicting grievous bodily harm or wounding (s.20 Offences Against the Person Act)
- Inflicting grievous bodily harm or wounding with intent (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)

- Inflicting grievous bodily harm or wounding (s.18 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Robbery
- Aggravated burglary
- Illegal possession of a firearm
- Riot
- Violent disorder
- Resisting arrest
- Assault Police
- Threats to kill

\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

An application will also normally be refused or an existing licence revoked where the individual has a conviction for an offence or similar offences listed below, if the date of conviction or the date on which any custodial sentence is completed\* is less than 5 years prior to the date of application.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

An application will also normally be refused or an existing licence revoked where the individual has a conviction for an offence or similar offences listed below, if the date of conviction or the date on which any custodial sentence is completed\* is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) / s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

No favourable distinction will be made in relation to offences relating to domestic violence or abuse. The Council takes the view that domestic abuse and violence is completely unacceptable and the above guidelines will apply to any offence, including those relating to domestic violence or abuse.

### **C. Drugs**

An application will normally be refused or an existing licence will normally be revoked where the individual has a conviction for an offence related to the supply of drugs if the date of conviction or the date on which any custodial sentence is completed\* is less than 10 years prior to the date of application.

An application will normally be refused or an existing licence will normally be revoked where the individual has more than one conviction for offences related to the possession of drugs if the date of conviction or the date on which any custodial sentence is completed\* is less than 5 years prior to the date of application.

\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

If any applicant was previously an addict then they will normally be required to show medical evidence that they have been drug free for at least 5 years before consideration will be given to granting a licence.

### **D. Sexual and Indecency Offences**

Any individual currently on the sex offenders' register will not normally be granted a licence.

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

Where the commission of a sexual offence involves a child or young person an application will normally be refused or an existing licence will normally be revoked, irrespective of the date of offence, conviction or end of sentence.

#### ***Intelligence and other information which has not resulted in a criminal conviction***

The Council will sometimes be made aware of other intelligence or lower level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding.

Any additional information gathered through this process may then be taken into account at any subsequent meeting of the Speaker's Panel (Licensing).

#### **Offences against persons other than children / young persons**

Individuals with a conviction for rape, indecent assault, or other similar offences contrary to the Sexual Offences Act 2003, will normally be refused a licence, or existing licence holders will have their licence(s) revoked, irrespective of the date of offence, conviction or end of sentence.

Applications from Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences contrary to the Sexual Offences Act 2003, will normally be refused or an existing licence will normally be revoked if the date of conviction or the date on which any custodial sentence is completed\* is less than 10 years prior to the date of application.

\*Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

## **E. Drunkenness**

Driving whilst under the influence of alcohol or drugs is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not compatible with the responsibilities of a private hire or hackney carriage driver.

### **With a motor vehicle**

Where an individual has been convicted of an offence of driving, attempting to drive or being in charge of a vehicle while under the influence of alcohol or drugs, an application will normally be refused or an existing licence will normally be revoked. At least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, an individual will normally be required to show medical evidence that a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic or drug addict.

### **Not in a motor vehicle**

An isolated conviction for drunkenness need not debar an individual from obtaining or holding a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating clinical examination and refusal of a licence.

In addition, in line with DVSA's group 2 medical standards, an individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic or drug addict.

## **F. MOTORING CONVICTIONS**

### **Major traffic offences**

New applicants and existing licensed drivers with a conviction for a Major Traffic Offence as defined below, which is less than 5 years prior to the date of the application (or the present date in relation to existing licensed drivers) will be referred to the Panel for determination. A conviction less than 3 years prior to the date of the application will generally be refused.

Any conviction which followed the death of an individual through negligent driving (listed as offence codes CD40 to CD71 and DD60 to DD80) will normally result in an application being refused or an existing licence being revoked, irrespective of the date of conviction.

Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence

and 5 years where the disqualification relates to driving with excess alcohol or whilst unfit through drink or drugs.

In addition, applicants will generally be required to show medical evidence that a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic or drug addict.

**For the purposes of these guidelines the following offences are classed as ‘Major Traffic Offences’:**

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

### **Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

## Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

## Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16).

Or similar offences or offences which replace the above offences.

## Intermediate Traffic Offences

**Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.**

### One Conviction

Where an individual has a single Intermediate Traffic Offence within the 2 years immediately preceding the date of application, they will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

Existing licence holders who have been convicted of an intermediate traffic offence may be referred to the Speaker's Panel (Licensing).

### Two or more Convictions

Where an individual has 2 or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application, the individual will normally be expected to show a period of at least 2 years free from conviction before an application is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, reference should be made to the section of these guidelines entitled "Disqualification".

**For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':**

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
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 of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – summons (not fixed

	penalty)
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

### **Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

### **Causing or Permitting**

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

Or similar offences or offences which replace the above offences.

## **MINOR TRAFFIC OFFENCES**

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

### **Single conviction**

Where an individual has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

### **Two or more Convictions**

Where an individual has two or more Minor Traffic Offences in the 2 months immediately preceding the date of application an individual will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

**For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':**

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines

TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

### **Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

### **Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Or similar offences or offences which replace the above offences.

### **Plying for Hire**

In the case of a private hire driver found guilty of an offence of plying for hire, the Speaker’s Panel (Licensing) would normally order the licence to be revoked or suspended.

Breach of Conditions, Bye-laws and complaints

Any breach of conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the Panel. A licence holder brought before the Panel will be dealt with by way of either taking no further action, a formal warning, a period of suspension or revocation.

### **Guidance**

Licence holders will be brought before Panel in situations where it is clear that the holder’s behaviour is not influenced by verbal or written warnings administered by Licensing Officers. Any licence holder who receives a third warning (verbal or written) in respect of a breach or complaint may be brought before the Panel.

All complaints will be investigated. Some investigations and breaches will result in prosecution and in those cases the prosecution outcome will be the deciding factor in the decision to refer to Panel as will other prosecutions and cautions administered by other enforcing agencies.

Where the authority administers a caution to a licence holder this does not preclude a referral to panel for the matter for which the licence holder has been cautioned.

In other cases an investigation may result in a warning, such warnings will be relevant to the rolling 3 year period.

In certain situations the breach or complaint may be deemed so serious that an immediate referral to Panel is warranted. In those cases the reasoning for the decision for the immediate referral will be recorded within the formal report to Panel.



## **Reapplication**

Where an individual has had an application refused or a licence revoked, the Committee/ Panel would normally refuse any subsequent application made within 5 years of the date of the previous refusal or revocation unless there are substantial material changes in the individual's circumstances. In addition, the individual must provide evidence that they are a fit and proper person before a licence will be granted.

## **DISQUALIFICATION**

### **Disqualification – Major Traffic Offence**

An application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

### **Disqualification – Intermediate and Minor Traffic Offences & Disqualification due to Totting Up of Penalty Points**

An application will generally be refused unless the individual can show a period of 12 months has elapsed from the restoration of the DVLA licence.

### **Totting up without Disqualification**

An individual who has accrued sufficient points for disqualification, under totting up, to be considered by the Court, may argue exceptional hardship and not receive a disqualification.

In these circumstances the Council will consider the application as a disqualification for the most serious of the offences which contributed to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under 'Disqualification – Major Traffic Offence').

There may be occasions where an applicant has accrued sufficient points under totting up for the court to consider disqualification, but successfully argues that exceptional hardship should apply and the court has not, therefore, imposed a disqualification. In these circumstances the Council expects the individual to supply full details of each of the matters that led to the totting up. The Council will take those matters into account in accordance with this policy when deciding whether to grant or refuse an application or whether to take action against an existing licence. Should the individual not supply full details of each of these matters then the Council will take the failure to supply such information into account when deciding whether to take any such action.

## ***SPENT CONVICTIONS***

**By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.**

The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will, in its consideration of the nature of the offence(s), take into account the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

## **FORMAL/ SIMPLE CAUTIONS AND ENDORSABLE FIXED PENALTIES**

For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.

## **MULTIPLE CONVICTIONS FROM SINGLE INCIDENT**

Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

## **OTHER OFFENCES**

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

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be considered as a fit and proper person to hold a licence.

In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under these Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

## **OTHER INFORMATION, INTELLIGENCE ETC.**

The Local authority can take into account any information when determining whether an individual is or is not a fit & proper person to hold private hire or hackney carriage drivers licences.

These guidelines to convictions supersede all others and take effect from:

## APPENDIX 5

1. Any person with ANY conviction should be refused a license,
2. I would like to see stricter controls around identity fraud and drivers using others badges.
3. A very full and well written document. Very important that we can be safe in hired vehicles. Thank you
4. I feel all licence holders should be thoroughly vetted like other careers that have contact with members of the public and vulnerable people
5. I feel it is time to have all taxis should be compulsory to fit cameras inside to protect the driver also the passengers from harrasment. I fear every time a child is placed inside a taxi they are being placed vulnarable to grooming we hear a lot about this recently.
6. It seems appropriate that such policies are reviewed from time to time and that new information/evidence which can be used to ensure the safety of users of these services is enhanced. I feel a thorough job has been done in this instance.
7. NO
8. I agree with the above guidelines.
9. This sounds like the best way forward for all parties.
10. Looks OK to me.
11. All seems a fair and just requirement to be met
12. Every application must be scrutinised and be interviewed. supply references and no related criminal record. All Previous convictions for road traffic offences. Licenses to be review every 2 years
13. NO
14. No
15. I think the guidelines are reasonably thorough, and I agree with them
16. Not at present
18. Cautions should NOT be treated as a conviction
19. public safety is paramount. and in view of this the conditions must be met.
20. Did I miss the school zip-Zag areas ?
21. Allowing the use of repaired/right off vehicles to transport people about is a backward step, all Taxi's should be maintained to the highest standard with NO excuses, dropping the age 5 to 8 is a backward step, i appreciate that the cost implication is increased but it must be a safety first issue Paul Main
22. No

23. I support the most stringent regulations / restrictions when considering whether to grant a license, especially when it comes to making sure a person's identity is genuine.
24. I think the requirement should be speak fluent English , and decent knowledge of Tameside district
25. only fit and proper persons should be licensed by the Council - most definitely
26. The guidelines seem adequate at this time. Changing the policy in regards to court acquittals, and intelligence is another thing. As far as I was aware any person acquitted of a crime in the UK was 'not guilty' and that should be the end of the matter. Intelligence acquired by either the council, taxi licencing, or the police for that matter is fraught with danger, and widely open to abuse from people seeking revenge for a whole host of reasons. Intelligence should only ever be used when it can be backed up, and is more than hearsay.
27. Tameside is now flooded with private hire vehicles that ply for hire, severe action is required such as instant revoking of license for say three months is needed as a deterrent to stop it continuing, outside taxi offices is also very bad.
28. Vehicle should be fit for MOT and for public safety. In all other town old vheciles are still running after mot test there should be no problem. Age limit should be scarped cannot afford new due to no work we are struggling. Pubs and clubs all closed
29. minor offenders should be allowed, as long as council approve the person
30. Some of these conditions seem draconian, and how with such a comprehensive list of offenses are there at least three undefined categories
31. n/a
32. none
33. I agree that in certain circumstances each case should be decided on its own merits. If an individual passes a CRB then they have the required standard to be a fit and proper person
34. I feel as though some of the guidelines need adjusting.
35. to strict it can be easy to get two sp30 also if the court says you can drive under hardship the council must not have more power than the court
36. I believe that is a good idea to make sure that the drivers in the business are CRB checked to make sure that they are not convicts and will not pose a threat to the passengers as this will have an Effect on the company.
37. Fair policy
38. This seems over the top. Anyone can make a stupid mistake in our youth - it should not stop us working and doing something useful.
39. Any sexual conviction or child protection concerns should be referred to child protection manager for assessment. Should also consider wording ie normally should be replaced with will not granted or will be revoked.
40. All taxi drivers should be fluent in the language of the land. ie: English. Having more than one language is a benefit, of course, but understanding and speaking the common language for all should be essential. (this may be in the notes but I couldn't see it). Also, Taxi's should be free from strong smells and odours, especially, but not limited to, the

**driver's personal hygiene. On many occasions I have had the experience of sitting in a taxi that was pungent with (the driver's) body odour.**

**41. English speaking drivers, There is a lot of foreign drivers that can't speak English.**

**42. They should be smartly dressed**

**43. There is too much to read in this document, there should have been a shortened version available. However, if the person has a criminal record, takes drugs or is constantly getting points on their driving licence then they should not be granted a taxi licence.**

**44. Absolutely NO convictions whatsoever**

**45. No, too much hassle to read the booklet**

**46. I feel the Guidelines are comprehensive and fit for purpose. I would hope that extreme care be exercised when dealing with what amounts to hearsay when a person is not convicted (or cautioned etc.) as this is wide open to abuse.**

**47. Anyone with a criminal record should not be licensed in any way**

**48. I agree with tightening the guidelines**

**TAMESIDE METROPOLITAN BOROUGH COUNCIL****Policy on the Installation & Operation of CCTV Systems in Licensed Taxis and Private Hire Vehicles****INTRODUCTION**

The aim of this policy is to allow for the safe installation and use of CCTV systems in taxis and private hire cars licensed by Tameside Metropolitan Borough Council. In allowing the installation and use of CCTV, the Licensing Authority recognises that such systems can be used to prevent and detect crime, reduce the fear of crime and enhance the safety of taxi and private hire car drivers, as well as their passengers. However, this policy also seeks to ensure that the installation and operation of CCTV systems do not compromise the safety of either drivers or passengers or unreasonably interfere with the privacy of members of the public.

For the purposes of this policy, a CCTV system will include any electronic recording device attached to the inside of a taxi or private hire car having the technical capability to capture and retain visual images from inside or external to the vehicle.

This policy does not place a mandatory requirement on the licensed operators of taxis and private hire cars to install CCTV systems in their vehicles. Any CCTV system to be fitted in a taxi or private hire car must, as a minimum, meet the requirements of this policy. Only CCTV systems meeting these requirements can be installed into licensed taxis and private hire cars.

Where an operator wishes to install and use a CCTV system, it will be a condition of the taxi or private hire car licence that the requirements of this policy are complied with. Failure to comply with the requirements of this policy could lead to the suspension of the vehicle licence.

**THE DATA CONTROLLER**

The Information Commissioner defines a "data controller" as the body which has legal responsibility under the Data Protection Act 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of a CCTV system in taxis and private hire vehicles, the "data controller" will be the vehicle proprietor and not the driver.

The licence holder, as data controller, will therefore be responsible for ensuring compliance with the requirements of this policy and with all relevant data protection legislation, including the Data Protection Act 1998. The data controller is legally responsible for the use of all images including breaches of legislation.

**THIRD PARTY DATA PROCESSOR**

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and the data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request.

### **GENERAL REQUIREMENTS – INSTALLATION AND OPERATION**

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Wherever possible, the CCTV system should not have any sound recording facility. However, if the system comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised in the following limited circumstances:-

Audio recording will only be justified where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is utilised and must be subject to the following safeguards:-

a) Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.

b) The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

CCTV systems installed in taxis and private hire cars will be inspected as part of the vehicle test carried out by the Authority.

The installation and operation of a CCTV system must comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available at the following address:-

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/ico\\_cctvfinal\\_2301.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf)

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician.

The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire vehicle driver and passengers, and not for any other purpose.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

#### **AUTOMOTIVE ELECTROMAGNETIC COMPATIBILITY REQUIREMENTS (EMC)**

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

#### **SECURITY OF IMAGES**

All Images captured by the CCTV system must remain secure at all times.

The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner that the data controller ensures that any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

#### **RETENTION OF CCTV IMAGES**

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS GSM telephone) signalling to a secure server within the service provider's monitoring centre.



Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.

Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

### **USE OF INFORMATION RECORDED USING CCTV**

Any images and any audio recording should only be used for the purposes described in this policy. Requests may be made to the data controller by Authorised Officers of the Licensing Authority, the Police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The licence holder, as data controller, is responsible for responding to these requests. Police, Authorised Officers of the Licensing Authority or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the Data Protection Act 1998, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'.

Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the Information Commissioner's CCTV Code of Practice.

### **SIGNAGE**

All taxis and private hire cars with CCTV must display signage within the vehicle to indicate that CCTV is in operation. The driver must also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this must also be verbally brought to the attention of the passengers.

### **CONTACT DETAILS**

The name and the contact telephone number of the licence holder, as data controller must be included on the sign.

### **SIGNAGE FOR EXTERNAL FACING CCTV SYSTEMS**

Where a CCTV system is installed within the vehicle in order to record incidents *outside* of the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident.

They should also be informed of the purpose for which the device has been installed, being driver and passenger safety.

# APPENDIX 7

## **Policy and Conditions for Private Hire Vehicle Licences**

The proprietor shall at all times comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

In this policy and these conditions:

“Authorised officer” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“The Council” means the Council of the Metropolitan Borough of Tameside.

“The identification plates” means the plates issued by the Council for display on the exterior and interior of the vehicle for the purpose of identifying the vehicle as a private hire vehicle.

“The operator” means a person holding a licence to operate private hire vehicles issued pursuant to section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

“The proprietor” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“Taximeter” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 and the Measuring Instruments (Taximeters) Regulations 2006.

“Private hire vehicle” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“Driver” means the holder of a private hire vehicle driver’s licence issued by the Council.

## **Private Hire Vehicle Policy**

### **A. Before a licence is granted in respect of a private hire vehicle the applicant must:**

1. Complete and submit to the Council an application and Statutory Declaration in the form prescribed by the Council.
2. Pay to the Council a fee as detailed in the current Licensing Fees and Charges list which is available on request.
3. Satisfy the Council that:
  - (i) The vehicle is in a suitable mechanical condition, is both safe and comfortable for the carriage of passengers and suitable in type, size and design for use as a private hire vehicle.
  - (ii) there is in force in relation to the vehicle a policy of insurance covering use for hire and reward, passenger liability and passenger’s luggage, and comply with the provisions of the Road Traffic Act 1988.
  - (iii) There is in force a valid certificate of insurance against liability for employees (in appropriate cases) in accordance with the Employers’ Liability (Compulsory Insurance) Act 1969.
  - (iv) The vehicle will be operated by an operator licensed by the Council.
  - (v) The vehicle has never been declared a total loss as a result of accident damage or other damage. Vehicles which have been declared as category A, B or C write-offs will not be licensed by the Council under any circumstances. Vehicles which have been declared as category D write-offs will not be licensed by the council unless the applicant can provide clear evidence, including photographs of the damage sustained by the vehicle before any repairs are carried out and a full and comprehensive report from a suitably qualified engineer stating that the vehicle provides protection to the occupants equal to the protection it provided prior to receiving the accident or other damage.
4. Present the vehicle for inspection at such place within the Metropolitan Borough of Tameside and at such time as the authorised officer shall by notice to the applicant require.

### **B. Vehicle Specification**

1. A vehicle will be suitable in type, size and design for use as a private hire vehicle if it is not an FX/ TX style vehicle but meets the following specification:
2. Will be a saloon or estate car, MPV or minibus type vehicle. In the case of an estate car there must be fitted a guard or tonneau cover to keep luggage securely in place & shall have a minimum of 4 passenger seats. No seat can be side facing.
3. Must be a right-hand drive vehicle.

4. Not be multi-coloured but may be two-tone. The vehicle must not be black or appear to be black in dark or low-light conditions (this to include a prohibition on any very dark blue or very dark grey coloured vehicles). The decision of the Licensing Officer in this respect will be final.
5. Any application for a private hire vehicle licence to carry less than 4 people will be considered on an individual basis. The decision of the authorised officer in this respect will be final.

### **C. Age Policy**

1. No vehicle will be first licensed unless the vehicle is less than 5 years old from the date of first registration as per the vehicle registration document (V5).
2. No wheelchair accessible vehicle will be first licensed unless the vehicle is less than 7 years old from the date of first registration as per the vehicle registration document (V5).
3. If an existing licensed private hire vehicle is declared a total loss by an insurance company as a result of accident damage, or is stolen & not recovered, that licensed vehicle may be replaced by a vehicle of similar or younger age (with a maximum age of 10 years).
4. No vehicle will be relicensed once the vehicle has reached 12 years old from the date of first registration as per the vehicle registration document (V5).
5. No wheelchair accessible vehicle will be relicensed once the vehicle has reached 15 years old from the date of first registration as per the vehicle registration document (V5).

### **D. Seating provision**

Seating provision shall be specific to the vehicle type as shown below;

1. Saloon/Estate vehicle licensed to carry 4 passengers

#### **i) Seat Height**

From the top of the seat cushions to the lowest part of the roof lining must be approximately 865mm (approx. 34 inches).

ii) Leg Room Front Seat - There must be approximately 750 mm (approx. 29 ½ inches), between the leading edge of the dashboard and the back of the seat being measured.

iii) Leg Room Rear Seats - There must be approximately 750 mm (approx. 29 ½ inches), between the front surface of all rear seat backs and the back of the seat in front, measured with the front seat located as described above.

iv) Seat Depth - Fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be approximately 406mm (approx. 16 inches).

v) Seat Width - Fixed passenger seats (measured along the front edge of the seat) must allow approximately 406 mm (approx. 16 inches) per person.

As an example, this would allow a medium sized five-door hatchback to operate as a private hire vehicle, but would exclude smaller three-door vehicles from being licensed.

### **2. Vehicles Licensed to Carry between 5 and 8 Passengers**

i) These vehicles must have two means of exit in the rear part of the vehicle.

ii) No seat must be required to be tipped or otherwise moved in order to gain access to another seat, and no seat can be side facing.

- iii) All seats must be fitted with three point seatbelts.
- iv) No door will be obstructed by the position of a seat and all aisles or walkways must be clear and unobstructed.
- v) The vehicle step height must be 250mm or less, and a grab handle must also be fitted to assist passengers.
- vi) Seat Height. - From the top of the seat cushions to the lowest part of the roof lining must not be approximately 865 mm (approx. 34 inches).
- vii) Leg Room Front Seat - There must not be approximately 750 mm (approx. 29 ½ inches) between the leading edge of the dash board and the back of the seat being measured.
- viii) Rear/Middle Seats - There must be approximately 650 mm (approx. 25 ½ inches) between the front surface of seat backs and the back of the seat in front, measured with the front seat located as specified above.
- ix) Seat Depth - Fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be approximately 406mm (approx. 16 inches).
- x) Seat Width - Fixed passenger seats (measured along the front edge of the seat) must allow approximately 406mm (approx. 16 inches) per person.
- xi) Facing Seats - The distance between the seat backs measured in a horizontal plane along the top surface of the seating cushion must be approximately 1300 mm (51 inches approx.). The distance between the front edges of the seat cushions must be approximately 425 mm (approx. 16 ¾ inches).
- xii) Note: The dimensions of the seats will vary dependent upon the vehicle type and model. The Licensing Enforcement Officer's opinion on whether a vehicle presented for inspection meets the above policy requirements will be final.
- xiii) Any proposed alteration must be discussed with an authorised officer before the works are carried out to ensure the safety of passengers carried is not compromised.

NOTE: Access to and exit from a vehicle will vary dependent upon the type and specific conversion. The authorised officer's opinion of accessibility will be final.

#### **E. Luggage space**

1. The vehicle shall have adequate luggage space; all luggage to be secure so as not to become a danger in the event of an accident. The authorized officer's opinion on whether a vehicle has sufficient luggage space will be final.

#### **F. First Aid Kit**

1. The vehicle must contain a suitable first aid kit permanently marked with the plate number of the vehicle. A standard kit purchased from a chemist or auto store will be deemed adequate. .

#### **G. Internal Condition**

- 1. The interior of the vehicle must be water and wind tight.
- 2. The seats must be properly cushioned and covered.
- 3. The floor of the passenger compartment must be provided with a proper carpet, mat or other covering.

#### **H. Windows and Window tints**

1. Side windows in the passenger compartment must be capable of being opened by passengers or the vehicle must be air conditioned. If the side windows are not capable of being opened (in the

case of vehicles with between 5 and 8 seats) a suitable means of escape must be provided e.g. emergency escape hammer.

2. Vehicles fitted with Manufacturers tinted windows only will be accepted & the windows must still allow a clear view of the inside of the vehicle to and observer standing outside the vehicle. The authorised officer's opinion in this respect will be final. Any tinted window film applied after purchase is not acceptable.

### **I. LPG Conversions**

1. LPG conversions must have a 150mm to 230mm crumple zone of metal between the rear of the vehicle and the gas tank. Fitting must be by an approved fitter and all parts of the tank system shall be subject to certification. The tank and installation must be re-tested annually and the appropriate certificate produced to the Licensing Officer before a test certificate will be issued. NOTE: Only multi-point sequential systems will be permitted.

### **J. Passenger lifts**

1. Any vehicle fitted with a hydraulic lift must have a certificate issued under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and shall have the vehicle thoroughly examined by a competent person on a frequency prescribed by them but not greater than once every 6 months. The examination certificate must be produced to the authorized officer prior to the annual or 6 monthly inspection.

2. Any sliding/mechanical ramps must be approved by the manufacturer/vehicle supplier and be risk assessed by the owner in order to establish that the safe working load is sufficient for all needs and that the ramps are fit for purpose.

### **K. Vehicle Conversions**

1. Any vehicle without M1 Whole Vehicle/low volume approval must have undergone a test of Voluntary Individual Vehicle Approval at a DVSA Test Station. The original IVA certificate must be produced to the authorised officer as proof of the Individual Vehicle Approval examination before a test certificate will be issued.

## **Conditions of Licence**

### **1. Operators**

The proprietor shall not use or permit the vehicle to be used in the Metropolitan Borough of Tameside as a private hire vehicle unless the vehicle's operator holds a current operator's licence issued by the Council.

### **2. Drivers**

The proprietor of a private hire vehicle shall not employ as a driver thereof any person who does not have a current driver's licence issued by the Council. If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, they must, before that person commences to drive the vehicle, ensure that the driver holds a current private hire driver's licence issued by the Council and shall ensure that they continue to hold such a licence during the whole period of their employment by the proprietor.

### **3. Identification Plates and Display of Licence Number**

a) The plates identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear exterior of the vehicle in a conspicuous position either immediately above or below the bumper and in such manner as to be easily removed by an authorised officer or Constable.

b) The proprietor shall also cause to be securely fixed and maintained inside the vehicle in such a position as to be clearly visible either by sight or touch at all times to persons being conveyed therein a plate supplied by the Council containing the number of this licence and such other information as the Council may provide.

c) The proprietor or driver of a private hire vehicle shall ensure that the identification plates are maintained and kept in such a condition that the information contained on the identification plates is clearly visible to public view at all times.

### **4. Licence and Return of Identification Plates**

The proprietor shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the identification plates issued to him by the Council when granting this licence, or ensure that such plates are destroyed so as to make them unusable.

### **5. Provisions regulating how a private hire vehicle shall be furnished, first aid kit, etc.**

The proprietor of the private hire vehicle shall:

a) Provide sufficient means by which any person in the private hire vehicle may communicate with the driver during the course of the hiring.

b) Cause the interior of the vehicle to be kept wind and water tight.

c) Cause the seats in the passenger compartment to be properly cushioned and covered.

d) Provide windows at the sides and rear of the vehicle. Side windows in the passenger compartment must be capable of being opened by passengers.

e) Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other vehicle covering.

f) Provide facilities for the conveyance of luggage safely and protected from inclement weather.

g) Provide a suitable first aid kit permanently marked with the plate number of the vehicle. A standard kit purchased from a chemist or auto store will be deemed adequate. The first aid kit must be carried in the vehicle in such a position as to be readily available for use.

### **6. Fittings**

No fittings other than those approved by the Council may be attached to or carried upon the inside or outside of the vehicle.

### **7. Radio Equipment**

The proprietor shall ensure that any radio equipment or any other type of electronic communication device, navigation device or dispatch equipment fitted to a private hire vehicle is at all times kept in

a safe and serviceable condition and maintained in proper working order. Such equipment must not be positioned in such a way that it obscures any part of the driver's view of the road and must not be fixed to the windscreen of the vehicle within any part of the area which is swept by the windscreen wipers.

## **8. Maintenance of Vehicle**

a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Motor Vehicles (Construction and Use) Regulations) shall be fully complied with. The vehicle shall comply with the manufacturer's specification at all times.

b) The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the proprietor prohibiting them from using the vehicle until the defect has been remedied.

c) If a vehicle is wheelchair accessible, any wheelchair ramps, wheelchair securing straps, wheelchair seatbelt extensions and any other equipment necessary for the safe transportation of wheelchair users must be kept in the vehicle at all times. Such equipment must be of the correct type for the vehicle in which it is being carried and must at all times be in a safe, serviceable and clean condition. Any such equipment must be permanently marked with the registration number of the vehicle in which it is carried.

d) The proprietor of the licensed vehicle shall ensure that all drivers carry out a visual inspection of the vehicle prior to its use. This check shall consist of as a minimum ensuring that all tyres are roadworthy, all lights and indicators are working, the windscreen wipers and wash bottle are working effectively, and that in the event of a puncture, the wheel can be either replaced with a roadworthy spare or inflated by other means without compromising the safety of the passengers or other road users. A written record of these checks must be kept in the vehicle and produced for inspection when requested by an authorised officer.

e) Any requirement by an authorised Officer or testing mechanic for bodywork or mechanical repair shall be complied with within the timeframe specified and in any case, the vehicle shall be presented for re-inspection within 28 days. Any failure to comply with such notice will result in the vehicle licence being suspended.

## **9. Vehicle Condition Standard**

All licensed private hire vehicles must be maintained in an acceptable condition, including all bodywork, paint, mechanical components, electrical components & systems and interior.

The vehicle must be regularly serviced at least in accordance with the manufacturers' recommendations and taking into account the additional demands of private hire use. Cosmetically, the vehicle should be kept clean and tidy, with no significant bodywork damage or wear and tear to the interior.

The following will be considered when deciding if a vehicle is in an acceptable condition:

1. Mechanically, no item should show significant wear, deterioration or cause any concern that the vehicle is less than 100% safe for use on the road.
2. Bodywork should show no significant damage, dents or excessive scratching. The overall appearance of the vehicle should be excellent and there should be no rust or deterioration on any of the vehicle's body panels.
3. The paint should have no signs of dullness or fading and the colour of all body panels should match.
4. The underside of the vehicle should be free from any excessive damage and should not show any signs of rust or other deterioration.

5. The interior of the vehicle, including all carpets, seats, boot lining and other trim should be clean and showing minimum signs of wear. The interior and trim must be free of any tears, cuts or burn marks and should be dry and hold no offensive odours.

6. The vehicle's previous test history may be taken into consideration when deciding if a vehicle is in an acceptable condition.

In addition to the above points, if the vehicle is tested and fails the test the extent that the plates are removed from the vehicle, it is clear that the vehicle owner has failed to maintain it in acceptable condition. In these circumstances, the authorised officer may require that the vehicle be permanently removed from the fleet and the Council will not license that vehicle again.

Vehicle proprietors are required to keep a schedule of the maintenance which has been carried out on the vehicle. This must include the following:

1. Documentary evidence that the vehicle has been regularly serviced at least in accordance with the manufacturers recommendations.
2. Documentary evidence of any work carried out on the vehicle, including receipts for parts etc.
3. Documentary evidence that regular checks are carried out on the vehicle both by the drivers (on a daily basis) and by the owner (on a weekly basis) to include tyres, lights, glass, fluid levels and overall condition of the vehicle.

NOTE: The authorised officer's opinion of whether a vehicle is in an acceptable condition will be final.

#### **10. Vehicle Emissions Standard**

As from 1 February 2018, the emissions emitted by the vehicle must comply with the relevant Euro emissions standard for the age of the vehicle:

- (a) Vehicles first registered up to 31 December 2005 must comply with the Euro 3 emissions standard.
- (b) Vehicles first registered up to 31 December 2010 must comply with the Euro 4 emissions standard.
- (c) Vehicles first registered up to 31 August 2015 must comply with the Euro 5 emissions standard.
- (d) Vehicles first registered after 1 September 2015 must comply with the Euro 6 emissions standard.
- (e) As the emissions standards for vehicles continue to become more restrictive, licensed private hire vehicles will be required to comply with the emissions standards relevant to the vehicle at the time of its first registration.

#### **11. Alteration of Vehicle**

No vehicle can be altered in any way without prior approval of the Licensing Department. Any alteration must meet Conditions of Application K.1. Above.

#### **12. Damage to Vehicle**

Any damage to a private hire vehicle materially affecting the safety, performance or appearance of the vehicle shall be reported to the Council by the proprietor in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 (as soon as practicable and in any case within 72 hours) and until such damage is repaired to the satisfaction of the Council, the vehicle shall not be used for hire.

#### **13. Notification of Convictions to Council**

The proprietor of a private hire vehicle shall within 7 days disclose to the Council in writing details of any conviction, caution or any other order including but not restricted to ASBO, CRASBO, VOO, Drink banning order etc. imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

#### **14. Vehicle Insurance**

The proprietor of a private hire vehicle shall keep in force in relation to the user of that vehicle a Policy of Insurance issued by an Insurance Company approved by the Council covering use for



hire and reward, passenger liability, passenger luggage and such other matters as the Council may specify from time to time and comply with the requirements of the Road Traffic Act 1988.

On being so required by an authorised officer, the proprietor shall produce to that officer for examination a Certificate of Insurance issued by an approved Insurance Company in respect of the vehicle for the purposes of the Road Traffic Act 1988, provided that if the proprietor fails to produce such certificate to the officer on request, the proprietor shall within five days of such request produce it to that officer or to any other authorised officer at the office of the Council.

### **15. Carriage of Persons, Animals and Luggage**

a) The proprietor or driver shall not permit the private hire vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.

b) Where child seats are used they must be used in accordance with the manufacturer's instructions.

c) The proprietor or driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer.

### **16. Vehicles fitted with Taximeter**

If the vehicle is fitted with a taximeter it shall be attached and maintained as to comply with the following requirements, that is to say:

a) The proprietor shall cause the taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times and to be located within the vehicle in accordance with the reasonable instructions of the authorised officer.

b) The proprietor shall not use or permit to be used a taximeter that the Council has not sealed to prevent unauthorised adjustment of a taximeter.

c) The proprietor shall cause the taximeter to be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire.

d) The proprietor shall ensure that when the vehicle is not hired the key can be locked and the machinery kept inactive and that the meter shows no fare at that time.

e) The proprietor shall ensure that the taximeter shall not have a display sign "FOR HIRE" at any time.

f) The proprietor shall ensure that when the taximeter is brought into action the fare and extras will be shown legibly on the face of the meter and shall be no more than permitted by the fare table displayed in the vehicle.

g) The proprietor shall ensure that the word "FARE" shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon.

h) The proprietor shall ensure that the taximeter is in such a position in the private hire vehicle that figures recorded thereon are clearly visible to any passenger being carried therein.

i) The proprietor or driver shall ensure that the dial of the taximeter is sufficiently illuminated that when in use it is visible to all passengers and cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any other time at the request of the hirer.

j) The proprietor shall ensure that the taximeter and all its fittings are affixed to the private hire vehicle with Council's 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 and other fittings.

k) The proprietor undertakes to ensure that the taximeter will not be replaced without the prior permission of the Council.

### **17. Tampering with Taximeter**

a) Subject to the provisions of paragraph (b) of this condition the proprietor of a private hire vehicle shall not tamper with or permit any other person to tamper with the taximeter or its fittings or connections after it has been fitted to the private hire vehicle and sealed by an authorised officer, and shall not wilfully break or tamper or permit any other person to break or tamper with any seal or mark placed on the taximeter or its connections.

b) If a taximeter affixed to a private hire vehicle is found to be defective or inaccurate or if the fare table is changed, the proprietor of the private hire vehicle or a person authorised by him, may break the seals of the taximeter for the purpose of effecting the necessary repairs or alterations,

provided that the proprietor shall, within twenty-four hours after breaking the seals, give or cause to be given notice of the action which he has taken in writing to an authorised officer at the Licensing Office specifying the number of the licence of the private hire vehicle and the maker's name and number of the taximeter and provided also that nothing in this condition shall be deemed to authorise a private hire vehicle to be used or continued in use as such with that taximeter after the seals on any taximeter with which the private hire vehicle is provided have been broken as aforesaid and before the taximeter has again been certified to register correctly.

### **18. Display of Fare Table**

The proprietor shall ensure that:

- a) A copy of the fare table in a form approved by the Council is exhibited inside the private hire vehicle at all times.
- b) The fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.

### **19. Signs, Notices, etc.**

a) All licensed private hire vehicles must display the Operator approved door signs. These signs must be displayed on the front doors of the vehicle. In the case of an MPV or minibus type, the signs can be *either* on the front doors or on the middle or sliding door and a sign placed symmetrically on the opposing bodywork, and on a rear door/s.

The operator is responsible for supplying approved door signs to the vehicle proprietor.

Only signage that has been approved by an authorised officer can be displayed on licensed Private Hire vehicles.

Once approved, a copy of the sign should be provided to the licensing section.

The following guidance must be taken into account when designing signage:-

- i) The Council will not permit an operator to use a business name and/or phone number which is similar to one already approved.
- ii) Door signs should clearly display the operator business name, contact telephone number and the words "ADVANCED BOOKING ONLY" which shall be displayed in conjunction with the name and telephone number of the operator. The said sign shall use letters at least 2" high and shall give prominence to "ADVANCED BOOKINGS ONLY".
- iii) No signage will be given approval if it is deemed to be misleading, i.e. is likely to cause a person to believe that any Private Hire vehicle is a Hackney Carriage.
- iv) The words "TAXI", "TAX" or "CAB" whether in the singular or plural, or the words "MINI CAB", "PUBLIC HIRE CAR" or "FOR HIRE" must not be used.

b) The proprietor or driver shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any sign or notices required from time to time by the Council.

### **20. Change of Address**

A proprietor shall notify the Council in writing of any change of details as provided on the application form during the period of the licence within 5 working days of such change taking place. Any failure to comply with this condition may attract an administration fee.

### **21. Transfer of Licence**

If the proprietor wishes to transfer the private hire vehicle to another person, he shall before such transfer, give notice thereof in writing to the Council specifying the name and address of the person to whom the private hire vehicle will be transferred and the licence shall be deemed to be revoked if the Council disapproves the transfer of the licence to that person and the private hire vehicle is or has been transferred to him. The Council will not disapprove the transfer of the licence to a person except upon the ground that he is not a fit and proper person to hold the licence.

## APPENDIX 8

### **Policy and Conditions for Hackney Carriage Vehicle Licences**

The proprietor shall at all time comply with provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

In this policy and these conditions:-

“Authorised officer” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976

“Hackney carriage” has the same meaning as the Town Police Clauses Act 1874.

“Identification plates” means the plates issued by the Council for display on the exterior and interior of the vehicle for the purpose of identifying the vehicle as a hackney carriage.

“The proprietor” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976

“Taximeter” has the same meaning as section 80 of the Local Government (Miscellaneous Provisions) Act 1976 and the Measuring Instruments (Taximeters) Regulations 2006.

“Driver” means the holder of a hackney carriage driver’s licence issued by the Council.

“Private hire vehicle” has the same meaning as section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

### **Hackney Carriage Licence Policy**

#### **(A) Before a licence is granted in respect of a hackney carriage the applicant must:**

(1) Complete and submit to the Council an application and Statutory Declaration in the form prescribed by the Council.

(2) Pay to the Council a fee as detailed in the current Licensing Fees and Charges list which is available on request.

(3) Satisfy the Council that

(i) The vehicle is in a sound mechanical condition and conforms with the specifications laid down by the Transport For London Public Carriage Office for the construction and licensing of motor cabs in London or be of a type included on a list of vehicles approved by Tameside Metropolitan Borough Council for use as hackney carriages within the Borough of Tameside. The list of approved vehicles will be updated regularly by the council.

(ii) There is in force in relation to the vehicle a policy of insurance covering use for hire and reward, passenger liability and passenger luggage, and comply with the provisions of the Road Traffic Act, 1988.

(iii) The vehicle has never been declared a total loss as a result of accident damage or other damage. Vehicles which have been declared as category A, B or C write-offs will not be licensed by the Council under any circumstances. Vehicles which have been declared as category D write-offs will not be licensed by the council unless the applicant can provide clear evidence, including photographs of the damage sustained by the vehicle before any repairs are carried out and a full and comprehensive report from a suitably qualified engineer stating that the vehicle provides protection to the occupants equal to the protection it provided prior to receiving the accident or other damage.

(4) Present the vehicle for inspection at such place within the Metropolitan Borough of Tameside and at such time as the authorised officer shall by notice to the applicant require.

#### **(B) Vehicle Specification**

Any licensed hackney vehicle must:-

(a) Be a right-hand drive vehicle.

(b) If the vehicle is not an FX/TX type vehicle, it must be black in colour.

(c) If the vehicle is an FX/TX type vehicle, it may be any single colour or two-tone, but must not be multi-coloured.

(d) Be of sufficient seating capacity to carry a minimum of 5 and a maximum of 8 passengers.

(e) Have adequate lighting for the interior of the vehicle and an adequate heating system for the driver and passengers, with means of control by the driver.

(f) Have adequate insulation for all electrical leads and cables which must, where liable to be affected by exposure to water, petrol or oil, be adequately protected. All electrical circuits must be

- protected by suitable fuses and battery leads must be so placed and protected that they cannot be a source of danger.
- (g) Carry a spare wheel and tool kit to change wheels or another means of repairing a puncture at the roadside without compromising the safety of passengers or other road users.
  - (h) Carry a suitable first aid kit (see condition No 5 for details).
  - (i) Be fitted with an illuminated roof sign displaying the work "TAXI" (see condition No 17 for details).
  - (j) Be fitted with a dual tariff taximeter of a type approved by the Council, linked to a "FOR HIRE" sign capable of display.
  - (k) Not convey luggage by means of the roof.

### **(C) Age Policy**

1. No vehicle will be first licensed unless the vehicle is less than 7 years old from the date of manufacture as per the vehicle registration document (V5).
2. If an existing licensed hackney carriage is declared a total loss by an insurance company as a result of accident damage, or is stolen & not recovered, that licensed vehicle may be replaced by a vehicle of similar or younger age (with a maximum age of 10 years).
3. No vehicle will be relicensed once the vehicle has reached 15 years old from the date of manufacture as per the vehicle registration document (V5).

### **Conditions of Licence**

#### **1. Driver**

No person being the proprietor of a hackney carriage shall employ as a driver thereof any person who does not have a current driving licence and a current hackney carriage driver's licence issued by the Council.

#### **2. Proprietors to Retain Driver's Licences**

The proprietor shall retain a copy of the hackney carriage driver's licences of all drivers driving his / her vehicle and produce the same to an authorised officer or Constable on request.

#### **3. Identification Plates and Display of Licence Number**

- (a) The plates identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the front and rear exterior of the vehicle in a conspicuous position either immediately above or below the bumper and in such a manner as to be easily removed by an authorised officer or Constable.
- (b) The proprietor shall also cause to be securely fixed and maintained inside the vehicle in such a position as to be visible either by sight or touch at all times to persons conveyed therein a plate supplied by the council containing the number of the licence and such other information as the Council may prescribe.
- (c) The proprietor of a hackney carriage shall ensure that the identification plates are maintained and kept in such a condition that the information contained on the identification plates is clearly visible to public view at all times.

#### **4. Licence and Return of Identification Plates**

The proprietor shall upon expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the identification plates issued to him by the Council when granting this licence, or ensure that such plates are destroyed so as to make them unusable.

#### **5. Provision of First Aid Kit**

The proprietor of a hackney carriage shall provide a suitable first aid kit permanently marked with the plate number of the vehicle. A standard kit purchased from a chemist or auto store will be deemed adequate. The first aid kit must be carried in the vehicle in such a position as to be readily available for use.

## **6. Fitting**

No fittings other than those approved by the Council may be attached to or carried upon the inside of outside of the vehicle,

## **7. Use of Radio Equipment**

The proprietor shall ensure that any radio equipment or any other type of electronic communication device, navigation device or dispatch equipment fitted to a hackney carriage is at all times kept in a safe and serviceable condition and maintained in proper working order. Such equipment must not be positioned in such a way that it obscures any part of the driver's view of the road and must not be fixed to the windscreen of the vehicle within any part of the area which is swept by the windscreen wipers.

## **8. Maintenance of Vehicle**

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

The vehicle will at all times be subject to test and inspection and should it be found that a hackney carriage is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on the proprietor prohibiting them from using the vehicle until the defect has been remedied.

Any wheelchair ramps, wheelchair securing straps, wheelchair seatbelt extensions and any other equipment necessary for the safe transportation of wheelchair users must be kept in the vehicle at all times. Such equipment must be of the correct type for the vehicle in which it is being carried and must at all times be in a safe, serviceable and clean condition. Any such equipment must be permanently marked with the registration number of the vehicle in which it is carried.

The proprietor of the licensed vehicle shall ensure that all drivers carry out a visual inspection of the vehicle prior to its use. This check shall consist of as a minimum ensuring that all tyres are roadworthy, all lights and indicators are working, the windscreen wipers and wash bottle are working effectively and that in the event of a puncture, the wheel can be either replaced with a roadworthy spare or inflated by other means without compromising the safety of the passengers or other road users. A written record of these checks must be kept in the vehicle and produced for inspection when requested by an authorised officer.

Any requirement by an authorised Officer or testing mechanic for bodywork or mechanical repair shall be complied with within the timeframe specified and in any case, the vehicle shall be presented for re-inspection within 28 days. Any failure to comply with such notice will result in the vehicle licence being suspended.

The vehicle proprietor must keep a written record of all servicing, maintenance, repairs and safety checks undertaken on the vehicle and make these records available to an Authorised Officer on demand.

## **9. Vehicle Condition Standard**

All licensed hackney carriage vehicles must be maintained in an acceptable condition, including all bodywork, paint, mechanical components, electrical components & systems and interior.

The vehicle must be regularly serviced at least in accordance with the manufacturers' recommendations and taking into account the additional demands of hackney carriage use. Cosmetically, the vehicle should be kept clean and tidy, with no significant bodywork damage or wear and tear to the interior.

The following will be considered when deciding if a vehicle is in an acceptable condition:

1. Mechanically, no item should show significant wear, deterioration or cause any concern that the vehicle is less than 100% safe for use on the road.
2. Bodywork should show no significant damage, dents or excessive scratching. The overall appearance of the vehicle should be excellent and there should be no rust or deterioration on any of the vehicle's body panels.
3. The paint should have no signs of dullness or fading and the colour of all body panels should match.
4. The underside of the vehicle should be free from any excessive damage and should not show any signs of rust or other deterioration.
5. The interior of the vehicle, including all carpets, seats, boot lining and other trim should be clean and showing minimum signs of wear. The interior and trim must be free of any tears, cuts or burn marks and should be dry and hold no offensive odours.
6. The vehicle's previous test history may be taken into consideration when deciding if a vehicle is in an acceptable condition.

In addition to the above points, if the vehicle is tested and fails the test the extent that the plates are removed from the vehicle, it is clear that the vehicle owner has failed to maintain it in acceptable condition. In these circumstances, the authorised officer may require that the vehicle be permanently removed from the fleet and the Council will not license that vehicle again.

Vehicle proprietors are required to keep a schedule of the maintenance which has been carried out on the vehicle. This must include the following:

1. Documentary evidence that the vehicle has been regularly serviced at least in accordance with the manufacturers recommendations.
2. Documentary evidence of any work carried out on the vehicle, including receipts for parts etc.
3. Documentary evidence that regular checks are carried out on the vehicle both by the drivers (on a daily basis) and by the owner (on a weekly basis) to include tyres, lights, glass, fluid levels and overall condition of the vehicle.

NOTE: The authorised officer's opinion of whether a vehicle is in an acceptable condition will be final.

#### **10. Vehicle Emissions Standard**

From 1 February 2018, the exhaust emissions emitted by the vehicle must comply with the relevant Euro emissions standard for the age of the vehicle:

- (a) Vehicles first registered up to 31 December 2005 must comply with the Euro 3 emissions standard.
- (b) Vehicles first registered up to 31 December 2010 must comply with the Euro 4 emissions standard.
- (c) Vehicles first registered up to 31 August 2015 must comply with the Euro 5 emissions standard.
- (d) Vehicles first registered after 1 September 2015 must comply with the Euro 6 emissions standard.
- (e) As the emissions standards for vehicles continue to become more restrictive, licensed hackney vehicles will be required to comply with the emissions standards relevant to the vehicle at the time of its first registration.

#### **11. Alteration of Vehicle**

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

#### **12. Damage to a Vehicle**

Any damage to a hackney carriage materially affecting the safety, performance or appearance of the vehicle shall be reported by the proprietor to the Council as soon as possible and in any case within 72 hours, in accordance with section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and until such damage is repaired to the satisfaction of the Council the vehicle shall not be used to ply for hire.

### **13. Notification of Convictions to Council**

The proprietor of a hackney carriage shall within 7 days disclose to the Council in writing details of any convictions, cautions or any other orders including but not restricted to ASBO, CRASBO, VOO, Drink banning order etc. imposed on him / her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

### **14. Vehicle Insurance**

The proprietor of a hackney carriage shall keep in force in relation to the user of that vehicle a Policy of Insurance issued by an Insurance Company approved by the Council covering use for hire and reward, passenger, liability, passenger luggage and such other matters as the Council may specify from time to time and comply with the requirements of Part VI of the Road Traffic Act 1972.

On being so required by an authorised officer, the proprietor shall produce to that officer for examination a Certificate of Insurance issued by an approved Insurance Company in respect of a hackney carriage for the purpose of Part VI of the Road Traffic Act 1972, provided that if the proprietor fails to produce such Certificate to the officer on request the proprietor shall within five days of such request produce it to that officer or any other authorised officer at the office of the Council.

### **15. Carriage of Persons, Animals and Luggage**

- (i) The proprietor or driver shall not permit the hackney carriage to be used to carry a greater number of passengers than the number prescribed in the licence.
- (ii) The proprietor or driver shall not permit any person whatsoever to be conveyed in the front of a London type cab used as a hackney carriage.
- (iii) The proprietor or driver shall allow only one person to be conveyed in the front of a vehicle other than a London type cab used as a hackney carriage.
- (iv) The proprietor or driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer.
- (v) The vehicle must not convey luggage by means of the roof.

### **16. Not to carry Person Having Notifiable Disease**

A proprietor or driver of a hackney carriage shall not knowingly convey or permit to be conveyed in the carriage any person having a notifiable disease, the dead body of any person who has died suffering from any such disease, or any clothing, bedding or other articles whatsoever which is known to have been in contact with any such person or body, and shall immediately upon discovering that such a person, body or article has been unknowingly conveyed in the carriage, notify the fact to the Community Physician and the Council.

### **17. Taximeter and Fare Table**

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

- (i) The proprietor shall cause the taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times and to be located within the vehicle in accordance with the reasonable instructions of the authorised officer.
- (ii) The proprietor or driver shall cause the taximeter to be set to correspond with the fare table displayed in the vehicle, as adopted by the Council from time to time
- (iii) The proprietor shall not use or permit to be used a taximeter that the Council has not sealed.
- (iv) The proprietor or driver shall ensure that when the taximeter is brought into operation the permitted extras will be shown legibly on the face of the taximeter and shall be no more than permitted by the approved fare table.
- (v) The proprietor or driver shall ensure that a copy of the fare table supplied by the Council from time to time is exhibited inside the carriage at all times.
- (vi) The proprietor or driver shall ensure that the fare table is not concealed from view or rendered illegible.

## **18. Authorised Fares and charges when operating within the Borough of Tameside**

(a) When a hackney carriage is standing or plying for hire the fare for any hiring shall be calculated in accordance with the fare table for all journeys within the Metropolitan Borough of Tameside unless the hirer expresses his / her desire to engage a hackney carriage by time, when the rate of fare shall be calculated by time. Such rate of fare shall be agreed in advance prior to the commencement of the journey.

(b) 

Regulated	Distance
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The rate of fares fixed by the Council shall include rates or fares for any journey commencing within Tameside and ending at any point within Greater Manchester, but outside Tameside, less than four miles from the nearest Tameside boundary.

## **19. Roof Sign "TAXI"**

The proprietor of a hackney carriage shall cause the carriage to be provided with a roof sign of approved pattern so constructed as to comply with the following requirements, that is to say:-

(i) The sign shall bear the word "TAXI" in plain letters at least two inches in height and not more than four inches in height.

(ii) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire and for that purpose it shall be capable of being suitable illuminated.

(iii) The sign shall be affixed to the roof in a proper manner and safely wired to the taximeter.

## **20. Signs Notices, etc.**

(i) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:-

a) contains the name, address, and telephone number of the proprietor or operator and is displayed on the vehicle other than on the roof or glass parts of the vehicle; or

b) contains advertising unrelated to the hackney carriage/private hire trade, meets the Advertising Standards Authority guidance and does not advertise alcohol, gambling, tobacco, political / religious causes or anything else deemed inappropriate by the authorised officer.

Such advertising may be displayed on the bodywork of a vehicle but must not encroach on to any of the vehicles windows, mirrors, lights, door handles, steps, ramps or other statutory signs as required by the Council.

The proprietor must seek prior permission from the Licensing Department before entering into any advertising agreements and a facsimile of the advertisement they intend to display must be supplied to the Licensing Department for approval.

Whenever an advertisement is removed from a vehicle, the proprietor must present the vehicle for a bodywork inspection by an authorised officer before any further advertisements are applied to the vehicle.

(ii) The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any sign or notices required from time to time by the Council.

## **21. Change of Address**

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

## **22. Transfer of Licence**

If the proprietor wishes to transfer the hackney carriage to another person he shall, before such transfer, give notice thereof in writing to the Council specifying the name and address of the person to whom the hackney carriage will be transferred, and the licence shall be deemed to be revoked if the Council disapproves the transfer of the licence to the person and the hackney carriage is, or has been transferred to him. The Council will not disapprove the transfer of the licence to a person except upon the ground that he is not a fit and proper person to hold the licence.

The Council may require the intended new licensee to submit an enhanced CRB check (or its equivalent) in order to ensure they are a fit and proper person to hold a licence.



## Appendix 9

### Tameside Council Equality Impact Assessment Form

<b>Subject / Title</b>	Taxi & Private Hire Vehicle Policies & Conditions
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<b>Service Unit</b>	<b>Service Area</b>	<b>Directorate</b>
Licensing	Environmental Services	Place

<b>Start Date</b>	<b>Completion Date</b>
1 September 2016	1 December 2016

<b>Lead Officer</b>	John Gregory
<b>Service Unit Manager</b>	Sharon Smith
<b>Assistant Executive Director</b>	Ian Saxon

EIA Group (lead contact first)	Job title	Service
John Gregory	Licensing Manager	Licensing / Public Protection

#### **PART 1 – INITIAL SCREENING**

*An Equality Impact Assessment (EIA) is required for all Key Decisions that involve changes to service delivery. All other changes, whether a Key Decision or not, require consideration for the necessity of an EIA.*

*The Initial Screening is a quick and easy process which aims to identify:*

- *those projects, policies, and proposals which require a full EIA by looking at the potential impact on any of the equality groups*
- *prioritise if and when a full EIA should be completed*
- *explain and record the reasons why it is deemed a full EIA is not required*

*A full EIA should always be undertaken if the project, policy or proposal is likely to have an impact upon people with a protected characteristic. This should be undertaken irrespective of whether the impact is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Service Unit Manager and Assistant Executive Director.*

<b>1a.</b>	<b>What is the project, policy or proposal?</b>	Amendments to the existing policies & conditions relating to hackney carriage and private hire vehicles & conditions
<b>1b.</b>	<b>What are the main aims of the project, policy or proposal?</b>	To implement those changes which the council feels are appropriate

**1c. Will the project, policy or proposal have either a direct or indirect impact on any groups of people with protected equality characteristics?**

**Where a direct or indirect impact will occur as a result of the policy, project or proposal, please explain why and how that group of people will be affected.**

Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age			<b>X</b>	

Disability		X		The impact of extending the lower age limit for wheelchair accessible vehicles may have a positive impact by increasing the number of such vehicles within Tameside
Ethnicity			X	
Sex / Gender			X	
Religion or Belief			X	
Sexual Orientation			X	
Gender Reassignment			X	
Pregnancy & Maternity			X	
Marriage & Civil Partnership			X	
<b>Are there any other groups who you feel may be impacted, directly or indirectly, by this project, policy or proposal? (e.g. carers, vulnerable residents, isolated residents)</b>				
<b>Group (please state)</b>	<b>Direct Impact</b>	<b>Indirect Impact</b>	<b>Little / No Impact</b>	<b>Explanation</b>

Wherever a direct or indirect impact has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact is anticipated, this can be explored in more detail when undertaking a full EIA.

<b>1d.</b>	<b>Does the project, policy or proposal require a full EIA?</b>	<b>Yes</b>	<b>No</b>
			X

## APPENDIX 10

1) Good afternoon,

My only comment on this consultation would be that a system should be put in place to check that applicants for private hire and Hackney licences have a basic knowledge of the local area and, more importantly, up to date knowledge of the Highway Code especially with regard to road signage, bearing in mind the number of current taxi licence holders that blatantly ignore 'No Entry' signs and drive the wrong way along one way streets.

2) *To me it's ambiguous. The word 'Normally ' should be replaced with 'Not'.  
The Policy is about ensuring that members of the public (all ages and vulnerabilities) are safe and not put at risk.*