

Matrix of Changes to Taxi & Private Hire Licensing Policy

Page Number	Current Text	New Text	Reason for amendment
Front Page	2023 – 2028	2027 - 2031	To reflect the 5 year period the Taxi Policy will be in force for
1	Tamworth – Celebrating our heritage, creating a better future	Building a better Tamworth	Updated council's vision
1	The policy adheres to statutory guidance issued in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 to protect children and vulnerable adults from harm when using taxi and private hire services.	The Policy adheres to Statutory Standards issued in July 2020 by the Secretary of State for Transport under section 177 (1) of the Policing and Crime Act 2017 to protect children and vulnerable adults from harm when using taxi and private hire services and has regard to the non-statutory best practice guidance issued by the Department for transport in November 2023 which complements the statutory standards, covering a range of issues outside the remit of the statutory standards.	Corrected title of document and acknowledges further guidance that was not available to us at the time of writing the previous edition of the policy
2		This policy applies equally to all licensed private hire operators, drivers and proprietors, irrespective of whether	New Paragraph

		bookings are accepted by telephone, in-person online or through a digital application. The licensing authority will regulate consistently, fairly and proportionately to ensure public safety, maintaining confidence and promoting compliance with statutory requirements	
3	The Council in it's capacity as the licensing authority, including licensing officers and member of the public protection committee	The Council in it's capacity as the licensing authority, including licensing officers and member of the licensing committee	Correct name for the committee who deal with the licensing matters
3	The views of relevant stakeholders will be considered before any major changes are made to this Policy.	The views of relevant stakeholders will be considered before any major changes are made to this Policy. Where proposed changes are likely to have a material impact on licence holders, applicants, service users, accessibility, affordability, availability or equality considerations, the Council will undertake proportionate consultation and keep a record of the evidence	Sentence expanded for clarity as requested by the MO

		and reasons supporting the final decision.	
4	The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Secretary of State for Transport Statutory Taxi and Private Hire Vehicle Standards July 2020, and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.	The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Secretary of State for Transport Statutory, Taxi and Private Hire Vehicle Standards July 2020, Guidance issued by the Department for Transport November 2023 and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.	Inserted the specific guidance referred to on page 4
4	The policy will be formally reviewed after 5 years. However, it will be subject to continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.	The policy will be formally reviewed after 5 years. However, it will be subject to continuous evaluation and may be formally reviewed at any time where changes in legislation, statutory or government guidance, local	Change of wording requested by MO

		circumstances, operational experience, equality considerations or public safety concerns indicate that a review is required. At the time of each substantive review, relevant stakeholders will be consulted in a proportionate way.	
5	The General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018 (“DPA18”) covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The	The UK General Data Protection Regulation (“UK GDPR”) and the Data Protection Act 2018 (“DPA18”) govern the collection, storage, use, sharing and retention of personal data. They also give rights to individuals whose personal data is processed. In carrying out its licensing functions, the Council will process personal data only where it has a lawful basis to do so, including where processing is necessary for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority, or where another lawful basis	Reworded by MO

	principles state that the information shall be:	applies. The Council will ensure that personal data is processed in accordance with the data protection principles. The principles state that information shall be:	
6	Whilst officers and the relevant committees will, in the majority of cases, follow the Policy. Where the policy is silent, the reasons for departing from the guidance will be made clear.	Officers and the relevant committees will normally follow this Policy. Any departure from the Policy must be justified by the circumstances of the individual case, based on relevant considerations, and the reasons for the departure must be clearly recorded.	Change of wording as requested by the MO
6	The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Councils	The Council will hold and maintain a register for all licences it issues. The information held on the register will be limited to information necessary for the licensing function, including the name of the licence holder, a unique licence number, the date of commencement and the date of expiry of the licence. The register will be available for	Reworded by MO

	Licensing team and where possible will be published on the Council's website	inspection by prior arrangement with the Council's Licensing team. Where information is published on the Council's website, publication will be limited to information that is necessary, lawful and proportionate.	
8	Where the Council is minded to not approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.	Where the Council is minded to not approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face , or in writing by letter or email before the decision is taken by the licensing committee.	Clarification of the committee process
8	Where the Council is minded to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.	Where the Council is minded to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face , or in writing by letter or email before the decision is taken.	For clarification purposes and for a complete audit trail

8	Suspension, Immediate Suspension, Revocation and Immediate Revocation of a dual drivers licence can be carried out by the Licensing Committee, or a duly authorised officer of the Council.	Suspension, immediate suspension, revocation and immediate revocation of a dual driver's licence may be carried out by the Licensing Committee or by a duly authorised officer of the Council, in accordance with the Council's scheme of delegation and the relevant statutory provisions.	Change of wording as requested by the MO
9	If the applicant/licence holder is aggrieved by the decision of the Council they may appeal to the relevant court (in most cases the Magistrates Court). The appeal needs to be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstance	If the applicant or licence holder is aggrieved by a decision of the Council, they may appeal to the relevant court or tribunal where a statutory right of appeal exists. In most cases this will be the Magistrates' Court. Any appeal must be lodged within the statutory timescale that applies to the particular decision, usually within 21 days of being notified in writing of the Council's decision. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstance	Change of wording requested by MO

9	The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.	The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.	Sentence not needed in line with the administration fee now charged.
10	All licence fees are payable at the time of application in full. Where a licence is not granted, i.e. the applicant withdraws their application a portion of the fees may be returned to the applicant. The actual amount of the refund will depend upon	All licence fees are payable at the time of application in full. Where a licence is not granted, e.g. the applicant withdraws their application an administration fee will be charged portion of the fees may be returned to the applicant.	Clarification following the introduction of an administration fee. All fees are applicable upon the grant of an application.

	the progress of the application at the time the applicant withdraws	The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws	
10	It is presented to the Council for verification within 3 months of issue date of the certificate	It is presented to the Council for verification within 3 months of issue date of the certificate	To be deleted. Not required due to the update service if the other requirements of this are met.
11	The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and will retain a copy of the certificate in line with the Council's data retention policy and data protection legislation.	The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information and will handle DBS information in accordance with that Code, the Council's retention arrangements and data protection legislation. DBS certificate information must not be retained for longer than is necessary for the licensing purpose.	Reworded by MO
12	The authority will also share information with other local licensing authorities regarding licences they refuse, suspend or revoke and with the national register maintained by the	The authority will also share information with other local licensing authorities regarding licences they refuse, suspend or revoke and with the national register maintained by the	Amended to reflect the correct term which was changed because of the introduction of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 . It is a

	National Anti-Fraud Network known as the 'NR3' register.	National Anti-Fraud Network known as the 'NR3S' register.	mandatory legal requirement for all licensing authorities in England to check and update the register
14	The Council will use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked a taxi or PHV driver licence. It will record any cases within Tamworth Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate.	The Council will use the National Anti-Fraud Network (NAFN) NR3S register of drivers who have been refused or had revoked a taxi or PHV driver licence. It will record any cases within Tamworth Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate.	As above
15	within the previous 3 months or	within the previous 3 months or	To be deleted to be consistent with page 10
17	Appointments are made by the applicant booking an appointment with the Council's Customer Services department with the applicant to complete a DBS application form.	Appointments are made by the applicant booking an appointment with the Council's Customer Services department with the applicant to complete a DBS application form.	Updated to reflect a new process for dealing with DBS applications.

	Applicants must subscribe to the DBS Update Service, proof of subscription reference number and the last DBS certificate number must be provided. DBS certificate checks will be made every 6 months. Failure to subscribe to the update service will result in unnecessary additional fees.	Applicants will receive an invite link via email to complete a DBS check from our service provider. The DBS fee will be made directly to our provider. An option to have an ID digital check for an additional fee is available; this means that the ID verification check can be done digitally by our provider without the requirement of the applicant attending the council offices in person to have this carried out. Applicants will be asked to provide evidence of identity such as a passport, Drivers licence and they will request a “selfie” photo. If the documents are verified your DBS will be approved. Should applicants wish to opt out of the Digital check an appointment to attend the council offices to meet with an officer to view your documents will be sent.	
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		Applicants must are encouraged to subscribe to the DBS Update Service, proof of subscription reference number and the last DBS certificate number must be provided. DBS certificate checks will be made every 6 months. Failure to subscribe to the update service will result in unnecessary additional fees.	
17	An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. Where an applicant fails the knowledge test three times, the application will be refused. The applicant will not be permitted to re-apply for a drivers licence until the expiry of a 12 month period from the date of the last failed knowledge test.	An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. Where an applicant fails the knowledge test three times, the application will be refused. The applicant will not be permitted to discouraged from re-applying for a drivers licence until the expiry of a 12 month period from the date of the last failed knowledge test.	We may be subject to legal challenge by not permitting.
19	issued within the previous 3 months	issued within the previous 3 months	Deleted in line with previous amendments

20	The applicant is expected to complete the knowledge test without any translation being offered and must be able to show they are capable of completing a receipt	The applicant is expected to complete the knowledge test without translation support and must be able to demonstrate that they can complete a receipt.	Change of wording requested by the MO
23	Unauthorised drivers Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.	Unauthorised drivers Licensed drivers of hackney carriages or Private hire Vehicles must not allow any persons to drive a hackney carriage or Private Hire Vehicle unless they are authorised to do so by the proprietor and hold an appropriate license to do so.	Inserted missing class of vehicle
25	Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted;	All windows should be tint free to the extent that the inside of the vehicle should be clearly visible at all times, the driver and any passengers should be clearly visible when looking into the vehicle from all windows at all times". Vehicles presented for first licensing will need to comply with this public safety requirement. You may have to	% of light emissions

		replace rear passenger tinted windows even if the glass is factory fitted tinted glass. The rear passenger windows should be no darker than the front side windows (it is a legal requirement that front side windows should allow 70% visual light transmission VLT). No additional film will be permitted	
26	Be maintained in a sound mechanical and structural condition at all times;	Must be able to pass an MOT at any time	Tightening up of wording
26	Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all	The absolute legal minimum is 1.6mm across the central three-quarters of the tread and around the entire circumference. Tyres must be entirely free from cuts, tears, lumps, bulges, or any exposed internal cords. Any cut or reaching the ply or cord will result in an immediate vehicle failure. No tyre (including the spare) can be older than 10 years. Drivers must ensure the DOT code stamped on the sidewall,	Tyres

	pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;	which details the week and year of manufacture, is legible on all wheels The use of "part-worn" or remoulded tyres are prohibited due to safety risks. Tyres must be correctly inflated to the exact manufacturer's recommended guidelines. Under or over-inflated tyres will cause a vehicle to fail an inspection. If a vehicle carries a space-saver spare tyre, it must only be used in an emergency to complete a current fare or return the vehicle to a garage. Standard space-saver tyres are generally not accepted during annual vehicle tests or routine safety inspections. All tyres fitted to the same axle must be of the same size, structure, and radial type (e.g., mixing radial and bias-ply tyres is illegal)	
26	Vehicles should have no damage affecting the structural safety of the vehicle and must	Vehicles should have no damage affecting the structural safety of the vehicle and must	To clarify sentence

	not have been written off for insurance purposes.	not have been written off for insurance purposes. Categories S or N will not be accepted	
27		Hackney Carriage and private hire vehicles, DVLA number plate requirements dictate that your vehicle must display a standard white retro reflective plate on the front and a yellow retro reflective plate on the rear both conforming to the British standard BSAU 145e . You must ensure all characters are fully visible at all times and are never obscured or partially hidden by your local authority-issued taxi licence plate. Front plates must have uniform black characters on a white retro reflective background; rear plates must have uniform black characters on a yellow retro reflective background both conforming to the British standard BSAU 145e . Letters and numbers must not be rearranged, stylised, or altered so that they are difficult to read. While 3D and raised	New paragraph for clarification

		characters are allowed, the characters must be readable and not patterned. However, some 4D or gel number plates can cause ANPR cameras to fail, leading to an MOT failure or up to a £1,000 fine. Plates must be marked to show who supplied them and display a British Standard number (BS AU 145e for plates fitted after September 2021).	
28		All documentation must be in the name of the applicant	To clarify the requirements
28	12 months	3 Months	To be consistent
30		Signage & Plates All Hackney Carriage vehicles must display the vehicles signs shown in Appendix P on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is a licensed by the Council.	Directional – to give guidance on where plates & signage should be located on the vehicle
32	The Council encourages and promotes the purchase of fully electric and zero emission capable vehicles to be licensed as Hackney Carriages. Where	From 1 st January 2027 Applications for new licences for vehicles that do not meet Euro 5 emissions standards	New Section to deal with the zero carbon ambition of Tamworth Borough Council

	possible the Council will seek to implement a number of ‘plug-in’ points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.	(i.e. Euro 4 and below) will not be granted. From 1st January 2028 Renewal applications for vehicles that do not meet Euro 6 emissions standards (i.e. Euro 5 and below) will no longer be granted. From 1st January 2030 The Council will no longer grant new licences for vehicles powered solely by petrol, diesel, or LPG internal combustion engines. New licence applications will only be accepted for: ○ Electric vehicles ○ Hybrid vehicles ○ Other ultra-low emission vehicles approved by the Council Full Transition Requirement From 1 January 2035, the Council will only consider new & renewal applications for:	
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		• Electric vehicles; • Hybrid vehicles; or • Other approved low or zero emission vehicles. Tamworth Borough Council will keep this position under review with the expectation of transitioning to a fully zero-emission fleet in line with national policy and technological developments	
36	Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted	All windows should be tint free to the extent that the inside of the vehicle should be clearly visible at all times, the driver and any passengers should be clearly visible when looking into the vehicle from all windows at all times”. Vehicles presented for first licensing will need to comply with this public safety requirement. You may have to replace rear passenger tinted windows even if the glass is factory fitted tinted glass. The rear passenger windows should be no darker than the front side	% of light emissions

		windows (it is a legal requirement that front side windows should allow 70% visual light transmission VLT). No additional film will be permitted	
37	Be maintained in a sound mechanical and structural condition at all times;	Must be able to pass an MOT at any time	Tightening up of wording
37	Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes.	Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes. Categories S or N will not be accepted	To clarify sentence
37	Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking	The absolute legal minimum is 1.6mm across the central three-quarters of the tread and around the entire circumference. Tyres must be entirely free from cuts, tears, lumps, bulges, or any exposed internal cords. Any cut or reaching the ply or cord will result in an immediate vehicle failure. No tyre (including the spare) can be older than 10 years.	Expanded & re worded

	another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;	Drivers must ensure the DOT code stamped on the sidewall, which details the week and year of manufacture, is legible on all wheels The use of "part-worn" or remoulded tyres are prohibited due to safety risks. Tyres must be correctly inflated to the exact manufacturer's recommended guidelines. Under or over-inflated tyres will cause a vehicle to fail an inspection. If a vehicle carries a space-saver spare tyre, it must only be used in an emergency to complete a current fare or return the vehicle to a garage. Standard space-saver tyres are generally not accepted during annual vehicle tests or routine safety inspections. All tyres fitted to the same axle must be of the same size, structure, and radial type (e.g., mixing radial and bias-ply tyres is illegal)	
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38		Hackney Carriage and private hire vehicles, DVLA number plate requirements dictate that your vehicle must display a standard white retro reflective plate on the front and a yellow retro reflective plate on the rear both conforming to the British standard BSAU 145e . You must ensure all characters are fully visible at all times and are never obscured or partially hidden by your local authority-issued taxi licence plate. Front plates must have uniform black characters on a white retro reflective background; rear plates must have uniform black characters on a yellow retro reflective background both conforming to the British standard BSAU 145e . Letters and numbers must not be rearranged, stylised, or altered so that they are difficult to read. While 3D and raised characters are allowed, the characters must be readable and not patterned. However, some 4D or gel number plates	New paragraph for clarification
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		can cause ANPR cameras to fail, leading to an MOT failure or up to a £1,000 fine. Plates must be marked to show who supplied them and display a British Standard number (BS AU 145e for plates fitted after September 2021).	
38		All documentation must be in the name of the applicant	To clarify the requirements
38	12 Months	3 Months	To be consistent
40		Signage & Plates All Private Hire vehicles must display the vehicles signs shown in Appendix P on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is a licensed by the Council.	Directional – to give guidance on where plates & signage should be located on the vehicle
42	The Council encourages and promotes the purchase of fully electric and zero emission capable or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of ‘plug-in’ points around the district which will	Vehicle emissions and carbon Neutrality From 1 st January 2027 Applications for new licences for vehicles that do not meet Euro 5 emissions standards (i.e. Euro 4 and below) will not be granted.	New Section to deal with the zero carbon ambition of Tamworth Borough Council

	be available for vehicle proprietors to use, and also to actively target funding opportunities. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.	From 1st January 2028 Renewal applications for vehicles that do not meet Euro 6 emissions standards (i.e. Euro 5 and below) will no longer be granted. From 1st January 2030 The Council will no longer grant new licences for vehicles powered solely by petrol, diesel, or LPG internal combustion engines. New licence applications will only be accepted for: ○ Electric vehicles ○ Hybrid vehicles ○ Other ultra-low emission vehicles approved by the Council Full Transition Requirement From 1 January 2035, the Council will only consider new & renewal applications for: • Electric vehicles; • Hybrid vehicles; or	
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		Other approved low or zero emission vehicles. Tamworth Borough Council will keep this position under review with the expectation of transitioning to a fully zero-emission fleet in line with national policy and technological developments	
73		All licensed vehicles must display the vehicle signs & Plates as shown in Appendix P of the Hackney Carriage & Private Hire Licensing at all times.	Addition of condition in relation to signage
79		Please see ** Below	The duties of drivers of Hackney Carriage Vehicles and Private Hire Vehicles under the Equalities Act 2010 to be included on the set of conditions.
91		Please see * below	The duties on Operators under the Equality Act 2010 to be included on the set of conditions.
96		Delete Table A & wording	Never spent – confuses the issue

97		Delete Table b & wording	Never spent – confuses the issue
98	Please refer to policy for existing wording	Section to be replaced by new IOL suitability guidance – please see below	IOL suitability guidance was updated in October 2024
110	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	Clarified sentence to include all vehicles
111		Failure to correctly display operator signage	Addition to penalty points which is missing.
112	Evidence of smoking in vehicle	Evidence of smoking/ vaping in vehicle	Inserted vaping
113	Using a licensed vehicle with bald tyre(s).	Using a licensed vehicle with bald tyre(s). contrary to the tyre requirements of Tamworth Borough Council	Amended wording to bring in line with new section on tyres.
113	Failure to carry legal spare wheel or authorised suitable alternative and tools.	To be deleted	Duplication of offence
113	Failure to display a current licence plate.	To be deleted	Duplication of offence
114		Evidence of dangerous driving	New offence to be added

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The duties on Operators under the Equality Act 2010

Offences on PHV operators

Section 167A

Disabled passenger - Any disabled passenger, including wheelchair users.

Offences

- failing or refusing to accept a booking for the vehicle if:
- the booking is made by, on or behalf of, a disabled person
- the reason for the failure or refusal is:
- that the person is disabled or
- to prevent the driver from being made subject to a duty at sections 164A, 165, or 165A
- making, or proposing to make, and additional charge for carrying out any duty on the driver under sections 164A, 165, or 165A

Defences

- it was reasonable not to have accepted the booking due to a lack of suitable vehicles

Section 170

Disabled passenger - Assistance dog users.

Offences

- failing or refusing to accept a booking for the vehicle if:
- the reason for the failure or refusal is:
- that the person will be accompanied by an assistance dog
- to prevent the driver from being made subject to a duty at section 170

- making, or proposing to make, and additional charge for carrying an assistance dog

Defences

There are no defences for this section.

The duties on taxi drivers under the Equality Act 2010

Duties on drivers of non-designated wheelchair accessible taxi

Section 164A

Disabled passenger - Any disabled passenger, including wheelchair users.

Duties

- to carry the passenger
- to carry their wheelchair (e.g. in the boot of the vehicle)
- to carry their mobility aids
- to take reasonable steps to carry the passenger in safety and reasonable comfort
- to provide reasonable mobility assistance
- not to make, or propose to make, any charge for carrying out the above duties

Defences

- that the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)

- it would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
- it would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- the driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger - Any disabled passenger, including wheelchair users.

Duties

These duties only apply if the taxi has been prebooked.

- to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- not to make, or propose to make, any additional charge for complying with the above duty

Defences

- the driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 168

Disabled passenger - Assistance dog users.

Duties

- carry the disabled person's dog and allow it to remain with that person
- not make, or propose to make, any additional charge for doing so

Defences

There are no defences for this section.

Duties on drivers of designated wheelchair accessible taxis

Section 164A

Disabled passenger - Any disabled passenger, apart from wheelchair users.

Duties

- to carry the passenger
- to carry their mobility aids
- to take reasonable steps to carry the passenger in safety and reasonable comfort
- to provide reasonable mobility assistance
- not to make, or propose to make, any charge for carrying out the above duties

Defences

- that the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- it would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
- it would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- the driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger - Wheelchair users.

Duties:

- to carry the passenger while in the wheelchair
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
- to carry their mobility aids
- to take necessary steps to carry the passenger in safety and reasonable comfort
- to provide reasonable mobility assistance
- not to make, or propose to make, any charge for carrying out the above duties

Defences

- it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
- it would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger - Any disabled passenger, including wheelchair users.

Duties

These duties only apply if the taxi has been prebooked:

- to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- not to make, or propose to make, any additional charge for complying with the above duty

Defences

- the driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 168

Disabled passenger - Assistance dog users.

Duties

- carry the disabled person's dog and allow it to remain with that person
- not make, or propose to make, any additional charge for doing so

Defences

There are no defences for this section.

The duties on PHV drivers under the Equality Act 2010**Duties and offences on drivers of non-designated wheelchair accessible PHVs**

Section 164A

Disabled passenger - Any disabled passenger, including wheelchair users.

Duties

- to carry the passenger
- to carry their wheelchair (e.g. in the boot of the vehicle)
- to carry their mobility aids
- to take reasonable steps to carry the passenger in safety and reasonable comfort
- to provide reasonable mobility assistance
- not to make, or propose to make, any charge for carrying out the above duties

Defences

- that the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- it would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
- it would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- the driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger - Any disabled passenger, including wheelchair users.

Duties

- to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- not to make, or propose to make, any additional charge for complying with the above duty

Defences

- the driver of the PHV has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 170

Disabled passenger - Assistance dog users.

Offences

A driver commits an offence by:

- failing or refusing to carry out a booking accepted by the operator:
 - if the booking is made by, on or behalf of, a disabled person
 - the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
- making, or proposing to make, and additional charge for carrying an assistance dog

Defences

There are no defences for this section.

Duties and offences on drivers of designated wheelchair accessible PHVs

Section 164A

Disabled passenger - Any disabled passenger, apart from wheelchair users

Duties

- to carry the passenger
- to carry their mobility aids
- to take reasonable steps to carry the passenger in safety and reasonable comfort
- to provide reasonable mobility assistance
- not to make, or propose to make, any charge for carrying out the above duties

Defences

- that the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- it would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
- it would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- the driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger - Wheelchair users.

Duties

- to carry the passenger while in the wheelchair
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
- to carry their mobility aids
- to take necessary steps to carry the passenger in safety and reasonable comfort
- to provide reasonable mobility assistance
- not to make, or propose to make, any charge for carrying out the above duties

Defences

- it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
- it would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger - Any disabled passenger, including wheelchair users.

Duties

- to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- not to make, or propose to make, any additional charge for complying with the above duty

Defences

- the driver of the PHV has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 170

Disabled passenger - Assistance dog users.

Offences

- failing or refusing to carry out a booking accepted by the operator:
- if the booking is made by, on or behalf of, a disabled person
- the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
- making, or proposing to make, an additional charge for carrying an assistance dog

Defences

There are no defences for this section.

Institute Of Licensing Suitability Guidance updated October 2024

Barred lists

A licence will not be granted to a person who is on any barred list.

Offences resulting in death

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

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list. Offences involving violence against persons, property, animals or the State

Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years. Offences involving Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving Sex, indecency or obscene materials

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance. Offences involving Regulatory non-compliance

Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.

Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁸ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying

offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction. or the date of the offence depending on the type of offence (see “Penalty points (endorsements)“.

By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts. Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: (<https://www.trl.co.uk/news/transport->

select-committee-road-safety-enquiry-on-the-use-of-mobile phones) Using an electronic device which is ‘hands free’ or ‘factory fitted’ does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour may be perceived by a vulnerable passenger.

If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Appendix L

Signage on Vehicles

All vehicles licensed by Tamworth Borough Council are issued with a Plate & Side Identification Stickers. These must be positioned as per the figures below. Hackney Carriages – figure 1, Private Hire figure 2. In addition all Private Hire Vehicles must display operator identification and this must be positioned as per figure 2.

Fig 1

Fig 2



Without 4 To View Label

**PRIVATE HIRE VEHICLE
PRE-BOOKED ONLY**

LICENCE NUMBER:

1 2 3 4

REGISTRATION NO:

AB12 3CD

Tamworth Borough Council

MOGO

Without 4 To View Label

HACKNEY CARRIAGE

LICENCE NUMBER:

1234

REGISTRATION NO:

AB12 3CD

Tamworth Borough Council

MOGO