Statement of Licensing Policy
Taxi Licensing
2016 - 2018

Policy adopted: XXXXXX
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1. Introduction

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

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

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

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

2. Powers and Duties

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

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

The aims of the Council within this policy are to;

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

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

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

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

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

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

4. The Policy

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

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

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

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

5. Policy Aims

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

- take into account the applicants driving record
- their mental and physical fitness to drive
- their honesty and general good character
• ensure that the applicant would not take advantage of their position as drivers, to abuse or assault the public who use their vehicles.

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

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

• Private hire vehicle proprietor
• Private hire driver
• Private hire operator
• Hackney carriage driver
• Hackney carriage proprietor

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

6. Best Practice Guidance

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

7. Regulatory Functions

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

8. Implementation

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

9. Consultation

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

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

10. Equality and Diversity

This Policy Statement considers the Equality Act 2010 which places a legal obligation on public authorities to have due regard to the need— to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity; and foster good relations in relation to the protected characteristic of race, gender, disability, age, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership, and religion or belief.
The Council will have regard to the relevant legislation and ensure that all applications are determined in a non-discriminatory manner.

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

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

11. Accessibility

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

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

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

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

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

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

Drivers who, for medical reasons, are unable to accept wheelchair passengers, or guide/hearing dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be considered on production of medical evidence, at the drivers expense, from the drivers own GP stating the details of their medical condition. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times when the driver is working. These exemptions will be granted for a maximum number of three years.

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

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

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

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

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

All other applications in which the Civic Events, Licensing and Land Charges Manager has concerns as to whether the driver is ‘fit and proper’ will be referred to the Licensing and Environmental Protection Committee for consideration.

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

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

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

- Suspension or Revocation of the Licence;
- Refusal to Renew;
- Issuing of warning or cautions;
• Any other action deemed to be reasonable or appropriate.

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

13. Child Sexual Exploitation

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

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

14. Complaints Procedure

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

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

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

15. Enforcement

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

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

The Council will maintain a consistent and proportionate enforcement regime in the best interests of all concerned and in line with the St Helens Council Regulatory Services Enforcement Policy which can be found at Appendix D.
Licensing and enforcement is carried out by licensing officers and enforcement officers appointed as authorised officers for that purpose. Such officers have been issued with written authority as well as a Council identity badge.

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

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

16. Conduct matters

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

17. Licensing and Environmental Protection Committee

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

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

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

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

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

18. Right of Appeal

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

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

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

As soon as the decision of the Magistrates’ Court has been made, the Licensing Authority will not delay unnecessarily its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example as a result of a judicial review), or where the Council considers an appeal against any decision.

19. Prosecution

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

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

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

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

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

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

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

20. General Requirement

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

21. Obstruction of Officers

It is an offence to:

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

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

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

22. Enquiries/Correspondence

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

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

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

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

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

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

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

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

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

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

- **Communication skills** – the ability to communicate clearly with customers is an important requirement. All applicants must be able to converse with a good basic standard of the English language. This will be assessed by Officers during the application process by submission of a written and verbal material. Should any applicants be judged not to have an appropriate understanding of the English language then they will be directed to relevant courses available in the area to improve their skills. They will also be advised of a suitable time frame for reapplication.
• **Appropriate behaviour** – Licensed drivers must act appropriately at all times whilst undertaking their duties. Appropriateness will extend to courtesy to the passenger(s) and other road users alike. Drivers shall not engage in or otherwise encourage conversations which could cause discomfort to another person or persons, or other licensed drivers including asking personal questions about, or of, passengers or other people. Similarly, opinions on sexual orientation, age, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, disability, race or religion should not be discussed.

• **E Cigarettes, Vapours and Aromas**

The use of e cigarettes or eating of pungent food stuffs within the licenced vehicle should be carefully considered. The journey should focus on the needs and experience of the passenger and, as such, it is expected that drivers do not use e cigarettes, eat or drink whilst operating the vehicle or with passengers present. They should also ensure that there are no lingering smells, vapours or aromas within the vehicle prior to a collection of a passenger.

### 243. Application Procedure

The Council will consider each application on its own merits once the required application and accompanying documents are received at first appointment stage.

On application for a new licence applicants will be required to have a sufficient understanding of the English language to be able to perform effectively as a taxi driver. If an applicant demonstrates an insufficient understanding of the language they will be ‘signposted’ to St. Helens College to enable them to undertake an English Language course. The completion of this course will be at the applicants own expense.

There are several stages to the application process which are set out below;

Applications **must** be successfully completed within six months from the date the initial application is made; this is to ensure as far as possible the relevance of the information received. Failure to complete the process within this time will render the application void, it will then be necessary for the applicant to recommence the process resulting in additional cost to the applicant.

All applicants will be required to attend the Licensing Office in person at the start of the application process. This is to ensure that non fraudulent applications are made.

All applicants will be required to pass a written ‘Essential Skills Assessment’ under the supervision of Course Invigilators. The test comprises of questions relating to the conditions of the licence, the law relating to the licence, geographical knowledge of the area, customer care and disability awareness, highway code, arithmetic and visitor information. Applicants should be aware that the assessment must be sat independently by the applicant - no assistance from another person is possible.

The fee for the assessment must be made by the applicant in advance of the initial and any subsequent test(s).

The applicant will be required to take a medical examination to DVLA Group 2 standard. All associated medical fees charged are payable by the applicant. When issued, the medical certificate should be returned to the Licensing Office to progress the application.

On satisfactory receipt of these items and subject to a satisfactory Disclosure and Barring Service (DBS)Enhanced Certificate, **Driver and Vehicle Standards Agency (DVSA). Taxi Driver (Standard) Certificate** and DVLA (driver licence) check the applicant will be issued with a licence and identification badge. Upon expiry (without immediate renewal), revocation or suspension of this
licensure a driver shall forthwith return to a member of the Licensing team the driver’s badge issued to them by the Council.

All supporting identification documents must be consistent in that all personal details including spelling and order of names should correspond. Any identification documents with names spelt incorrectly and/or with incorrect details will be rejected.

The Council will consider all applications on their own merit, once satisfied that the appropriate criteria has been met and the application form and any required supporting documents have been submitted. All forms are available for collection in person from Contact Centre Reception, Wesley House, or via the website www.sthelens.gov.uk/licensing.

The applicant must then contact the Licensing team to arrange a mutually convenient appointment to commence the application process. Applicants will need to provide the following at first appointment stage:

**Stage 1 Appointment**

1. Completed application forms, a photograph will be taken at the interview.
2. Licence fee (note that payments can only be accepted by credit/debit card, - **NO CASH IS ACCEPTED**)
3. Completed DVLA mandate form and driver licence.
4. Proof of “Right to Work in the UK”. (See Appendix F)
5. Driver and Vehicle Standards Agency (DVSA) Taxi Driver (standard) certificate
6. Proof of identity (no more than 11 old months showing current address)
7. An official letter denoting your National Insurance Number (cards are no longer accepted)
9. Proof of completion/pass of VRQ or BTEC in Taxi Driver Training

At this initial appointment, an assessment will be carried out by the Officer to establish the Applicant’s understanding of the English language. Should an applicant find it difficult to communicate or answer basic questions then the application will be halted and the applicant directed to St. Helens College to undertake a simple introduction to the English language. The applicant will be encouraged to reapply once this process is complete. It will be informed that they do not have sufficient understanding of the English language to continue with their application at that time. Applicants will be able to continue with their application once they do have sufficient understanding of the English language and may wish to undertake a course at a local college.

It should be noted that only original versions of the documents listed above will be accepted (no photocopies).

For those applicants not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the UK, which will include a relevant Visa or letter ‘Certificate of Good Conduct’ from the appropriate Embassy/Authority which you will need to provide at your own expense.

The applicant will be given a receipt for the fee paid. An application will then be made to the DBS for an enhanced disclosure to be supplied.

**NB:** An application will not be considered until the above process is completed – applicants should note that this process could take a number of weeks. A straightforward application (with all tests completed) can take up to 12 weeks on average. Any application which requires a Committee referral, will take considerably longer, on average this could be up to 24 weeks dependent on the Committee agendas.
Once an application is submitted, no refunds will be made should the application not be successful.

NB: The Council will not be responsible for any documents that may be lost in the post.

### 254. Production of UK Driving Licence

The driving ability of an applicant starts with the requirement to have held a full UK, EU or equivalent licence, entitling them to drive a motor car for at least 1 year prior to a licence being granted. It is important that a current and valid UK driving licence is produced. However, it is recognised that in some circumstances this may not be possible. The Council requires written proof of the holding of a licence for at least one year. UK driving Licences **must** show the correct details (including the current permanent residential address) – to be valid.

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

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

### 25. DVSA Driving Test

This section has been temporarily removed to allow further consultation and will be referred back to a future committee.

### 26. Disclosure and Barring Service

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

The Council is an approved DBS body entitled to request and process information disclosed by the DBS in respect of an applicant for a hackney carriage/private hire vehicle drivers licence and as such all checks will be done through the Council and the applicant will be charged the appropriate fee in connection with the application for Disclosure.

The appropriate level of DBS disclosure will be carried out by the Council every third year upon application for renewal. The Council can also request another disclosure at any time, should a further check be considered necessary, this will be at the applicant’s expense.

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

The Council will not divulge personal information disclosed as a result of the DBS check to any third party. However, to promote the licensing objectives the Taxi Licensing Team will share information with other relevant agencies for example; DVSA, Customs and Excise, the Police and Benefit Agencies. Information will also be shared with internal departments within the Council where considered appropriate.
Any person arriving in the UK after the age of 14 will be required to provide a certificate of good conduct authenticated by the relevant Embassy or delegation. Anyone employing a driver from outside the European Union (formerly known as the European Economic Community) must check whether that person is permitted to work in this country or is subject to work restrictions (this is a legal requirement). Additionally, all applicants are required to show that they have a right to work in the U.K. Where this is an interim authorisation i.e. whilst an application is being considered, you must immediately notify the Taxi Licensing Team on receipt/notification of that decision. (Please refer to Appendix F for requirements regarding proof of right to work).

Information regarding Certificates of Good Conduct or similar documents from a number of countries is available from:

Passport and Documentary Service Group
Consular Directorate
Foreign and Commonwealth Office
Room G38
Old Admiralty Building
London
SW1A 2PA
www.fco.gov.uk

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

27. Relevance of Convictions and Cautions

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

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

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

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

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

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

In assessing whether an applicant is a ‘fit and proper person’ to hold a licence, the Council will consider each case on its own merits. In doing this the Council will take account of cautions and
convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether any cautions or convictions are capable of having relevance to the issue of whether or not an applicant is a ‘fit and proper person’ to hold a licence. Officers may consult with the Safeguarding or any other relevant team in order to appropriately consider any issues identified.


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

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

Acceptable standard of dress

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

Unacceptable standard of dress

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

If drivers are in any doubt about the appropriateness of their proposed attire they should seek guidance from the Licensing Team.

29. Fees and Charges

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

Cheques or postal orders should be made payable to “St. Helens Council”.

NB: A cheque returned unpaid to the Council will immediately invalidate any licence issued. For this reason applications submitted with a cheque will not be processed until the period of clearance
Statement of Licensing Policy – Taxis 2016 - 2018

has passed. Please be aware that this can take 2-3 weeks. Cash cannot be accepted as a means of payment.

Should a cheque be returned unpaid for any reason then the ability to pay by this method in the future will be withdrawn. This means that all future payment must be made by debit/credit card or postal order only.

You are advised to obtain and retain an official receipt for all fees paid.

30. Dual Licences (Joint Driver Licences)

St. Helens Council grants joint driver licences that enable drivers to drive both hackney and private hire vehicles providing the permission of the registered owner of the vehicle and appropriate insurance has been obtained in advance. This is to provide flexibility for professional drivers to drive any vehicle licensed by St. Helens Council.

31. Licence Renewals

When a licence is due for renewal a reminder will normally be sent to you, prior to the expiry of a licence (up to three months in advance). This will advise you to contact the Licensing Team to arrange a mutually convenient appointment to process your renewal. It is important that you contact them in good time and arrive promptly for your appointment. Failure to do so in the renewal time frame will result in the recommencement of the application process.

**NB:** Reminders are sent purely as a matter of courtesy and it remains the responsibility of the licence holder to make a timely application and avoid licences expiring.

All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed. You are advised to make your appointment a minimum of 3 weeks prior to the required renewal of your licence. **If a renewal application is not received before the expiry date then there is no licence to renew and any subsequent request will be treated as a new application, with all the necessary checks starting again.**

Applicants should attend for appointment at the prescribed time and hand to the Licensing Officer, all relevant documents as requested in the letter.

Should it transpire that a DBS or DVLA re-check is due or a medical (which becomes age related from 45 years) then appropriate notices will be issued.

32. Display of Badges

Drivers are issued with an identity badge which will display their unique licence number; the badge is to be worn or displayed so that it is plainly visible at all times, to passengers (or prospective passengers) and Authorised Officers, when driving a private hire / hackney carriage vehicle, attachment to a belt or hook at the waist is not acceptable.

33. Grandfather Rights

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

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

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

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

34. Driver Conditions

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

35. Production of Licence to Authorised Officer / Police Officer

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

36. Suspension and Revocation of Driver’s Licences

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

(a) that he/she has since the grant of the licence:
   (i) been convicted of an offence involving dishonesty, indecency or violence: or
   (ii) been convicted of an offence under, or has failed to comply with, the provisions of the TPCA or LGMPA; or

(b) any other cause deemed to be reasonable

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

37. Change in circumstances

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

- any change of address, also providing their new details;
- any name change;
- any convictions, cautions or driving offences;
- any allegations of a safeguarding nature
- binding over orders
- harassment notices;
- arrestable offences; or
- notifiable DVLA medical conditions;
- change of operator
The ‘7 Day Rule’

LICENCE HOLDERS ARE REQUIRED TO NOTIFY THE LICENSING TEAM WITHIN 7 DAYS OF RECEIVING NOTICE OF ANY INTENDED PROSECUTION, CAUTION, CONVICTION OR FIXED PENALTY NOTICE BEING RECEIVED FOR ANY OFFENCE, MOTORING, CRIMINAL OR OTHERWISE.

The ‘7 Day Rule’ information can be found at Appendix N.
Part C
Vehicles

38. First Application

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

The following process must be followed for the application:

1. Complete the relevant application forms and submit together with the relevant fee and proof of ownership to the Licensing Office at the pre-arranged appointment.

2. Arrange for the vehicle to be tested by contacting Licensing on: 01744 67 6770 or by email taxilicensing@sthelens.gov.uk.

3. Contact the Licensing Team to arrange an appointment to submit the “Vehicle Compliance Certificate” with a valid Insurance Certificate or Cover Note and proof of current Road Tax.

On satisfactory receipt of the above items a licence, plates, and disc will be issued. Six monthly vehicle licences will expire in line with the expiry date of the compliance certificate.

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

Applications for renewal licences can be made at any time up to one month prior to the expiry of the existing licence. If the renewal licence is issued during this period it will commence at the expiry of the current licence and run for 6 months from the initial expiry date. In certain circumstances (e.g. emergency replacement vehicles) the licensing team may issue a licence for a shorter period.

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

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

Transfer of Ownership - Should a licence holder wish to transfer the ownership of a licensed vehicle they must, within fourteen days after such transfer, give notice in writing to the Council specifying the name and address of the person to whom the hackney carriage/private hire vehicle has been transferred. Applicants will need to complete the required form which can be obtained from the website www.sthelens.gov.uk/licensing.

The new proprietor will need to submit an application together with the appropriate fee, to have a licence issued / transferred to them for the remainder of the term together with a valid Certificate of Insurance (or cover note) and proof of Road Tax for the transferee.
Only persons deemed by St Helens Council to be a fit and proper person may hold a Hackney Carriage proprietors licence. In order to be deemed ‘fit and proper’ all applicants for a Hackney Carriage proprietor’s (Vehicle Owners) licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS). If an applicant is currently in receipt of a valid joint Hackney Carriage / Private Hire drivers licence or an additionally conditioned private hire drivers licence then this is not required. This provision does not apply to companies who provide insurance replacement vehicles on a temporary basis.

39. Limitation of Numbers

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

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

40. Insurance and Road Tax

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

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

41. Security/CCTV

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

For the purpose of this policy, CCTV relates to recording inside of the vehicle only. The installation of security measures such as a screen between driver and passengers, as a means of providing some protection for drivers is acceptable; however, where a screen has been fitted an additional camera must be fitted to the CCTV system to ensure a clear recording.

In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. A warning sign, approved by an authorised officer, must be clearly and prominently displayed inside the vehicle.
advising passengers that a CCTV system is in operation in the vehicle. The unit should be appropriately sealed and tamper proof and footage should be made available upon request to the Licensing Authority within 48 hours of a request being made.

Any such equipment shall be fitted in such a way as not to present any danger or hazard. At the time of fitting of any CCTV System it must be compliant with the specifications applicable at that time. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.

The Council may consider the introduction of a mandatory CCTV system in the future following research and consultation with the trade.

42. First Aid Kits and Fire Extinguishers

There shall be provided and maintained in the vehicle at all times when it is in use, or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances.

The relevant BS Standards are;

First Aid Kit BS8599-2 A medium sized first aid kit suitable for ‘cars, taxis, vans, and trucks up to 8 passengers’.

Fire Extinguisher BS6165 – 600g powder fire extinguisher suitable for cars.

It should be noted that the first aid kit is for personal use and is not intended for use on passengers. Similarly in terms of the fire extinguisher, fire safety advice is always to remove yourself and any passengers to a safe distance from the fire.

43. Spare Wheels, Space Saver Wheels and Kits

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

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

44. Trailers

This item has been temporarily deferred to allow further consultation and will be presented back to members at a future committee.

45. Vehicle Signage and Advertising

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

The following rules apply:

- Any vehicle not currently licensed for private hire (with the exception of limousines) shall be required to fit permanent door signs to the nearside and off-side front doors of the vehicle, at the point of licence. In certain circumstances a discretionary additional 7 days may be granted to affix the signs. Please seek further guidance from Licensing.

- All new and existing proprietors shall fit permanent door signs to their vehicle no later than the first test stage.

- Signs will be displayed on both the nearside and off-side doors of all Private Hire Vehicles (top panel only) and if damaged or defaced must be immediately replaced. These signs will carry the words PRIVATE HIRE ONLY and the Operators name and telephone number. The 'Operator Name, and telephone number or web address or app i where the bookings are to be made.

- Private Hire Operators cannot accept bookings direct to a mobile number and these cannot be used on door signage or other advertising material. The signs are to be displayed in the format specified below and in letters not more than 4 inches in height and not less than 2 inches in height. These may also be displayed on the boot or rear bumper of the vehicle.

  Example:
  a. PRIVATE HIRE ONLY (NB: Must come first)
     BROWN’S CARS
     01744 123456
  b. PRIVATE HIRE ONLY (NB: Must come first)
     BROWN’S CARS
     www.brownsacars.com
  c. PRIVATE HIRE ONLY (NB: Must come first)
     BROWN’S CARS
     Download our App

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

- The words ‘cab’, taxi’ or ‘hackney’ must not be included in any part of the sign.

- Operator advertising on minibuses/people carries - in addition to the above, these may add further signs showing the trading name and telephone number on the bonnet, sides and rear of the vehicle in letters not more than 10 inches in height.

**Commercial Advertising**

THIRD PARTY ADVERTISING Discreet third party advertising will be permitted on the upper rear door panels of vehicles, subject to the written consent of the Council. Approval for advertising may be given by the Licensing Manager subject to presentation of case following official application channels. Where such approval is withheld, the applicant may appeal to the relevant Licensing and Environmental Protection Committee.
46. Vehicle Age Restrictions

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

47. Vehicle Test Appointments

Following payment of the annual licence fee the applicant must make arrangements with Licensing for the relevant test fee to be paid and to obtain an appointment.

Prior to the additional (mid-year) vehicle test the licence holder will normally be forwarded details of the due date (purely out of courtesy), however please do not rely solely on this reminder, the current licence clearly displays the expiry date and therefore when the vehicle has to be tested by. There is also a clear indication on the Licence that it will become suspended if the vehicle does not successfully pass the ‘additional’ test by the due date.

All vehicles will be tested twice per year. Vehicle licences are issued for a six month period and licences will not be renewed unless the vehicle has passed the vehicle test. (i.e. once for initial test or annual licensing and once six months on from that date) unless a third test is required (see section 48).

Please do not attend the test bay with passengers or other persons, including family or friends, unless it is necessary for the testing/licensing of the vehicle.

48. Testing of Vehicles

Vehicles must be tested by the Council Approved testing station at Hardshaw Brook depot. The annual or additional tests vehicle tests should not be used as a screening process as all vehicles should be thoroughly maintained and in good mechanical order at all times throughout the licence period. All vehicles produced for inspection should be compliant with legislation and the conditions of licence as applicable.

All vehicles (whatever their age) must be tested, inspected and pass a ‘Compliance Test’ before a vehicle licence can be issued. This is to ensure that not only is the vehicle’s condition safe, of satisfactory appearance and suitable to be used as a licensed vehicle, but also to ensure that it is mechanically fit, and that it complies with the relevant licensing conditions and legislation.

A further test will be conducted on all vehicles six months from the date of the initial or annual test. every six months.

If a vehicle fails any test (except where a vehicle has not previously been licensed by St. Helens Council), a third test will be required where:

- The action advised under the DVSA Categorisation of Defects warrants immediate suspension; or
- Two of the defects warrant delayed suspension
It is proposed to temporarily defer this section to allow further consultation. This will then be presented back to Committee at a future date.


This rule also applies to vehicle inspections conducted by an Authorised Officer, therefore not solely at a designated testing centre.

Any licence-holder who submits a vehicle for testing, must ensure that vehicle is in a suitable condition to be assessed. Vehicles will be tested twice per year. If the vehicle has required a retest on two occasions in a two year period, then a third test, three months later will be required. A written warning about vehicle condition will also be issued. Should that licence-holder then be required to present the same or another vehicle in their ownership, for a retest within a two year period of receiving a written warning, they will be referred to the Licensing and Environmental Committee to consider their fitness to continue to hold vehicle licenses with the Authority, pertaining to their continual failure to maintain the safety and fitness of their vehicle(s).

Any vehicle that fails its inspection requirements may have its licence suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained (dependant on the nature of the fault(s)).

Where a vehicle has been subject to an immediate suspension, there is a legal requirement (after service of notice) for the proprietor to return the plates to the Council. Vehicles which are the subject of a suspension are prohibited for use as a licensed vehicle until such time as they have obtained the necessary pass certificate to demonstrate their roadworthiness. A proprietor may elect to surrender the plates immediately to an Authorised Officer.

The Compliance certificate exempts the owner of a vehicle from holding an ordinary M.O.T. certificate (on vehicles more than three years old) but only as long as the vehicle licence remains current. Effectively, this means that if the plate/licence expires, or the plate/licence is suspended for any reason, then the vehicle cannot legally be used on the road under the compliance certificate.

For full details of Vehicle requirements see Appendix I.

Please Note: Vehicle testing officers are “authorised officers” within the meaning of the LGMPA ’76, they are issued with Identity Badges, which they are obliged to produce on demand, by the Council.

49. If a vehicle fails a test

The applicant/driver will be informed in writing of the reason(s) for failure. The vehicle must be immediately removed from the testing station to have the faults rectified.

An appointment for a retest must then be booked. In the case of a licensed vehicle being submitted for testing and serious defects being found then, where appropriate, the licence may be suspended with immediate effect until such time as the defects are corrected. Please note that the vehicle must successfully pass a retest within 10 working days of the initial test, otherwise a full test will be required.
NB: Vehicle proprietors are reminded that vehicles should be presented ‘test ready’ and clean.

**When a vehicle passes the test**

The testing station will update jointly held databases with the Licensing Team that notifies Licensing of the pass. The licence-holder must contact Licensing to arrange a convenient appointment to renew the licence and collect the plates. For a 6 month (or additional) test the same procedure will apply.

50. **Failure to attend vehicle test**

If the applicant is unable to attend the test for any reason at least 48 hours notice must be given to the testing station (this includes non-working days).

Failure to attend the test without providing the required notice to the Testing Station will result in a fee being levied equivalent to the cost of that test.

51. **Driver of Vehicle**

The driver of the vehicle must remain on the premises whilst the test is being carried out. In the case of taximeter tests, the vehicle must be driven by the applicant or their driver. Drivers are able to view the test being carried out by the use of remote CCTV. Please request this facility upon your arrival for the test, should you require it.

52. **Proprietors Compliance with Licence Conditions**

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

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

53. **Private Hire Vehicle Conditions**

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

54. **Suspension of Licence**

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

55. **Smoking**
Smoking by anyone in a licensed hackney carriage/private hire vehicle is illegal. Compliance with legislation is required.

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

The Council’s Fixed penalty Notice Enforcement Strategy is at Appendix O.

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

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

56. Celebratory Flags

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

57. Vehicle requirements

Every proprietor of a vehicle shall ensure that;

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

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

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

58. Accident Notification
In the event of an accident (or criminal damage) involving a licensed vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of potential passengers, the proprietor shall notify the Council as soon as reasonably practicable. Under normal circumstances, the Council would regard a notification made by no later than 5:00pm on the next working day to have been made as soon as reasonably practicable. In all cases, the proprietor is required under current legislation to report details of the accident to the Council with 72 hours of the accident.

The proprietor must comply with any reasonable request to produce the vehicle for inspection at a specified location within the area of the Council so that its fitness / roadworthiness can be assessed.

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

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

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

60. St. Helens Council bye-laws with respect to hackney carriages

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

61. Plying and Standing for Hire

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

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

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

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

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

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

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

63. Suspension and Revocation of Vehicle Licences

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

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

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

(c) Any other reasonable cause.

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

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

64. Vehicle Inspection

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

The proprietor of a licensed vehicle must supply the Council with written details of the address where the vehicle is kept when not in use, and must, if required by the Council, allow the Council access to enable the vehicle to be inspected and tested there. All associated costs will be met by the driver or operator.

65. Fares for Hackney Carriages

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

Journeys which end outside St. Helens Council Area
For these journeys the fare is negotiable with the hirer. If any fare is negotiated before the hiring is made no fare greater than that displayed on the meter can be charged. The meter must be used in these circumstances.

**Hackney Carriages used under Contracts for Private Hire**

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

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

66. Fares for Private Hire Vehicles

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

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

67. Meters / Data heads

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

68. Additionally conditioned Private Hire licences

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

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

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

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

69. Additionally Conditioned Driver Licences

Additionally Conditioned driver licences are single licences permitting the holder to drive only licensed Additionally Conditioned Private Hire Vehicles.
Drivers applying for an Additionally Conditioned Private Hire Driver’s licence will be exempt from the local knowledge, simple arithmetic and visitor information sections of the required knowledge test however; they are not licensed to drive “standard” Private Hire Vehicles or Hackney Carriages.

70. Additionally Conditioned Vehicle Licences

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

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

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

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

71. Additionally Conditioned Driver/Vehicle Conditions

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

72. Stretched Limousines

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

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

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

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

74. How to apply for an Operator’s Licence

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

Only persons deemed by St. Helens Council to be a ‘fit and proper’ person (please see relevant section 22) may hold a Private Hire Operators Licence. In order to be deemed ‘fit and proper’ all applicants for a Private Hire Operators Licence must obtain a standard disclosure from the Disclosure and Barring Service (DBS). If an applicant is currently in receipt of a valid joint Hackney Carriage / Private Hire drivers licence or an additionally conditioned private hire drivers licence then this is not required. Where an applicant is a limited company then all directors must obtain a standard disclosure before a licence is considered.

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

75. First Application

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

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

By phone: 01744 676219
In person: At Town Hall Planning reception, Victoria Square, St. Helens
Online: www.sthelens.gov.uk

Contact the Licensing Team on 01744 676770 or email us taxilicensing@sthelens.gov.uk to request an appointment to make your application for a Private Hire Operators Licence. If your application is to run the business from a business premises, then a site visit will be required by the Licensing and Land Charges Manager, prior to progressing your application. When attending appointments please ensure you bring with you the following:
The current applicable fee (Appendix H)
A completed Private Hire Operators License application form
Design of your private hire operator door sign which must comply with condition 11 of the private hire vehicle license conditions. (Appendix K)

76. Renewals

All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed. If a renewal application is not received before the expiry date then there is no licence to renew and any subsequent request will be treated as a new application, with all the necessary checks starting again.

Reminders are sent purely as a matter of courtesy and it remains the responsibility of the licence holder to make timely applications / renewals.

77. Suspension of Operator’s Licences

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

(a) Any offence under, or non-compliance with, the provision of the TPCA or LGMPA;
(b) Any conduct on the part of the operator, which the Council considers makes them unfit to hold the licence;
(c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) Any other cause deemed reasonable.

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

78. Keeping of Records

Licensed operators must keep records for a minimum of 9 months from the date of the journey. They must be in the form prescribed by the Council as set out in the Private Hire Operator conditions at Appendix “L”.

It is important that booking details are recorded at the licensed premise and kept up to date. Ultimately, operators have a legal responsibility to show that they only use drivers/vehicles that are licensed by the Council and that they comply with all relevant laws and conditions on the licence. Operators and vehicle proprietors also have a legal responsibility to ensure that all drivers are and remain licensed by the D.V.L.A and that the vehicle is maintained in a satisfactory condition.

Bookings may be recorded in a number of ways however the main reason for the recording of bookings is to ensure there is an effective audit trail. This allows the operator to prove all journeys were carried out following (and not prior to) the booking being recorded at the licensed premise and to assist Licensing Officers and Police to identify driver’s, vehicles and clients in the case of any queries.
The use of electronic booking systems allows an operator a faster and sometimes more efficient way of dealing with high volumes of clients but in doing so certain details previously required for the booking would not be recorded. Under these circumstances each vehicle must be electronically tracked and the operator must still be able to satisfy the Authority of a thorough audit trail.

The Operator must be able to provide a list of those persons employed within their organisation.

The Operator must be able to demonstrate that there are adequate arrangements in place to deal with complaints and provide the Council with a copy of its Complaints Policy.

Any change of address of a licence holder must be notified to the Licensing Section, within seven calendar days of the change taking place.

All drivers that are engaged by the operator must be in possession of a current appropriate current drivers licence issued by both St. Helens Council and the D.V.L.A.

79. Conditions

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

80. Important Changes

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

81. Complaints

Operators must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business and the action, if any, that the operator has taken or proposes to take.

82. Insurance

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

83. General Requirement

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

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

Complaints Procedure

It can be a common misconception that the Council ‘employs’ licensed drivers. This is not the case. Hackney Carriage and Private Hire licences allow holders to run what is considered to be their own businesses. As individual business owners, licensees are in a position to run their businesses as they see fit, with the proviso that they meet the requirements and conditions of the licences held and prevailing legislation. Therefore, in the first instance any complaints about levels of service or service delivery should be directed to the relevant operator.

Nature of Complaints

- If the incident relates to traffic offences, (eg. Illegally sounding the horn, mobile phone use, speeding, dangerous or reckless driving) then the complaint should be referred to the Police. If the complaint refers to serious conduct including allegations of assault, threats of violence, etc, these should also be reported to the Police.

- If the complaint refers to such matters as overcharging, taking a longer route, condition or cleanliness of vehicle, or the general conduct or appearance of the driver or operator, these should be reported to the Licensing Authority.

- All disputes between drivers / operators should be resolved between yourselves unless there is evidence of a breach of licence condition, or if a relevant offence has been committed. Again, if the incident relates to a traffic or serious conduct manner then these should be referred to the Police.

All complaints which are pursued by the Council are based upon the operator’s / driver’s fitness to hold a licence and/or the condition of the licensed vehicle. Accordingly, any complaints about driving manner should also be directed to the Police.

Each step of any complaint investigation must be documented due to the fact that there is potential for the complaint to progress to being heard in Court.

The complainant should therefore, provide the following information as a minimum:

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

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

The Council cannot investigate anonymous or frivolous complaints.

In order to investigate the incident fully we will also ask the complainant to confirm their complaint in writing. This can be submitted by email or by completing our standard complaints form which will be provided.
We aim to conclude investigations as soon as possible; however, the length of time taken to conclude the investigation is largely dependent upon the licensed operator’s and driver’s response to Council correspondence.

Complainants should be aware that they may be requested to support their case in person at the Councils Licensing and Environmental Protection Committee, should the matter be referred there for consideration/action. Complainants will be provided with a formal response detailing the conclusions reached as a result of any investigation.

Outcomes following a complaint

The Council aims to conclude the investigation as promptly as possible. Below is a list of possible action the Council can take against licensed drivers and operators.

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

We will write to the Complainant and the driver/operator once our enquiries are complete.
Appendix D

Enforcement Policy

Contents:

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

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

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

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

The enforcement options/tools available to us include:

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

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

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

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

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

2.0 Legal Status of the Enforcement Policy

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

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

3.0 Scope and Meaning of Enforcement

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

- Proportionality
- Accountability
- Consistency
- Transparency
- Targeted

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

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

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

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

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

4.2 The policy is available online at:

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

5.0 General Principles

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

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

For more information about the Regulators’ Code visit:

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

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

5.4 We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making any decision to take enforcement action.
5.5 In situations where a regulatory visit is made to a business or organisation that has entered into a Home Authority or Primary Authority arrangement, we will have regard to any statutory advice or inspection plans produced for enforcing authorities. Where enforcement action is envisaged against such businesses or organisations the primary authority will be notified of the proposed enforcement action and account will be taken of any advice provided.

For information on the Primary Authority scheme visit :-

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

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

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

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

6.0 Notifying Alleged Offenders

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

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

7.0 Enforcement Action

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

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

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

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

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

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

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

7.2 No Action

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

7.3 Informal Action and Advice

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

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

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

7.4 Fixed Penalty Notices

7.4.1 Certain offences are subject to fixed penalty notices where prescribed by legislation as an alternative to prosecution. They are recognised as a low-level enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.
7.4.2 In circumstances where a person or body corporate fails to accept or pay a FPN, then in order to maintain the integrity of these legislative regimes, Regulatory Services will consider an escalation of enforcement action. This will include consideration of a prosecution for the original offence under the primary legislation.

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

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

7.5 Penalty Charge Notices

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

7.6 Formal Notice

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

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

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

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

7.8 Seizure

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

7.9 Injunctive Actions and other Civil Sanctions

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

7.9.2 Action under the Enterprise Act 2002, proceedings may be brought where an individual or organisation has acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most circumstances action will be considered where there have been persistent breaches or where there is significant consumer detriment. Action can range from:

Information undertakings;

Formal undertakings;
Interim Orders;

Court Orders;

Contempt Proceedings.

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

7.10 Suspension and Revocation of a Licence

7.10.1 Review of Hackney Carriage/Private Hire Drivers Licence

Pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend, revoke or refuse to renew a hackney carriage/private hire driver's licence on any of the following grounds:

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

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

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

(b) Any other reasonable cause.

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

7.10.3 Review of a Private Hire Operators Licence -

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

(a) any offence under, or non-compliance with, the provisions of part II of the Act;
(b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator’s licence;
(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) any other reasonable cause.

7.10.4 Review of a Premises Licence

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

- To modify the conditions of Licence
- To exclude a Licensable activity from the scope of the Licence
- To remove the Designated Premises Supervisor
- Suspend the Licence for a period not exceeding three months
- Revoke the Licence
- Issue a warning letter (i.e. informal action)
- No action
(b) In addition, where a Summary Review of a Premises Licence is sought by the Police pursuant to Section 53 of the Act, the Licensing Sub Committee may take the following interim steps if they are considered necessary, pending determination of the review:-

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

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

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

7.11 Simple Caution

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

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

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

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

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

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


7.12 Prosecution

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

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


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

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

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

7.12.3 **The Public Interest Test**

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

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

- The seriousness of the offence including whether there is a significant risk to public health or safety: damage to the environment: causing suffering to animals or risk of spread of animal or human disease
- The culpability of the offender including their level of involvement in the offence, the degree of premeditation or pre planning, relevant previous convictions or out of court disposals, previous advice or warnings, their age or maturity or whether, at the time of the offence, they were suffering from any significant mental or physical ill health
7.13 Proceeds of Crime Act Applications

7.13.1 Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. Applications are made after a conviction has been secured.

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

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

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

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

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

9.0 Liaison with other Regulatory Bodies and Enforcement Agencies

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

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

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

- Government Agencies;
10.0 Considering the views of those affected by offences

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

11.0 Protection of Human Rights

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

- Right to a fair trial;
- Right to respect for private and family life, home and correspondence.

12.0 Review of the Enforcement Policy

12.1 This Policy will be reviewed annually.

13.0 Complaints

13.1 The Council has an established complaints procedure which can be accessed on line at www.sthelens.gov.uk or by contacting St. Helens Council, Contact Centre, Wesley House, Corporation Street, St. Helens, WA10 1HE. Telephone 01744 – 676789.
LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND OPERATORS LICENCES
PROCEDURAL GUIDE

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

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

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

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

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

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

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

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

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

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

PLEASE NOTE:

i). Where the Committee considers it necessary the procedure may be varied.

ii). In circumstances where any party fails to attend, the Committee will consider whether to proceed in that party’s absence or, defer to the next meeting. In deciding whether to proceed all notices and representations will be considered.

iii). The hearing will take the form of a discussion and the Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.
iv). If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority’s attention prior to the hearing in order that reasonable adjustments can be made.

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

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

Proof of Right to Work in the UK

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

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

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

List 1 – any one of the following

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

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

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

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

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

1. INTRODUCTION

Any applicant for a Hackney Carriage/Private Hire Driver's Licence must satisfy the Local Authority regarding his/her medical fitness, honesty and integrity and fitness to drive.

DETAILS OF CONVICTIONS

You must disclose all convictions (including motoring convictions), fixed penalties, Police cautions, warnings and reprimands. You must disclose if you are on Police bail pending the outcome of a Police investigation or whether any criminal proceedings in the Magistrates' Court or Crown Court have been commenced against you. You must also let us know if you have had any anti-social behaviour order (or any other order made by a court) issued against you, including offences dealt with by means of restorative justice.

You must also declare any penalty points that still appear on your DVLA driving licence.

THE WITHHOLDING OF INFORMATION OR THE SUBMISSION OF FALSE INFORMATION MAY LEAD TO PROSECUTION.

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority shall not grant a licence to drive a Hackney Carriage/Private Hire vehicle:

Unless they are satisfied that the applicant is a ‘fit and proper’ person to hold a driver's licence;

or

to any person who has not been, for at least twelve months and is not at the date of the application, the holder of a full DVLA licence.

2. GUIDANCE REGARDING DISCLOSURE OF CONVICTIONS/OFFENCES

IMPORTANT: generally a licence will be refused where an applicant has 5 convictions or more.

(A) MOTORING CONVICTIONS/OFFENCES - where a disqualification imposed:

A person will generally be disqualified from holding a Hackney Carriage/Private Hire Drivers Licence for a period of four years after the completion of any disqualification period which might have applied to that person following a conviction/offence for driving under the influence of alcohol or drugs.

(B) MOTORING CONVICTIONS/OFFENCES - other serious offences:

A person will generally be disqualified from holding a Hackney Carriage/Private Hire Driver's Licence during the period when he or she is required to disclose any of the 'Live' endorsements on the DVLA licence described in the table at Section 7 below.
(C) MOTORING CONVICTIONS/OFFENCES - minor offences:

The Licensing and Land Charges Manager will at his discretion refer any application in which minor motoring offences have been disclosed to the Licensing and Environmental Protection Committee for consideration if there is any concern about the applicant’s suitability. However it should be noted that if an applicant has nine points on his/her DVLA licence relating to ‘minor’ offences not included in the table the application will automatically be referred to the Committee for consideration.

(D) DRUGS

An applicant with a conviction/offence for a drug related offence should generally be required to show a period of at least five years free from the date of the offence, conviction or completion of any custodial sentence whichever is the latter. Consequently during such period a person will generally be excluded from holding a hackney carriage/private hire drivers licence. If there is evidence of persistent drug use or dependency a specialist medical examination or a drug test may be required at the applicant’s expense.

If an applicant is shown to have been a drug addict then he/she will normally be required to show evidence of seven years free from drug taking after detoxification treatment.

(E) SEXUAL AND INDECENCY OFFENCES

A Hackney Carriage/Private Hire Driver often carries unaccompanied and vulnerable passengers. Unless there are exceptional circumstances applicants with convictions for indecent exposure, indecent assault, importuning or any sexual offence will generally be precluded from holding a Hackney Carriage/Private Hire Drivers Licence until they can show a substantial period free of such offences, at least ten years from the date of conviction or completion of any custodial sentence imposed whichever is the latter. It is extremely unlikely that a licence will be granted to any applicant who is on the Sex Offenders Register.

(F) VIOLENCE

As Hackney Carriage/Private Hire Driver’s maintain close contact with the public, the Council takes a serious view of any conviction for grievous bodily harm, wounding or assault. Generally, a person will be precluded from holding a Hackney Carriage/Private Hire Drivers Licence for a period of at least five years from the date of conviction/offence for such offence or the completion of any custodial sentence imposed whichever is the latter. Given that the range of offences that involve violence the council will consider each case very carefully.

(G) DISHONESTY

Hackney Carriage/Private Hire Drivers are expected to be persons of trust and the Council will view seriously any conviction involving dishonesty. Generally, a person will be precluded from holding a Hackney Carriage/Private Hire Drivers Licence for a period of at least three years from the date of conviction/offence for such an offence.
Offences of dishonesty include:-
  Theft
  Fraud
  Handling or receiving stolen goods
  Conspiracy to defraud
  Taking a vehicle without consent
  Burglary
  Benefit fraud
  Forgery
  Obtaining property by deception

(H) PUBLIC ORDER OFFENCES

A person will generally be precluded from holding a hackney carriage/private hire drivers licence for a period of three years from the date of conviction/offence or completion of any custodial sentence for public order offences such as affray, criminal damage, drunk and disorderly etc.

(I) POSSESSION OF AN OFFENSIVE WEAPON

A person will generally be precluded from holding a hackney carriage/private hire drivers licence for a period of three years from the date of conviction/offence or completion of any custodial sentence for an offence of possession of an offensive weapon.

(J) HACKNEY/PRIVATE HIRE OFFENCES

The main purpose of the licensing regime is to ensure the protection of the public. Consequently, any new applicant (who has a ‘live’ conviction/offences) or any existing licence holder who is convicted for an offence (during the currency of his/her licence) can expect the application/licence to be referred to Committee for consideration. For this purpose ‘hackney/private hire offences’ means offences under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976

(K) EXISTING DRIVERS – REPORTING OF CONVICTIONS/OFFENCES

Current licence holders should note the following:-

If any licence holder fails to report convictions or fixed penalty notices in accordance with the ‘7 day rule’ on two separate occasions within a period of three years ending on the date of the latest conviction or offence the licence will be referred to the Licensing and Environmental Protection Committee for review, even if the convictions are ‘spent’ under the Rehabilitation of Offenders Act 1974, or if in the case of a motoring fixed penalty notice, that offence is no longer ‘live’ on the DVLA licence. Other fixed penalty notices will be dealt with having regard for the age, type of offence and apparent seriousness.

It is in all licence holders interests when reporting convictions/offences to produce to the Licensing Unit copies of any notification of intended prosecution etc or similar document in order to identify when he/she first became aware of the proposed action. This will enable the Licensing Unit to establish whether he/she has complied with the’7 day rule’ or given notice within a reasonable timescale after the commission of the offence.

The Council reserves the right to review any licence if the Licensing and Land Charges Manager has established that the failure to report a conviction/offence has deprived the Licensing Authority the
opportunity to consider the matter previously. For example where it has been established that a driver would have had 9 points ‘live’ on the DVLA licence if the facts had been reported to the Council at the appropriate time and such status would at that time have led to an automatic review of the licence in accordance with the Council’s conviction policy.

(L) THE REHABILITATION OF OFFENDERS ACT - SHOULD I DISCLOSE MY CONVICTIONS / OFFENCES?

By operation of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, hackney carriage/private hire drivers are regulated occupations for the purposes of the Rehabilitation of Offenders Act 1974. As such, hackney carriage/private hire drivers are exempt from the provisions of the Act, meaning convictions are never “spent”. This reflects the significant element of trust that is imposed with the holder of a licence and the overriding considerations of public safety. In considering the relevance of these convictions, St Helens Council will have regard to the class of offence and apparent seriousness to determine the fitness and propriety of the applicant to hold a licence, in accordance with the Council’s policies.

(M) THE DISCLOSURE & BARRING SERVICE RECORDS CHECK

You should be aware that the Licensing Authority is empowered in law to check with the Disclosure & Barring Service (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The DBS Disclosure application form and guidance notes cannot be downloaded from the Council’s website therefore you will need to telephone 01744 676770 or email: licensing@sthelens.gov.uk to arrange for an enquiry form to be sent to your home address.

The DBS application form must be completed with extreme care and in black ink. If your completed form includes errors, crossing out or use of corrector fluid, it is likely you will be asked to complete a new form when it is checked.

As an applicant you must not send your form directly to the DBS.

Please note that a separate fee is payable for this enquiry to be undertaken. The fee and enquiry form must be submitted to the Licensing Unit with your driver application. If you are paying by cheque, separate cheques are required for the two fees. Cheques should be made payable to ‘St Helens Council’.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the Authority considers that the conviction renders you unsuitable. In making this decision the Authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other facts, which may be relevant. Any applicant refused a driver’s licence on the grounds that he/she is not a ‘fit and proper’ person to hold such a licence has a right of appeal to a Magistrates’ Court.

The return of the DBS report is outside the control of the Council.

Record your Form Reference Number from the front of the application form so that you can track the progress on line by going to www.homeoffice.gov.uk/dbs.
TOTTING UP

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

Totting up With Disqualification

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

Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under “Disqualification - major traffic offence”.

Totting up without Disqualification

An applicant 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 from them. Under these circumstances the Court does not consider if a driver is a “fit and proper person” as per the Local Government (Miscellaneous Provisions) Act 1976 but merely considers the drivers ability to hold a driving licence as issued by the DVLA.

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’).

SPENT CONVICTIONS


The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant 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.

CAUTIONS AND ENDORSABLE FIXED PENALTIES

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

MULTIPLE CONVICTIONS FROM SINGLE INCIDENT

Where an applicant has multiple convictions arising from a single incident, the convictions may be treated as one conviction for the purposes of these guidelines. Each case will be carefully considered on its own merits.

In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.
‘Live’ endorsements on the DVLA Licence – See paragraph 2(B)

<table>
<thead>
<tr>
<th>Description of Offence</th>
<th>DVLA code</th>
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<tbody>
<tr>
<td><strong>Accident offences</strong></td>
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<tr>
<td>These codes must stay on a driving licence for 4 years from the date of the offence</td>
<td></td>
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<tr>
<td>Failure to stop after an accident.</td>
<td>AC10</td>
</tr>
<tr>
<td>Failure to give particulars or to report an accident within 24 hours</td>
<td>AC20</td>
</tr>
<tr>
<td>Other undefined accident offences</td>
<td>AC30</td>
</tr>
<tr>
<td><strong>Disqualified driver</strong></td>
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<tr>
<td>These codes must stay on a driving licence for 4 years from the date of the offence</td>
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<tr>
<td>Driving while disqualified by order of court</td>
<td>BA10</td>
</tr>
<tr>
<td>Attempting to drive while disqualified by order of court</td>
<td>BA30</td>
</tr>
<tr>
<td><strong>Careless driving</strong></td>
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<tr>
<td>Codes CD10 to CD30 must stay on a driving licence for 4 years from the date of the offence</td>
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<tr>
<td>Driving without due care and attention</td>
<td>CD10</td>
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<tr>
<td>Driving without reasonable consideration for other road users</td>
<td>CD20</td>
</tr>
<tr>
<td>Driving without due care and attention or without reasonable consideration for other road users</td>
<td>CD30</td>
</tr>
<tr>
<td><strong>Codes CD40 to CD70 must stay on a driving licence for 11 years from the date of the conviction</strong></td>
<td></td>
</tr>
<tr>
<td>Causing death through careless driving when unfit through drink</td>
<td>CD40</td>
</tr>
<tr>
<td>Causing death by careless driving when unfit through drugs</td>
<td>CD50</td>
</tr>
<tr>
<td>Causing death by careless driving with alcohol level above the limit</td>
<td>CD60</td>
</tr>
</tbody>
</table>
### Reckless/dangerous driving

These codes must stay on a driving licence for 4 years from the date of the conviction

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD70</td>
<td>Causing death by careless driving then failing to supply a specimen for analysis</td>
</tr>
<tr>
<td>DD10</td>
<td>Causing serious injury by dangerous driving</td>
</tr>
<tr>
<td>DD40</td>
<td>Dangerous driving</td>
</tr>
<tr>
<td>DD60</td>
<td>Manslaughter or culpable homicide while driving a vehicle</td>
</tr>
<tr>
<td>DD80</td>
<td>Causing death by dangerous driving</td>
</tr>
<tr>
<td>DD90</td>
<td>Furious Driving</td>
</tr>
</tbody>
</table>

### Drink or drugs

Codes DR10 to DR30 must stay on a driving licence for 11 years from the date of the conviction

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR10</td>
<td>Driving or attempting to drive with alcohol level above limit</td>
</tr>
<tr>
<td>DR20</td>
<td>Driving or attempting to drive while unfit through drink</td>
</tr>
<tr>
<td>DR30</td>
<td>Driving or attempting to drive then failing to supply a specimen for analysis</td>
</tr>
</tbody>
</table>

Codes DR40 to DR70 must stay on a driving licence for 4 years from the date of the offence

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR40</td>
<td>In charge of a vehicle while alcohol level above limit</td>
</tr>
<tr>
<td>DR50</td>
<td>In charge of a vehicle while unfit through drink</td>
</tr>
<tr>
<td>DR60</td>
<td>Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive</td>
</tr>
<tr>
<td>DR70</td>
<td>Failure to provide specimen for breath test</td>
</tr>
</tbody>
</table>

Code DR80 must stay on a driving licence for 11 years from the date of the conviction

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR80</td>
<td>Driving or attempting to drive when unfit through drugs</td>
</tr>
</tbody>
</table>

Code DR90 must stay on a driving licence for 4 years from the date of the offence

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR90</td>
<td>In charge of a vehicle when unfit through drugs</td>
</tr>
</tbody>
</table>
Insurance offence

**Code IN10 must stay on a driving licence for 4 years from the date of the offence**

| Using a vehicle uninsured against third party risk | IN10 |

Licence offences

**These codes must stay on a driving licence for 4 years from the date of the offence**

| Driving other than in accordance with a licence | LC20 |
| Driving after making a false declaration about fitness when applying for a licence | LC30 |
| Driving a vehicle having failed to notify a disability | LC40 |
| Driving after a licence has been revoked or refused on medical grounds | LC50 |

Miscellaneous offence

**Code MS90 must stay on a driving licence for 4 years from the date of the offence**

| Failure to give information as to identity of the driver etc | MS90 |

Special Code

**Code TT99 must stay on a driving licence for 4 years from the date of the conviction. It shows disqualification under ‘totting-up’ – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.**

| Disqualification under totting up procedure | TT99 |

Theft or unauthorised taking

**Code UT50 must stay on a driving licence for 4 years from the date of the offence**

| Aggravated taking of a vehicle | UT50 |

For aiding, abetting, counselling or procuring offence – as above table but with 0 changed to a 2 e.g. LC20 becomes LC22.

For causing or permitting offences – as above table but 0 changed to a 4 e.g. LC20 becomes LC24.

For inciting offences – as above table but 0 changed to a 6 e.g. DD40 becomes DD46.
DD40 becomes DD46.
OTHER OFFENCES


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 applicant is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence if he/she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.
## Current Fees and Charges 2015 – 2016

From October 2015

### Driver (3 year licence)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hackney Carriage / Private Hire Driver’s Licence:</td>
<td>£194</td>
</tr>
<tr>
<td>Renewal of Driver’s Licence (made on / before expiry date):</td>
<td>£169</td>
</tr>
<tr>
<td>Replacement of Lost or Damaged Driver’s Licence / Badge:</td>
<td>£25</td>
</tr>
<tr>
<td>Disclosure and Barring Service (DBS) enquiry:</td>
<td>£44</td>
</tr>
<tr>
<td>Driver and Vehicle Licensing Agency check:</td>
<td></td>
</tr>
<tr>
<td>£3.50 (Filling in the mandate form) OR £2.50 (The code from the customer)</td>
<td></td>
</tr>
<tr>
<td>Issue of Temporary Badge / Disk</td>
<td>£20</td>
</tr>
</tbody>
</table>

### Vehicle (6 month licence)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hackney Carriage / Private Hire Proprietor’s Licence:</td>
<td>£140</td>
</tr>
<tr>
<td>(6 monthly)</td>
<td></td>
</tr>
<tr>
<td>Rear or Front Plate:</td>
<td>£30 each</td>
</tr>
<tr>
<td>NB: Charge will not be made for limousines (or exempted vehicles) in respect of front and rear plates as these will not be required, but a charge will be made for internal identification disc provided:</td>
<td>£24</td>
</tr>
<tr>
<td>1st Full Vehicle Test</td>
<td>£47</td>
</tr>
<tr>
<td>Vehicle re-test</td>
<td>£21.50</td>
</tr>
<tr>
<td>Vehicle safety Test:</td>
<td>£21.50</td>
</tr>
<tr>
<td>Third Test: (If deemed necessary as per conditions)</td>
<td>£47</td>
</tr>
<tr>
<td>Taxi Meter Test (2 per year):</td>
<td>£20</td>
</tr>
<tr>
<td>Replacement Vehicle Stickers:</td>
<td>£20</td>
</tr>
<tr>
<td>Initial Assessment of Vehicle Damage:</td>
<td>£10</td>
</tr>
<tr>
<td>Replacement Internal Plate:</td>
<td>£12</td>
</tr>
</tbody>
</table>
### Private Hire Operator (5 year licence)

<table>
<thead>
<tr>
<th>Licence for one vehicle:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2-5 Vehicles</td>
<td>£577</td>
</tr>
<tr>
<td>6-15 Vehicles</td>
<td>£877</td>
</tr>
<tr>
<td>16-30 Vehicles</td>
<td>£1327</td>
</tr>
<tr>
<td>31-60 Vehicles</td>
<td>£1727</td>
</tr>
<tr>
<td>61-100 Vehicles</td>
<td>£2027</td>
</tr>
<tr>
<td>101+ Vehicles</td>
<td>£2477</td>
</tr>
<tr>
<td></td>
<td>£2477</td>
</tr>
<tr>
<td></td>
<td>£3227</td>
</tr>
</tbody>
</table>

| Additional Premises                      | £477     |
| Transfers – Hackney Carriage or Private Hire Vehicle | £51     |

### Miscellaneous Hackney Carriage / Private Hire Vehicle Fees

- Administrative fee for issue of amended licence (e.g. change colour of vehicle, registration mark, personalised number plate, add/remove names etc): £30
- Copy of ANY Licence or Documents: £15 - £20 (Per set (under 10 pages £15) (11+ pages £20) (Maps £5 per map)
- Change to Personalised Number Plate: £50
Appendix I

Vehicle Testing and Specifications Policy

About the Vehicle Test

All vehicles must reach or exceed the standard of the Ministry of Transport test (MOT) as well as satisfying the designated vehicle testing station that all current conditions of licensing for St. Helens Council have been met.

Details of all testable items under the current MOT system can be found by visiting the following Government website:


The following conditions are in addition to the MOT and must be adhered to in order for the vehicle to be deemed as suitable for licensing by St. Helens Council.

Please note that the testing or inspection of any item listed below shall be carried out without the dismantling of any equipment on the vehicle unless stated.

Vehicle Size

Vehicle Length (Minimum) The length of a vehicle must not be less than 2500mm. The only exemption to this is for a private hire vehicle (to include additionally conditioned private hire vehicle) where the vehicle is designed to only carry 1 passenger then the minimum length is 1867mm. These measurements will be taken from the wheelbase.

Vehicle Length (Maximum) Vehicles cannot exceed 7 metres in length.

Vehicle Width The width of a vehicle is based on the amount of passenger seats across the width of the vehicle. Where a vehicle is fitted with 3 rear passenger seats the measurement will be taken across all of the seats (with doors closed) and must not be less than 1218mm. The only exemption to this is for a private hire vehicle (to include additionally conditioned private hire vehicle) where the vehicle is designed to only carry 1 passenger then the minimum width across the passenger seat is 406mm.

Head Room The minimum internal floor to roof height in seating areas shall be 1092mm except in vehicles that are wheelchair accessible (excludes Wheelchair accessible vehicles).

Step Up/Down The maximum height of the primary exit step of an unladen vehicle should not exceed 435mm with a minimum height of 230mm. The horizontal “treads” should have a minimum depth of 175mm and the treads must be “non-slip”. The fitting and use of foldout steps or the use of a free standing step positioned by the driver is acceptable to meet this standard.
Wheelchair Vehicles

Doorways which are to be used by passengers in wheelchairs must be at least 750mm wide up to a height of 800mm. The height of the door must be a minimum of 1300mm.

The minimum internal floor to roof height in seating areas of a wheelchair accessible vehicle shall be 1350mm.

General Condition

Ensure that all exterior bodywork has no undue damage which detracts from the overall appearance of the vehicle. For vehicles that wish to be licensed as additionally conditioned private hire vehicles (not including novelty or stretched) they are required to be in “showroom” condition.

Paintwork Condition

Ensure paintwork is clean and uniform over the whole vehicle. Any temporary repairs have got to be to the satisfaction of an authorised officer. The colour of all panels on the vehicle must match exactly. Where a vehicle has a vinyl wrap this must be maintained in its original condition.

For vehicles that wish to be licensed as additionally conditioned private hire vehicles (not including novelty or stretched) they are required to be in “showroom” condition.

Window Glass

Ensure all window glass fitted to vehicle is manufactured to British Standard. Tinted windows are allowed on rear windows only. Vehicle must be presented to Licensing for approval prior to Licensing. As a general rule of thumb, the passengers in the vehicle must be clearly visible from the outside.

Seating

Dimensions

Seats must provide a minimum width of 406mm per passenger, measured with the doors closed.

The minimum leg room available to any passenger shall be 609 mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front. Where a seat is not specifically designed for an adult (usually in smaller MPV’s) then they must be permanently removed from the vehicle before a licence will be granted.

Direction

All passengers including those in wheelchairs must be seated facing forwards or backwards (except for stretched and/or novelty vehicles). If rear facing seats are used there must be suitable head restraints fitted (unless fitted with a bulkhead directly in front of seats).

Emergency Access

There must be unobstructed access to an exit from every seat in a vehicle. There is a requirement to have a gap of at least 250mm width for all rows of seats to access an exit (150mm is allowed to the off-side rear door with the seat back in an upright position).
The only exception to this rule is in the case of vehicles that are mass manufactured (not purpose built) and have 3 rows of seats. In this instance the lever to move the seat must be fluorescent in colour and be clearly visible.

If these criteria are not met then the nearside seat of the middle row must be permanently removed.

**Seat Relocation**

If seats are removed and remounted anywhere other than in their original mounting points then a seatbelt installation check is required. This can be conducted by the test bay for an additional fee and a seatbelt installation certificate will be issued.

**Fire Extinguisher**

- Fire Extinguisher BS6165 – 600g powder fire extinguisher suitable for cars.
- Must be a 1kg powder type with an ABC rating and manufactured and fully certified to British & European standard EN3 (marked BSEN3). Must be clearly marked with the licence number of the vehicle in which it is used.

**Communication System**

Check for secure fitting and tidy/safe cabling.

**No Smoking Stickers**

For each row of seats the vehicle must be fitted with 1 standard no smoking sticker which is at least 70mm in diameter and sighted where it is clearly visible.

**Luggage Capacity**

Adequate facilities for the conveyance of luggage safely and protected from inclement weather must be provided. Generally speaking, the luggage capacity in the boot space should not be reduced from the originally specified by the manufacturer. If this is reduced for any acceptable reason (e.g. fitting of LPG Tank), alternative arrangements for luggage must be provided. Where luggage racks are fitted in a vehicle they must be constructed so that anything placed on them is unlikely to fall on the driver or affect his control of the vehicle.

**Roof Racks/Boxes**

Roof racks and/or roof boxes must be specifically designed for the vehicle on which it is being used. They must be fitted and maintained in accordance with the manufacturers’ instructions.

**Tables**

Fixed or foldaway tables are acceptable provided they are fitted by the vehicle manufacturer or approved installer.

**Taximeters** *(this relates to all hackney carriages and also to include private hire vehicle’s where fitted)*

- Set correctly and
- Road Test

Ensure it can be illuminated for hours of darkness. Ensure it is **firmly secured**. Ensure it is set to correct rates. Test over measured distance, ensure accuracy.
Please note that where a vehicle has been converted to run on LPG, it must be registered with the Drive LPG website www.driveLPG.co.uk in order to be licensed.

Wheelchair Accessible Vehicles (WAV)

Vehicles must hold “European Community Whole Type Approval” (ECWVA) or “Low Volume Type Approval” (LVTA). In either case the appropriate “Type Approval” certificate must be produced.

Ramps & Restraints

Where a vehicle has been adapted to carry passengers in wheelchairs, suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer’s instructions. All restraints and ramps must be permanently marked with the WBC licence number of the vehicle. The driver of the vehicle must demonstrate how to operate the loading and restraining of a wheelchair in the vehicle to the tester to ensure:

1. stowed ramps or lifts do not prevent service and emergency doors from being operated from inside and outside the vehicle.
2. internally stored lifts fold down as designed to allow access to the emergency exit when the door is open.

Tail Lifts

Vehicles with tail lifts must produce a tail lift weight certificate and service inspection certificate when the vehicle is being inspected for its annual check.

In the event of an accident where the primary means of operating the tail lift is damaged, a separate means of lowering the tail lift for the exit of wheelchair passengers must be provided.

**IMPORTANT**

The Certificate of Compliance only covers the vehicle as an M.O.T whilst there is a Licence (Hackney Carriage, Private Hire Vehicle or Additionally Conditioned Private Hire) in force on that vehicle. If the licence is suspended, cancelled or expires an ordinary M.O.T will be required to use the vehicle on the road (this does not apply if your vehicle is exempt from an M.O.T on age grounds).

Additional requirements for vehicles that have 8 passenger seats

The vehicle must be "type approved" and based on a manufacturer's current production minibus and who have achieved BS5750, is VBRA or SMMT approved and is not a converted goods vehicle.

Doors

The vehicle must have the following doors:–

(a) driver’s door
(b) front seat passenger door
(c) nearside and offside sliding doors situated behind front seat driver and passenger door or nearside sliding door situated behind front seat passenger door together with
(d) rear opening emergency door and labelled as such; with an ‘emergency door open’ warning lights on dashboard within full view of driver (both doors) or audible alert.

Every door must operate without obstructing access to any entrance or exit from inside or outside the vehicle.

There must be a means of securing the door closed.

Where one of the doors is a rear door or tailgate and a tail lift is fitted which obstructs the door when not in use, this would still be defined as a door provided that after the door is opened the tail lift can be lowered with a single movement so that it does not obstruct the exit.

Each door must have two devices (i.e. handles) to operate it:-

(a) one device inside the vehicle for normal operation by the owner of the bus or a person authorised by him, and

(b) one, but not more than one, device for opening/closing the door from the outside. (Supplementary locks for securing unattended vehicles may be disregarded if a single movement of a handle inside the vehicle opens the door).

All devices must be capable of being operated by a single movement and by persons of normal height without the risk of their being struck by the door. If the operating device is not on the door itself, it must be placed where it is readily associated with it. The direction of any pull required to operate a device must be shown and its location must be clearly indicated.

**Windows**

Roof vents or air conditioning is acceptable where the vehicle is not fitted with opening windows.

**Marking, Positioning and Operation of Emergency Exits**

Every emergency exit of a minibus must:-

(a) be clearly marked as such both inside and outside the vehicle.

(b) have doors which open outwards and are not power operated.

(c) be readily accessible to passengers.

They must be situated so that passengers can step directly out of the vehicle.

The means of operation must be clearly indicated and any such means of operation on the outside of the vehicle must be readily accessible to persons of normal height standing outside the vehicle.

**Drivers Accommodation**

The driver, when seated, must have adequate room and be readily able to reach and operate the controls. These must not impede access to his seat.

**Gangways**

Interior height of 1330mm to be measured from the floor to ceiling along the centre line of the vehicle.
Driver Licence Conditions

Private Hire Drivers

1. The licensee shall not permit any other person to drive a vehicle let for hire except with the consent of the vehicle proprietor.

2. The licensee shall at all times when the vehicle is available or being driven for hire be clean and respectable in his dress and person and shall behave in a civil and orderly manner.

3. If requested by the hirer not to do so the licensee shall not drink or eat in the vehicle. Smoking is not permitted at any time whilst in the vehicle, whether stationary or moving, hired or un-hired, by either the driver or any other person.

4. If requested by the hirer not to do so the licensee shall not play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.

5. The licensee, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

6. The licensee shall not, except with the express consent of the hirer, convey any person other than the hirer in the private hire vehicle.

7. During any period which the vehicle is used for hire or reward the licensee shall not conceal either the exterior licence plate of the private hire vehicle or the details marked thereon, or the insurance disc on the front windscreen of the private hire vehicle from public view, and will keep the licence plates and insurance disc in a clean and legible condition.

8. The licensee who has agreed or has been hired to be in attendance with a vehicle at an appointed time or place shall, unless delayed or prevented by some sufficient cause, punctually attend with the private hire vehicle at such appointed time and place.

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

10. The licensee shall deposit a copy of his private hire driver's licence with the proprietor of the vehicle which he is driving before commencing to drive that vehicle for private hire.

11. The licensee shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have accidentally been left therein.

12. The licensee shall, if any property is accidentally left thereby by any person who may have been conveyed in the vehicle and been found by or handed to him:
(a) transport it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of it’s owner, to a Police Station in the Borough in order to receive instructions from the Police regarding it’s custody;

(b) be entitled to receive from the person to whom the property may be delivered an amount equal to 5p in the £ of it’s estimated value or the fare from the distance of the place of finding to the Police Station, whichever is the greater. The sum of receipt cannot exceed £20.

13 The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.

14 The licensee shall not permit their vehicle to carry a greater number of passengers than the number prescribed in the licence.

15 The licensee shall permit only one passenger to be conveyed in the front of the vehicle beside the driver, save that two passengers may be conveyed where two seats beside the driver have been installed to the satisfaction of the Authorised Officer.

16 The licensee shall at all times carry a copy of these Conditions in the private hire vehicle for inspection during the course of the journey by the hirer or other passengers.

17 The licensee shall if required by the hirer provide him with a written receipt for the fare paid that includes the following information:

- The amount of fare paid
- The date of travel
- The driver’s licence number

18 If the vehicle being driven is fitted with a taximeter the licensee shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

19 Not to operate the vehicle horn to signal to the hirer that you have arrived. Such actions cause annoyance to residents and may constitute an offence; offenders will be dealt with either by the Courts or the Licensing Sub-Committee.

20 The licensee shall give notice in writing to the Authorised Officer of any change of his address during the period of the licence within seven calendar days of such change taking place.

21 The licensee shall immediately disclose to the Authorised Officer, in writing, details of any criminal or driving conviction imposed on him during the currency of his licence.

22 The driver of a licensed vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council from either a Registered Medical Practitioner designated by the Council or from the practice of where the driver is registered to the effect that he/she is, or continues to be, physically fit to be a driver of a licensed vehicle.

23 Whether or not such a certificate is produced, the driver must, if required by the Council, at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.
24 The driver must cease driving any licensed vehicle and contact the Council immediately if he/she knows of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.
Appendix K

Licensing – St. Helens
Private Hire New or Replacement Vehicle Conditions

Please read these conditions carefully, prior to completing and submitting your application.

1. You must book an appointment as your vehicle will be subject to a compliance test. You can book an appointment or request availability:

   By email: taxilicensing@sthelens.gov.uk
   By telephone: 01744 676770
   Full payment for the test will be taken at the time of booking. You must pay for this using a bank or credit card.

2. At the same time, an appointment will be made for you with the Licensing team to allow you to submit your application and your proof documentation as required. To your appointment you will need to bring:

   The Log Book for the Vehicle
   A valid insurance document for the Vehicle
   A credit or debit card to pay for your licence

3. The licence-holder and driver must comply with all sections of St. Helens Council’s “vehicle specifications and testing policy”. Please familiarise yourself with the Inspection Manual relating to testing available on our website www.sthelens.gov.uk/licensing

4. The proprietor shall ensure that the private hire vehicle is not:

   (a) a vehicle of the LTi type
   (b) a vehicle of the Metrocab (UK) Ltd manufacture

5. The proprietor shall ensure that the private hire vehicle is maintained in a sound mechanical and structural condition which is capable of satisfying the Council’s inspection at any time during the period of the vehicle licence.

6. The proprietor shall ensure that the interior and exterior of the private hire vehicle are maintained in a clean and safe condition.

7. The proprietor shall not allow any alteration to the mechanical and structural specifications including seating of the private hire vehicle, without the prior written consent of the Licensing Officer or their representative.

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

9. The proprietor of the private hire vehicle shall:

   (a) provide sufficient means by which any person in the 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 fitting and furniture of the vehicle to be kept in a clean and dry condition, well maintained and in every way fit and safe for public use;

(d) ensure at all times that the vehicle is driven by a ‘competent person’ who has received ‘suitable and sufficient’ training in the correct operation and use of any ramps, lifting equipment, fixings or other equipment designed to assist with the access and egress of passengers or their comfort and safety when being transported in the vehicle. The driver must hold a valid Hackney Carriage / Private Hire Drivers Licence with St Helens Council.

10. The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of an Authorised Officer or, any signs or notices required from time to time by the Council.

11. The proprietor shall display on the front offside and nearside doors the name, address and telephone number of the private hire operator accepting bookings for the private hire vehicle, together with the words “Private Hire Only”. Lettering must be a minimum of 2 inches and a maximum of 4 inches in size and be clearly legible.

12. The proprietor shall not display or permit to be displayed on the private hire vehicle any sign or notice, which consists of or includes the word “hackney”, “taxi” or “cab” in the singular or plural.

13. Except as provided for by Conditions 10, 11 and 12, the proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the private hire vehicle, except with the prior approval of the Authorised Officer.

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

15. If the vehicle is fitted with a taximeter / data head:

   (a) the proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times and for it 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 has not been sealed to prevent unauthorised adjustment thereto.

16. The proprietor shall retain a copy of the driver’s licence of all drivers driving his vehicle and produce the same to an Authorised Officer or Police Officer on request.

17. The proprietor shall give notice in writing to the Authorised Officer of any change in his address during the period of the licence within seven calendar days of such change taking place.

18. Front and rear ‘plates’ must be mounted or securely fixed with bolts, screws or as agreed by an Authorised Officer.

19. In relation to CCTV systems the following proprietors must:

   a) ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.

   b) declare to the Licensing Authority the number and location of all cameras fitted in the vehicle.
c) have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

d) ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer’s instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.

e) Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.

f) shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

22. Please note that in relation to fees, NONE are refundable once the application has been submitted. In relation to the Compliance Test, this may be changed up to 48 hrs prior to the appointment but tests cancelled, after this time or not attended will not be changed or refunded.

23. If you are not in receipt of your log book, a temporary licence will be issued for a period to facilitate the return of your document this is usually for 10 weeks. A standard fee will be charged for this (please see current price list) It is crucial that you send your log book to the DVLA to change your details immediately. This is your responsibility, when returned if the document shows any details differently to what has been declared on the application, then the proprietor will be charged accordingly for the issue of new plates and relevant licences.

24. You are not entitled to use the vehicle for private hire use until the private hire plates are affixed to the vehicle and they have been checked by ourselves that they are affixed correctly. No person is entitled to drive a licenced vehicle at any time unless they hold the necessary hackney carriage / private hire drivers licence issued by the same Council. Once the licence is issued it remains in force at all times until such time as the licence is surrendered, suspended or revoked. If the licence is surrendered and the vehicle is no longer a licenced vehicle, then a separate MOT must be taken prior to use on the highway.

25. Only vehicles complying with the following conditions will be considered as private hire vehicles.

a. Cars fitted with at least four doors and four wheels;

b. Right hand drive vehicles (with the exception of limousines);

c. Vehicles should have adequate space for luggage;

d. Vehicles should be capable of carrying at least four and not more than eight passengers in addition to the driver. The seating capacity of the vehicle shall be determined as follows;
The rear seating of the vehicle, where the vehicle is fitted with bench seats, one person will be counted for each complete length of 16 inch measured in a straight line lengthways along the front seat.

e. All passengers must have easy access to an exit from the vehicle. Vehicles which require a seat to be moved or tipped to facilitate exit, must consult with the Licensing Authority as these may not be permitted on the grounds of safety.

f. With the exception of limousines, no vehicle with blacked out windows will be accepted, as passengers being carried in the vehicle must be visible at all times.

g. The vehicle must carry a spare wheel or space saver kit, fitted and tested in accordance with the manufacturers instructions.

26. If you are applying for a mini bus or people carrier, please read the section in the test guidelines carefully.

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

Proprietors should note that only conversions which comply with the following standard will be accepted;

a. Bi-fuel or LPG only conversions will be allowed.

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

c. Following conversion to LPG the proprietor must at all times carry a full size spare wheel, jack and wheel brace in the vehicle. The tyre must meet the minimum requirements.

d. If any persons carry out a conversion of a licenced vehicle without the prior consent of the Licensing Service, then the proprietors licence will be immediately suspended and will not be reinstated until such times as the Licensing Officer is satisfied that the installation meets the required standard.

NB: when submitting this application you must make it clear if this vehicle is intended to be a replacement for an existing licenced private hire vehicle as this may affect the fees you pay. If you are intending to transfer the licence to another licenced proprietor, you should contact the Licensing Service to ensure that all the correct applications have been submitted prior to transfer. A certificate of proof must accompany your application.

Note to Applicants:
The Authority is under a duty to protect the public. As such, the information you provide on this application may be shared with other administering public bodies, Council Departments and Government Services which may be used for the prevention of fraud or other serious offences.
Appendix L

Licensing – St. Helens
Private Hire Operators Licence Conditions

Please read these conditions carefully, prior to completing and submitting your application.

1. Every contract for the hire of a private hire vehicle shall be deemed to be made with the Operator who accepted the booking for that vehicle. (Local Government (Miscellaneous Provisions) Act 1976.

2. A licensed private hire operator may only use drivers and vehicles licensed by the same council.

Following the implementation of the Deregulation Act in October 2015, Licensed Operators are permitted to allocate jobs to a Licensed Operator outside of their borough, providing the said operator is Licensed by the Authority in which it presides.

3. Bookings may only be accepted through a direct dial landline. Mobile numbers may not be used.

4. A booking may be made via the internet providing the booking is made at the licensed operators base via a computer at that premises.

Records of Hire

5. The operator shall record in a suitable system (PC file / spreadsheet / book) particulars of every private hire booking at the time of booking. NB: Please familiarise yourself with the Data Protection Act 1998 to ensure compliance with the law.

6. The records shall be kept for a period of not less than 12 months, or such longer period if required by the Council or an Authorised Officer request this.

7. The records shall be produced on request to any Authorised Officer of the Council or a Police Officer.

8. If using an computer based system, the operator shall ensure that the design of the system used will not allow any data, once entered, to be changed, altered or deleted.

Records of Vehicles and Drivers

9. The operator shall maintain the particulars of the following at each licensed premises:
   - Licence plate of vehicle
   - Registration number of vehicle
   - Name and address of the proprietor of vehicle
   - Names and addresses of the drivers of the vehicle
   - Badge numbers of drivers of vehicle
   - A current copy of the vehicle licence
   - A current copy of the relevant insurance
   - A current copy of the all drivers Hackney Carriage / Private Hire drivers licences

   And shall be duly produced upon request to any Authorised Officer of the Council or Police Officer.
Fares

10. Information for the basis of the charge apportioned to a journey must be made available either verbally or in writing, to the customer prior to accepting the booking.

11. Where meters are used, a table of charges (tariff) must be produced and issued by the operator, shall be clearly displayed at all times within the vehicle and on the premises.

12. An operator must give a driver sufficient time when accepting the booking, so as to allow them to attend punctually.

13. If a vehicle suffers a failure (e.g., puncture, mechanical breakdown), the customer shall not be charged for the journey and alternative transport must be provided as soon as notification of the incident is made to the operator. NB: Any instances of this should be noted to the Licensing Office within 24 hours of occurrence.

14. When accepting bookings for large groups of people with luggage, the Operator shall ensure that the vehicle provided is of suitable capacity and provides sufficient luggage space for such purpose. Roof racks are permitted, however the use of trailers is not.

Convictions

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

(b) The Operator shall notify the Council in writing of any convictions (including fixed penalty notices) motoring, criminal or otherwise recorded against them by any Court within 7 days of such conviction being imposed.

Planning Permissions

16. The operator must ensure that the premises has the correct planning permissions for the premises use.

Change of Address

17. Any change of address must be notified in writing to the Licensing Section within 7 calendar days. Please note that Operator licences are NOT transferrable.

Touting

18. The operator shall not:

(a) Tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle;

(b) Cause of procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.
NB: For the purposes of this condition a ‘road’ means any highway and any other road to which the public has access including bridges over which a road passes. ‘Public place’ includes railway stations.

19 Operators must operate and abide by a complaints procedure, which in its minimum should be;

- A system (either computer based or manual) for the logging of all complaints.
- Advise customers on their complaints procedure.
- Report the complaint to the Licensing Section within 48 hours of receipt.
- Keep all records for a minimum of 12 months.

20 The Licensing Manager will inform the operator of any outcome of the complaint following the formally identified complaints procedure detailed in the ‘Taxi Licensing Policy’.

21 The operator shall display prominently on (each) of their licensed premises, a copy of their current Operators licence.

*Note to Applicants:*
*The Authority is under a duty to protect the public. As such, the information you provide on this application may be shared with other administering public bodies, Council Departments and Government Services which may be used for the prevention of fraud or other serious offences.*
Appendix M

Licensing – St. Helens
Hackney Carriage New or Replacement Vehicle Conditions

Please read these conditions carefully, prior to completing and submitting your application.

1. You must book an appointment as your vehicle will be subject to a compliance test. You can book an appointment or request availability:

   By email: taxiligensing@sthelens.gov.uk
   By telephone: 01744 676770
   Full payment for the test will be taken at the time of booking. You must pay for this using a debit or credit card.

2. At the same time, an appointment will be made for you with the Taxi Licensing team to allow you to submit your application and your proof documentation as required. To your appointment you will need to bring;

   The Log Book for the Vehicle
   A valid insurance document for the Vehicle
   A credit or debit card to pay for your licence

3. The licence-holder and driver must comply with all sections of St. Helens Council’s “vehicle specifications and testing policy”. Please familiarise yourself with the Inspection Manual relating to testing available on our website www.sthelens.gov.uk/licensing

4. The proprietor shall ensure that the vehicle is maintained in a sound mechanical and structural condition which is capable of satisfying the Council’s inspection at any time during the period of the vehicle licence.

5. The proprietor shall ensure that the interior and exterior of the vehicle are maintained in a clean and safe condition.

6. The proprietor shall not allow any alteration to the mechanical and structural specifications including seating of the private hire vehicle, without the prior written consent of the Licensing Manager or their representative.

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

8. The proprietor of the vehicle shall:

   (a) provide sufficient means by which any person in the 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 fitting and furniture of the vehicle to be kept in a clean and dry condition, well maintained and in every way fit and safe for public use;
(d) ensure at all times that the vehicle is driven by a ‘competent person’ who has received ‘suitable and sufficient’ training in the correct operation and use of any ramps, lifting equipment, fixings or other equipment designed to assist with the access and egress of passengers or their comfort and safety when being transported in the vehicle.

9. The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of an Authorised Officer or, any signs or notices required from time to time by the Council.

10. Except as provided for by Conditions 9, the proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the vehicle, except with the prior approval of the Authorised Officer.

11. The proprietor shall not permit the vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.

12. The proprietor shall retain a copy of the driver’s licence of all drivers driving his vehicle and produce the same to an Authorised Officer or Police Officer on request.

13. The proprietor shall give notice in writing to the Authorised Officer of any change in his address during the period of the licence within seven calendar days of such change taking place.

14. Front and rear ‘plates’ must be mounted onto the brackets or securely fixed with bolts, screws or as agreed by an Authorised Officer.

15. In relation to CCTV systems the following proprietors must:
   a) ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
   b) declare to the Licensing Authority the number and location of all cameras fitted in the vehicle.
   c) have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
   d) ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer’s instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
   e) Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
   f) shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

16. Please note that in relation to fees, NONE are refundable once the application has been submitted. In relation to the Compliance Test, this may be changed up to 48 hrs prior to the appointment but tests cancelled, after this time or not attended will not be changed and not refunded.
17. If you are not in receipt of your log book, a temporary licence will be issued for a period to facilitate the return of your document this is usually for 10 weeks. It is crucial that you send your log book to the DVLA to change your details immediately. This is your responsibility, when returned if the document shows any details differently to what has been declared on the application, then the proprietor will be charged accordingly for the issue of new plates and relevant licences.

18. You are not entitled to use the vehicle for use until the taxi licence plates are affixed to the vehicle and they have been checked by ourselves that they are affixed correctly. No person is entitled to drive a licenced vehicle at any time unless they hold the necessary hackney carriage / private hire drivers licence issued by the same Council. Once the licence is issued it remains in force at all times until such time as the licence is surrendered, suspended or revoked. If the licence is surrendered and the vehicle is no longer a licenced vehicle, then a separate MOT must be taken prior to use on the highway.

19. A separate application is required for both the Drivers Licence and if required, the Operators Licence.

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

Proprietors are allowed that only conversions which comply with the following standard will be accepted;

- a. Bi-fuel or LPG only conversions will be allowed.
- b. Only conversions carried out by an LPGA approved installer to the current code of practice will be permitted. The proprietor of the vehicle must produce a certificate of installation from the approved installer. For details of approved installers go to www.lpga.co.uk
- c. Following conversion to LPG the proprietor must at all times carry a full size spare wheel, jack and wheel brace in the vehicle. The tyre must meet the minimum requirements.
- d. If any persons carry out a conversion of a licenced vehicle without the prior consent of the Licensing Service, then the proprietors licence will be immediately suspended and will not be reinstated until such times as the Licensing Officer is satisfied that the installation meets the required standard.

NB: when submitting this application you must make it clear if this vehicle is intended to be a replacement for an existing licenced vehicle as this may affect the fees you pay. If you are intending to transfer the licence to another licenced proprietor, you should contact the Licensing Service to ensure that all the correct applications have been submitted prior to transfer.

Note to Applicants:
The Authority is under a duty to protect the public. As such, the information you provide on this application may be shared with other administering public bodies, Council Departments and Government Services which may be used for the prevention of fraud or other serious offences.
Appendix N

The 7 Day Rule
Existing Drivers – Reporting of Convictions and Offences

Information will be treated confidentially. If the information given relates to motoring offences you must produce your DVLA licence for inspection once the conviction(s)/motoring offence(s) has/ have been recorded.

Licence holders are required to notify the Licensing Team within 7 days of receiving notice of any Intended prosecution, caution, conviction, or fixed penalty notice being received for any offence, motoring, criminal or otherwise.

Failure to act in accordance with the ‘7 Day Rule’ will be taken into consideration if it is necessary to review your licence.

The Licensing and Environmental Protection Committee may when it undertakes a review or considers a renewal application, suspend, revoke or refuse to renew the licence if it concludes it has reasonable cause for such action.

Drivers are required to complete and return a form to the Licensing Team regarding the offence(s). If such a form is needed you may wish to save time by using the copy on the next page of this policy.

If any licence holder fails to report any intended prosecution, caution, conviction or fixed penalty in accordance with the 7 Day Rule, on two separate occasions within a 3 year period, ending on the date of the last conviction/offence, the licence will automatically be referred to the Licensing and Environmental Protection Committee for review. The Committee will then consider the suitability of the licence holder to continue as a Licensed Driver within the borough.

All convictions or offences should be declared even if the convictions would already be ‘spent’ under the Rehabilitation of Offenders Act 1974 (as amended), or if in the case of a motoring fixed penalty notice, that offence is no longer ‘live’ for totting up purposes on the DVLA licence.

The Licensing Authority takes the issue of suitability of a driver to hold a licence very seriously. It will act in accordance with the appropriate powers to ensure that all conditions of the licence are actively enforced so as to uphold the high standards expected of our licensed drivers.

It is in all licence holders’ interests when reporting any intended prosecution, cautions, convictions or fixed penalties to produce to the Licensing Authority copies of any notification of intended prosecution etc or similar document in order to identify when they first became aware of the proposed action. This will enable the Licensing Authority to establish whether they have complied with the 7 Day Rule or given notice within a reasonable timescale after the commission of the offence.

The Licensing Authority reserves the right to review any licence if the Licensing Manager has established that the failure to report any intended prosecution, caution, conviction or fixed penalty has deprived the Licensing Authority the opportunity to consider the matter previously. For example where it has been established that a driver would have had 9 live points on their DVLA licence if the facts had been reported to the Council at the appropriate time and such status would at that time have led to an automatic review of the licence in accordance with the Authority’s Conviction Policy.
Preparing your Vehicle for Test

The Vehicle Test is a very important part of the Licensing process. It is the method the Authority uses to assess the safe operation and maintenance of your vehicle and is crucial in our role of protecting the public.

Every vehicle must have a test at our Approved Testing Station every six months. It is prudent to spend some time prior to the test properly preparing the vehicle.

Below are some points that you can consider prior to every test.

- coolant level
- engine oil level
- oil/fuel leaks
- warning lights
- washers/wipers
- horn
- hazard lights
- brakes
- steering
- mirrors
- front and rear number plates
- headlights/tail lights
- fog lights
- stop lights
- fuel cap seal
- tyres- condition/depth/pressure
- wheel nut security
- exhaust emissions (visual)
- first aid kit
- fire extinguisher
- bodywork

The general condition of your vehicle is also important. The vehicle should be kept clean and tidy at all times so it is suitable to carry paying passengers.

Those vehicles that fail their six monthly test have to then undergo a retest. This is both costly and time consuming to the driver. We always endeavour to get vehicles tested and back on the road as soon as possible, however as Licensed Drivers you must take responsibility to ensure that the vehicle is fit for test to avoid unnecessary delays to your work schedule.
Fixed Penalty Notice Enforcement Strategy

October 2015

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1 **Enforcement Statement**

1.1 St Helens Council’s long term vision is “To make St. Helens a modern, distinctive, economic and vibrant borough”. To achieve this through the creation of a better place the Council is working towards making St Helens a cleaner, greener and more accessible town.

1.2 In addition to the direct provision of waste collection, recycling and street cleansing services, the use of fixed penalty notices for environmental crimes such as littering and dog fouling provides a means through which the Council can further improve the cleanliness of the borough’s streets and public areas.

1.3 Similarly, the use of fixed penalty notices for the enforcement of smoke-free offences, compliments the educational and promotional campaigns being delivered both at local and national levels. In this way the strategy will contribute towards the reduction of smoking-related ill health within the community.

1.4 Enforcement activity through fixed penalty notices provides a means through which local authorities can visibly respond to low level environmental crime. Experiences from other local authorities has shown that the public generally welcome their use, provided they are issued sensibly, enforced even-handedly and are seen as a response to genuine problems. The Government has and continues to encourage their use.

1.5 This Fixed Penalty Enforcement Strategy is supplementary to the Council’s Regulatory Services Enforcement Policy and rests beneath the Enforcement Concordat, Regulators Code and Code of Practice for Crown Prosecutors. It has been produced having regard to DEFRA guidance on the use of fixed penalty notices under the provisions of the Clean Neighbourhoods and Environment Act 2005.

1.6 In line with the above guidance the Council will :-

- Publish clear standards and guidance
- Publish performance on how we are doing
- Provide information in plain English, or any other language, or format, upon request to those who are affected by our enforcement work
- Investigate complaints only in relation to the process of issuing fixed penalty notices (disputes over the commission of offences will be dealt with in the Magistrates Court)
- Aim to be consistent in our approach at all times.

1.7 In implementing this strategy authorised officers of the Council will seek to work with partners in other enforcement agencies, the voluntary sector, other Council services and local communities whenever appropriate. Both a reactive and pro-active approach to enforcement will be used, in which officers will respond to complaints
and focus on known hotspots and areas identified as a result of routine inspection work.

2 Aims, Objectives and Scope of the Strategy

2.1 The aim of the strategy is to apply the general principles of enforcement in respect of fixed penalty notices to ensure that any enforcement action is transparent, accountable, proportionate, consistent and targeted.

2.2 The strategy seeks to provide a cost-effective and timely enforcement service that reduces the burden on the Courts and reduces the time between the offence and penalty.

2.3 As part of the delivery of the fixed penalty enforcement regime the strategy seeks to increase public awareness of environmental offences.

2.4 The strategy relates to both low-level environmental crime (specifically litter, dog fouling and waste) and offences under smoke-free legislation.

3 General Provisions

3.1 Local authorities are permitted to set their own level of penalty for the specified environmental offences within a range prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007.

3.2 Local authorities are also permitted to set their own level of penalty discount for early payment, the minimum value of which is prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007.

3.3 The penalties and discounts within the strategy, which relate specifically to smoke-free offences, are prescribed within the Health Act 2006.

3.4 The penalties and discounts within the strategy, which relate to the presentation of domestic waste for collection, are prescribed within the Household Waste (Fixed Penalty Charge) Regulations 2015.

3.5 When requested an instalment plan, not exceeding 10 weeks, will be provided to enable the cost of paying a Fixed Penalty Notice to be spread over an extended period. In situations, where full payment is not received within 10 weeks the Fixed Penalty notice will be deemed unpaid and the matter progressed to the Magistrates Court.

3.6 In the case of offences where reduced penalties are offered for early payment the total cost of the instalment plan will be determined by the date on which the first payment is received. For example, in respect of a Fixed Penalty Notice served for
litter. If the first payment in an agreed instalment plan is received within 10 days of service, the total cost of the fine would be £50. If received after 10 days then the total cost would be £75.

3.7 The offences that will be dealt with by way of fixed penalty notice under this policy are set out in the table overleaf. The table also specifies the level of fine to be applied.

<table>
<thead>
<tr>
<th>Offence Description</th>
<th>Legislation</th>
<th>Aim of Enforcement</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Litter</td>
<td>S.88(1) Environmental Protection Act 1990</td>
<td>Cleaner streets and public places. Increased public awareness by publicity associated with fixed penalties</td>
<td>£75 reduced to £50 if paid within 10 calendar days</td>
</tr>
<tr>
<td>Failure to comply with the requirements of a Community Protection Notice</td>
<td>S.48(1) Anti-social Behaviour, Crime and Policing Act 2014</td>
<td>Assorted issues having a detrimental effect on a locality</td>
<td>Amount fixed at £100</td>
</tr>
<tr>
<td>Inappropriate presentation of domestic waste for collection</td>
<td>S.46 Environmental Protection Act 1990</td>
<td>Cleaner streets and alleyways around the borough</td>
<td>Amount fixed at £80</td>
</tr>
<tr>
<td>Inappropriate or inadequate provision for the presentation of commercial waste for collection</td>
<td>S.47 Environmental Protection Act 1990</td>
<td>Improved waste management in commercial premises</td>
<td>Amount fixed at £100</td>
</tr>
<tr>
<td>Failure to produce authority (Waste Carriers Licence)</td>
<td>S.5B(2) Control of Pollution (Amendment) Act 1989</td>
<td>Reducing illegal waste disposal by targeting unlicensed carriers, who may fly tip their load</td>
<td>Amount fixed at £300</td>
</tr>
<tr>
<td>Failure to provide waste documents</td>
<td>S.34A(2) Environmental Protection Act 1990</td>
<td>Identifying businesses and members of the public, who transfer their waste irresponsibly, which ultimately could be fly tipped</td>
<td>Amount fixed at £300</td>
</tr>
<tr>
<td>Offences under Dog Control Orders</td>
<td>S.59(2) Clean Neighbourhoods and Environment Act 2005</td>
<td>To reduce the number of incidents of dog fouling or out of control dogs within the borough</td>
<td>£80 reduced to £50 if paid within 10 calendar days</td>
</tr>
<tr>
<td>Failure to display a conforming no smoking sign in a smoke-free premises</td>
<td>S.6(5) Health Act 2006</td>
<td>To reduce tobacco related ill health and ensure compliance with smoke-free legislation</td>
<td>£200 reduced to £150 if paid within 15 days</td>
</tr>
<tr>
<td>Smoking in a smoke-free place</td>
<td>S.7(2) Health Act 2006</td>
<td>To reduce tobacco related ill health and ensure compliance with smoke-free legislation</td>
<td>£50 reduced to £30 if paid within 15 days</td>
</tr>
</tbody>
</table>

3.8 All officers, who issue fixed penalties shall be appropriately authorised in accordance with the provisions of the Council’s Constitution and under appropriately delegated authority.

3.9 All officers, who issue fixed penalties, shall have undergone appropriate training.

3.10 A fixed penalty notice shall only be issued for the offence for which they were created and where there is sufficient admissible evidence to support a prosecution. Admissible evidence shall include that witnessed by an authorised officer, as well as, that provided by a reliable witness testimony.
3.11 Where offences are witnessed directly by officers, fixed penalty notices will normally be issued at the time of the incident. If deemed necessary, suspected offenders will be interviewed under caution on scene.

3.12 Fixed Penalty Notices relating to offences committed from vehicles, the presentation of domestic waste for collection, smoking or offences based upon third party evidence, will be served from the central office base.

3.13 There is no fixed time in which fixed penalty notices must be served, however, to avoid allegations of abuse of process, fixed penalty notices will normally be served within 14 days of the date of offence.

3.14 A fixed penalty notice may be served up to a maximum of 6 months after the offence, where there is a justifiable reason for delay, such as a lengthy fly tip investigation.

3.15 Electoral register lists, Council Tax records, DVLA checks and Police support will be used as a means of verifying names and addresses provided by people suspected of having committed an offence.

3.16 With the exception of offences relating to the presentation of domestic waste for collection, where it is established that offenders provide false details when requested by authorised officers, then the matter will be taken before the Magistrates Court for an additional offence.

3.17 Offenders will have a period of 14 days to pay the fixed penalty notice issued. All unpaid fixed penalty notices, which have been served appropriately, will be pursued through the courts.

3.18 A fixed penalty notice shall not be issued where it is identified that the offence has been committed by someone that has previously received a fixed penalty for the same offence in the last 3 years. Prosecution proceedings shall be instigated directly in respect of repeat offenders.

3.19 For the purpose of this strategy the term litter is defined as ‘anything that is dropped, thrown, left or deposited that causes defacement, in a public place’. This includes cigarettes, cigars and like products together with chewing gum. For the purpose of this policy acts of urinating or spitting will not be classed as litter.

3.20 As part of a 12 month pilot project, in situations where a fixed penalty notice is served, which involves cigarette litter, opportunity will be provided for recipients to recoup £50 of any penalty paid through the successful completion of a smoking cessation course.

3.21 Littering fixed penalty notices may be issued for fly-tipping offences in respect of small unauthorised deposits of controlled waste, equating up to one standard sized refuse sack of waste. An element of discretion may be used by the investigating officer.

3.22 In the case of offences relating to the presentation of domestic waste for collection an appeal period of 28 days will be granted from the date of service of a Notice of Intent, which precedes the fixed penalty notice.

3.23 Recipients of a fixed penalty notices for all other environmental and smoke-free offences shall be offered the opportunity to appeal within 14 days to the Chief Environmental Health Officer through a fair, transparent and consistent appeals
process. Full details of all appeals and decisions shall be recorded and appellants will be informed of the decision within 10 working days.

3.24 The Chief Environmental Health Officer shall have the authority to determine whether or not an appeal against a fixed penalty notice is successful.

3.25 Where an appeal is refused the appellant shall be informed within 10 working days of the decision and the original payment terms, including, if appropriate, the opportunity to pay the charge at the discounted rate, shall apply from the date of the letter notifying the offender of the results of the decision.

3.26 The Chief Environmental Health Officer and Principal Environmental Health Officers shall have the authority to cancel fixed penalty notices.

3.27 Fixed penalty notices may only be cancelled in the following circumstances:

(a) Where a person issued with a fixed penalty notice falsely provides the identity details of another person, and that person successfully challenges the notice on that basis; or
(b) Where further information comes to light about the personal circumstances of the recipient of a fixed penalty notice, who it later transpires, is ‘vulnerable’.

3.28 Fixed penalty notices may not be cancelled, but may be withdrawn in the following circumstances:

3.29 (a) Where the fixed penalty notice has been served incorrectly
3.30 (b) Where it subsequently transpires that the evidence is not sufficient to support a prosecution
3.31 (c) Where an appeal by the recipient of the fixed penalty notice is successful, other than for circumstances described in paragraph 3.20 (a).

3.32 The fixed penalty process will be managed using back office IT systems, which will record full and accurate details of each fixed penalty notice from issue to closure. The systems enable the completion of all statutory returns required by the Secretary of State and enable the reporting of the number of fixed penalties issued, the number paid and the number of non-payments progressed to prosecution.

3.33 The Council will use fixed penalty receipts from offences created or amended by the Clean Neighbourhoods and Environment Act 2005 in accordance with DEFRA guidance. A full system of cost accounting shall be maintained to demonstrate compliance with the legislation.

4 Key Policies

4.1 Vulnerable Adults

4.1.1 If there is any doubt, or it is brought to the investigating officers attention, that the person, who has committed an offence is not capable of understanding that their actions constitute an offence, are mentally impaired in any way or are clearly unable to pay (e.g. homeless or otherwise) then a fixed penalty notice will not be issued. An educative approach may be taken or the individual asked to rectify their actions under such circumstances.
4.2 Young People:

4.2.1 Fixed penalty notices will not be issued to children below the age of 10.

4.2.2 For youths between 10 and 15 a warning will be issued for a first offence and the matter reported to their parents or guardians. Only where an officer has evidence to confirm that the young person has been previously warned will consideration be given to the issuing of a fixed penalty notice.

4.2.3 In determining whether a fixed penalty notice is issued the service will consult the Youth Offending team and give consideration to whether a restorative justice based intervention may be an appropriate option.

4.2.4 In respect of 16 and 17 year olds, the rule for 10 to 15 year olds applies. In situations where fixed penalty notices are issued, the Youth Offending Team will be notified and the offender will be informed of this.

4.2.5 In all cases, where a fixed penalty notice is issued to juveniles then this shall only take place in the presence of their parent or legal guardian.

4 Strategy Review

4.2 This strategy shall be reviewed on an annual basis, or at such times as deemed appropriate.

4.3 This strategy shall be published on the St Helens Council Website allowing members of the public and business to have the opportunity to comment on the policy and to provide feedback.

4.4 A record of amendments to the policy shall be maintained within this document.

Fixed Penalty Notice Enforcement Strategy Control Sheet

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Details of amendments / changes</th>
<th>Approved</th>
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<tbody>
<tr>
<td>2</td>
<td>October 2015</td>
<td>Tony Smith</td>
<td>Introduction of payments by instalments</td>
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<td></td>
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<td>Inclusion of smoke-free offences</td>
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<td>Inclusion of offences relating to breach of Community Protection Notices</td>
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<td>Amendment of policy relating to young people making reference to restorative justice interventions</td>
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</table>
Reference to a 12 month pilot project relating to smoking cessation
Glossary of Terms

Contained in this document:


"The Borough" means the geographical area of St Helens Borough Council

"The Licensing Authority" means St Helens Borough Council.

"Appeal" A means by which a Committee decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the Committee may be upheld or overturned.

"Conviction" Judicially determining that someone is guilty of a crime.

"DBS" means Disclosure and Barring Service (formerly known as Criminal Records Bureau).

"DfT" means Department for Transport

"Driver’s Licence" means a licence granted by the Council to drive a Taxi or a Private Hire Vehicle under Section 46 of the Town Police Clauses Act 1847 or Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) respectively.

"Internal Vehicle licence" is a laminated replica of the licence plate issued by the Council on the grant and renewal of the licence giving details of the vehicle and licence for display within the vehicle.

"Fit and Proper Person" A person who is considered to be no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.

"Licence" means a vehicle licence granted by the Council under Section 37 of the Town Police Clauses Act 1847 or Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended). In this licence:
(a) "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
(b) "The Council" means the St Helens Borough Council;
(c) "The operator" means a person holding a licence to operate a private hire vehicle issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
(d) "Private Hire Vehicle" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
(e) "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
(f) References to the masculine ("he") refer equally to the feminine ("her") and vice versa

"Licence Plate" is the plate issued by the Council in respect of a Taxi under Section 51 of the Town Police Clauses Act 1847 and in respect of a Private Hire Vehicle under Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"Licensee" means the holder of a licence.

"Licensing and Environmental Protection Committee" A panel of local councillors convened to determine licence applications and reviews.

"Licensing Officer" and "Authorised Officer" are the officers appointed from time to time by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles within the Council’s administrative area.
“Mitigating Circumstances” The circumstances surrounding a conviction. These circumstances may alter the seriousness of a crime.

"Operator" is the holder of a Private Hire Operator's (PHO) Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

“Plying for Hire” To actively invite (outing) or respond to a hail for a taxi with the intent to charge a specific fare for the service.

"Private Hire Vehicle" (PHV) is as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.

“Rehabilitation” The period sufficient to demonstrate that a person has repented of their crimes and is unlikely to re-offend.

“Revoke” To remove a licence permanently.

“Suspend” To remove a licence for a defined period of time.

"Taxi" means a hackney carriage (HC) as defined in the Town Police Clauses Act 1847. A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.

"Taxi Proprietor" means the holder of a vehicle licence granted by the Council under Section 37 of the Town Police Clauses Act 1847.

"Vehicle" or “Licensed Vehicle” means either a Hackney Carriage or Private Hire Vehicle.

“Written Warning” A letter advising that although a conviction or complaint was not serious enough to have warranted the suspension or revocation of the licence, the alleged conduct was unacceptable and has caused concern as to the suitability to hold such a licence such that any further repetition of such conduct is likely to lead to suspension or revocation.