

# **Licensing Policy for Hackney Carriage and Private Hire**

This policy was adopted by the South Oxfordshire District Council at the meeting of the General Licensing Committee on 24 June 2021 and the Vale of White Horse District Council at the meeting of the General Licensing Committee on 25 June 2021 and comes into force on 26 June 2021 and will be reviewed five years from that date unless previously amended.

For any queries, please contact the licensing team:

Licensing Team  
Vale of White Horse District Council  
135 Eastern Avenue  
Milton Park  
Abingdon  
OX14 4SB

01235 422556  
[licensing.unit@whitehorsedc.gov.uk](mailto:licensing.unit@whitehorsedc.gov.uk)

Licensing Team  
South Oxfordshire District Council  
135 Eastern Avenue  
Milton Park  
Abingdon  
OX14 4SB

01235 422556  
[licensing@southoxon.gov.uk](mailto:licensing@southoxon.gov.uk)

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# 1. Introduction

1.1 This policy statement has four main purposes, which are:

- **to confirm to members** of the General Licensing Committees the boundaries and powers of the councils and the parameters within which to make decisions
- **to inform licence applicants** of the parameters within which the councils will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council which licenses them
- **to inform local residents and businesses** of the parameters within which the councils will make licensing decisions and therefore how their needs will be addressed
- **to support a case in a court of law** where either council must show how it arrived at its licensing decisions.

1.2 In setting out this joint policy, the councils seek to promote the following objectives:

- the protection of public health and safety
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective transport service
- the protection of the environment.

1.3 The aim of the licensing process is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the councils' hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

1.4 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They can provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

1.5 This policy contains information about legal requirements, government guidance, council policy, procedures and standards. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

1.6 In exercising their discretion in carrying out their regulatory functions, the councils will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for either of the councils to depart substantially from this policy, clear and compelling reasons must be given for doing so.

1.7 This policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Housing and Environment in consultation with the Chairs of the General Licensing Committees is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.

1.8 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the relevant council website. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

## **2. Legislation and best practice guidance**

2.1 All licence holders must comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in legislation, including but not limited to the following:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Equality Act 2010

2.2 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The councils have taken account of the DfT guidance to shape this policy. In addition, the councils have taken account of the Statutory Taxi and Private Hire Vehicle Standards published by the DfT in July 2020.

2.3 In adopting this policy the councils have had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.

2.4 This policy also takes account of the legislative basis of the councils’ taxi licensing powers, contained in the Town Police Clauses Act 1847 and 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the councils have both adopted.

## **3. Applications for licences**

3.1 The councils require that applications for hackney carriage/private hire licences must be made on the prescribed application form which is available on the relevant council’s website or using the relevant council’s electronic application procedure. The councils’ websites will provide guidance to assist in the completion of the application.

3.2 The licence fees payable to the relevant council are subject to annual review and will be published together with other council licensing fees on the relevant council's website. This may include charges for applicants who fail to attend appointments, knowledge tests, training sessions, etc.

3.3 The councils will consider all applications on their own merits once they are satisfied that the application is complete. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 6 months may be treated as withdrawn.

3.4 Where an applicant is unable to demonstrate that they fulfil the requirements of this policy, applications will normally be refused. It may be that, having regard to the particular circumstances, it would be right to depart from the policy. Applications will be determined in accordance with the current scheme of delegation. In some cases, the Head of Housing and Environment may refer applications or existing licence holders to a Licensing Panel for consideration.

3.5 The applicant will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

3.6 If a matter is referred to a panel for consideration, the applicant or licence holder will be advised of the date, time and venue of the panel. The proceedings and terms of reference of the licensing panel are set out on the councils' websites.

3.7 Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.

3.8 The councils will aim to send a reminder to licence holders before their licence expires in order to assist them in prompt submission of renewal applications. Please note, the councils are not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS).

3.9 If an application to renew a licence is received late, the licence may expire before a new one can be issued. For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by the relevant council until a new licence has been granted.

3.10 The councils may share information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, Driver and Vehicle Licensing Agency (DVLA) and HM Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence. The privacy notice relating to applicants for licences and licence holders can be found on the councils' websites.

3.11 Where drivers have been licensed with other authorities, we will carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the councils will use the National Anti-Fraud Network's national register of taxi and private hire vehicle driver licence refusals and revocations (known as 'NR3'), to share information and mitigate the risk of non-disclosure of relevant information by applicants.

## **4. Guidance on suitability to hold a licence**

4.1 When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the councils shall take into account the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades ('the Guidance'), an extract of which can be found at Appendix F. The document applies to all vehicle, driver and operator licence holders and applicants. The full document is available on the councils' websites.

4.2 The DfT Statutory Taxi and Private Hire Vehicle Standards states as follows:

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

Licensing authorities have to make difficult decisions but ... the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

4.3 Applicants who have had a licence revoked or an application refused by the councils or any other local authority will not be licensed for a minimum of 5 years after the date of the revocation or refusal.

4.4 All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours from the date of formal notification.



4.5 All licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action. Failing to notify the council may result in additional enforcement action against the licence.

4.6 A licence may be revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- An offence of a sexual nature
- An offence involving violence
- An offence involving dishonesty

A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

## **5. Change of details**

5.1 All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.

5.2 It is recommended that all licence holders notify the council if they are likely to be unable to be contacted for more than four weeks. This may help to prevent unnecessary suspension or revocation of licences.

## **6. Enforcement**

6.1 Enforcement is part of the overall licensing control process exercised by the councils and is taken to:

- ensure public safety
- maintain standards within the trade
- support the policies of the council
- respond to complaints
- support partnerships with neighbouring local authorities, and other agencies such as the police and Driver and Vehicle Standards Agency (DVSA)

6.2 All enforcement will be proportionate, transparent and in accordance with our enforcement policy. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the General Licensing Committees and their associated panels. The councils will ensure that the policy and its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.

6.3 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly criminal, behaviour. There are grades of sanctions from informal advice and warnings, through to the suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a points-based enforcement scheme as detailed in Appendix G. Authorised officers are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- penalty points
- final written warning
- suspension of licences
- appearance before panel
- revocation (by the Head of Housing and Environment only)
- prosecution

6.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes a false statement, may be prosecuted under the relevant sections of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the council offices, for example to produce current insurance documents or their vehicle for inspection, upon reasonable request by an officer. Where a driver fails to comply with a reasonable request from an authorised officer in another licensing authority area, action will be taken as if the driver has failed to comply with the same request from an officer of these licensing authorities.

6.5 All licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.

## **7. Hackney carriages and private hire vehicles**

### **Applications for vehicle licences**

7.1 A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage or private hire vehicle licence from the council before they are legally entitled to use the vehicle to carry passengers for hire and reward. Hackney carriages are permitted to ply for hire and carry out pre-booked work, and private hire vehicles may only carry out work pre-booked through a licensed private hire vehicle operator.

7.2 This policy outlines the minimum requirements for vehicles licensed by the councils. These have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which

does not comply may only be accepted after consideration of the merits of the application by a panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

7.3 Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months. A licence may be granted for a shorter period, should this be justified in a specific case.

7.4 Vehicles will only be considered for licensing if they are not already licensed by another licensing authority.

### **Criminal record checks**

7.5 All applicants must also provide a current (less than one month old) Basic DBS disclosure (although if the vehicle proprietor is also a licensed driver or operator with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure - should the individual cease to hold a driver or operator licence, a basic DBS will be required to be provided within a month of that licence expiring). The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the proprietor is trading as a limited company (or partnership) the council will also require the directors and company secretary (or partners) to provide Basic DBS disclosures, and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.

7.6 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these at any point beyond the age of criminal responsibility, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator.

7.7 Where the councils have reasonable cause for concern relating to a particular vehicle proprietor, a random DBS check may be carried out. If a proprietor is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

### **Limitation of numbers**

7.8 No powers exist for the councils to limit the number of private hire vehicles that they license. In respect of hackney carriages, the councils take the view that the market will determine the number of hackney carriage vehicles to meet demand. If the councils were to take the view that a quantity restriction on the number of hackney carriage vehicles could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

### **Specifications and conditions**

7.9 The councils have adopted minimum standards that they will apply to all licensed vehicles. These are set out in Appendix A for hackney carriages and Appendix B for private hire vehicles.

7.10 The councils are empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the councils will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.

7.11 The councils will not license purpose built hackney carriage vehicles as private hire vehicles as this would be likely to confuse members of the public.

7.12 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates may be used to disguise stolen or accident damaged vehicles.

7.13 The councils will not license vehicles that have been classified as Category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

### **Vehicle emissions**

7.14 The councils encourage drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO<sub>2</sub> and NO<sub>x</sub> emitted. The use of alternative fuels and different technologies, such as fully electric vehicles, will further reduce emissions.

7.15 The councils may offer reduced licence fees for vehicles that produce lower carbon dioxide or nitrous oxide emissions, or that are solely electric/hydrogen powered (i.e. zero-emissions). Such fees are reviewed on an annual basis and may vary.

7.16 The councils have both declared a Climate Emergency and aspire to work towards carbon neutral districts. In light of this, the aim is for all vehicles licensed by the councils to be zero carbon by 2030 at the latest. Over the life of this policy we will work in partnership with neighbouring authorities and other partners to improve the infrastructure for electric vehicle charging on the councils' property and land and will investigate the options for installing additional infrastructure on other sites.

7.17 In view of the above, from 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence.

### **Accessible vehicles**

7.18 The councils are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

7.19 Due to the limited number of disabled access vehicles available, any wheelchair accessible hackney carriage meeting the European Whole Vehicle Type Approval or the UK Low Volume Type Approval and has suitable tracking, seatbelt and wheelchair anchorages will be given a reduced licence fee. The councils will give careful consideration to other incentives to increase the number of disabled access vehicles within the districts.

7.20 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils. The specification can be found in Appendix A for hackney carriages and Appendix B for private hire vehicles.

7.21 The councils are aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

### **Vehicle testing**

7.22 The DfT guidance recognises that an annual inspection for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages. The councils will not license vehicles unless they have a current certificate of compliance from one of the approved compliance testing centres.

7.23 The councils have approved compliance testing centres to which all hackney carriages and private hire vehicles must be taken when being tested in connection with licensing requirements, which are outlined in the councils' vehicle testing manual. The location and contact information for approved compliance testing centres and the vehicle testing manual is available on the councils' websites.

7.24 Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the Licensing Team who will investigate the complaint. Complaints concerning the part of the test that checks the councils' conditions will be dealt with by the Licensing Team with reference to an expert if necessary. Complaints about the mechanical part of the test may be referred to DVSA if appropriate.

7.25 The test must take place in accordance with the council's testing procedures. A compliance test covers all the elements of the MOT and the council's standards as laid out in Appendix A and Appendix B. In addition, the accuracy of the meter will be checked over a measured mile.

7.26 Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

Vehicles up to the third anniversary of their date of registration will require an annual compliance check.

Vehicles older than the third anniversary of their registration but less than the seventh anniversary of their registration will require compliance checks every six months.

Vehicles older than the seventh anniversary of their date of registration will require compliance checks every four months.

## **Tariff**

7.27 The tariff is a maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles. For journeys outside the district, unless there is a fare agreed before the hiring, the fare should not exceed the tariff. If a hackney carriage is used for a private hire booking, the fare shall be calculated from the point in the district at which the hirer commences his journey. Hackney carriage vehicles must clearly display the tariff card within sight of passengers in the vehicle.

## **Signage and advertising**

7.28 Members of the public sometimes confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public can easily distinguish each type of vehicle.

7.29 For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified in Appendix C. Private hire vehicles must also not display any wording that includes the words 'taxi' or 'cab'.

7.30 Both hackney carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are different colours for hackney carriages and private hire vehicles. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. No temporary fixing such as magnets, double sided tape, cable ties or Velcro® are allowed.

7.31 Advertising will be permitted on licensed vehicles, subject to approval in accordance with the process set out in Appendix J. Complaints about unsuitable or offensive advertisements may be referred to the relevant council's licensing panel. The councils may introduce a fee to cover the cost of considering any such applications. This does not include advertising for the taxi or private hire firm that the vehicle works for.

## **Livery**

7.32 The councils do not require that licensed vehicles are finished in a special livery or appearance.

## **Plate exemption for private hire vehicles**

7.33 Private hire vehicles which are used for contract work for at least 75 percent of the time may be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the relevant council will require written evidence as to why plate exemption is required. Where an exemption is granted the vehicle must display the internal licence card/disc issued by the council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver. The rear licence plate must be carried in the vehicle at all times.

7.34 Vehicles given this exemption will normally be executive type cars. The relevant council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence, with up to date evidence of the requirement for the exemption. Proprietors should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue. The fee for this process is subject to annual review and will be published together with other council licensing fees.

## **CCTV and security measures**

7.35 The DfT recommends councils to look sympathetically on the installation of security features, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. The councils fully support such measures.

7.36 The councils do not require enhanced security or CCTV measures in vehicles. Where a proprietor installs a CCTV system, signage must be clearly displayed in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.

7.37 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

## **Stretched limousines and special vehicles**

7.38 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs). They are generally used for private hire work and special occasions.

7.39 Councils are sometimes asked to license stretched limousines as private hire vehicles. The councils will assess licence applications for these vehicles in accordance with the 'special vehicles policy' set out in Appendix B.

7.40 Where a vehicle has been imported from another country, the councils may require DVSA approved certification prior to licensing approval. The council will take into consideration any relevant guidance from the DfT, DVSA or similar when determining whether to include special conditions on any licence.

## **Funeral and wedding vehicles**

7.41 There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

7.42 A vehicle does not need to be licensed to be used in connection with a wedding. Written certification from the council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for licensed private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.

## **Transfers**

7.43 A 'transfer' is the sale of a licensed vehicle from one person to another rather than when a proprietor wishes to license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such, which is an application for a 'change of vehicle licence'. The councils must be notified of any such transfer within 14 days of it taking place.

7.44 Applications to transfer the licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

## **Accidents**

7.45 Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days. The proprietor may be required to produce the vehicle at the council offices, or to undertake a compliance test. The councils' primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

7.46 A licensing officer or approved testing station may examine the extent of the damage and determine whether the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within three days.

7.47 Where a temporary vehicle licence has been granted due to the original vehicle being subject to accident damage or mechanical breakdown, a new compliance certificate will be required for the original vehicle in order to prove it is mechanically fit to be re-licensed.

## **8. Hackney carriage and private hire drivers**

### **Grant and renewal of licences**

8.1 The licensing of hackney carriage and private hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years or for such lesser period as may be determined. The councils offer a three-year driver's licence only.



## **Age and experience**

8.2 The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.

## **Right to work in the UK**

8.3 All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The councils will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.

8.4 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant the licence. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.

8.5 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended up to the legal maximum of 3 years if the period of right to work is extended, and a separate fee is payable for this process.

## **Medical examination**

8.6 The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Use of the 'Group 2' medical standards (as applied by DVLA to the licensing of lorry and bus drivers) to hackney carriage and private hire drivers is best practice and shall be applied by the councils. Please see below for requirements for drivers with diabetes managed by insulin, a sulphonylurea or a glinide.

8.7 A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, must be downloaded from the council's website. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a medical report will be provided to the applicant. Applicants should check through the report before submitting this to the council, to ensure all questions have been answered and they are satisfied that the information is accurate, to avoid any delays in the application process. The GP completing the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination. If the applicant's GP surgery does not carry out such medical examinations, the applicant should contact the Licensing Team for further advice. During the application process, applicants must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the councils may require the applicant to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant. Where there remains any doubt about the fitness of any applicant, the Head of Housing and Environment will review the medical evidence and make the final decision.

8.8 The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical

conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. For drivers with diabetes managed by insulin or a sulphonylurea or a glinide, a full medical is required at the usual intervals determined by the driver's age and/or any other medical conditions, and in addition an annual specialist medical will be required.

8.9 Licence holders must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the licence holder, the councils may require the licence holder to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the licence holder. Where there remains any doubt about the fitness of any licence holder, the Head of Housing and Environment will review the medical evidence and make the final decision. The licence may be suspended with immediate effect on the grounds of public safety if there is any doubt as to their medical fitness.

### **Criminal record checks**

8.10 A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions. The councils will manage information arising from disclosures in accordance with the [DBS code of practice](#).

8.11 The Rehabilitation of Offenders Act 1974 ("1974 Act") and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require details of that conviction to be provided on any relevant application form. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

8.12 Applicants for such licences must therefore provide details of all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders, traffic offences, driver education courses, disqualifications and fixed penalty notices, including any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. Failure to disclose any information and the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about what details they are required to provide.

8.13 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of ten, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied

by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.

8.14 No driver's licences will be issued or renewed without a current enhanced DBS disclosure or one checked through the Update service.

8.15 Applicants must obtain their DBS disclosure through the relevant council.

8.16 All drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. Applicants whose Update check reveals new information will have to complete a new, full DBS application that may take several weeks to be returned. Where a driver fails to maintain their payments to the DBS Update service, their licence may be suspended with immediate effect on the grounds of public safety pending the return of a new DBS disclosure.

8.17 Where the councils have reasonable cause for concern relating to a particular driver, random enhanced DBS checks may be carried out. If a driver is given notice to undertake a random DBS check by the council, they must provide all relevant documentation for this to the council within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

### **DVLA Licence and Checks**

8.18 All applicants must have held a full DVLA/EU/EEA driving licence for at least 12 months prior to application. Before the grant or renewal of a driver's licence, all applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photocard must be current and valid. The authority may undertake random checks of licensed driver's DVLA licences to identify undisclosed offences. If a driver is given notice to undertake a random DVLA check by the council they must provide a DVLA check code within 7 days of the request.

8.19 Applicants who have held a full driving licence issued by a European Economic Area (EEA) country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence.

8.20 Applicants from EEA Accession States are eligible to acquire a hackney carriage/private hire driver's licence if they have held an ordinary driving licence for 12 months, which was issued by an Accession State.

8.21 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for 12 months prior to being issued with a hackney carriage/private hire vehicle driver's licence.

8.22 New applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for 12 months before they can apply to become a licensed driver.

### **Practical Driving Assessment**

8.23 All new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessment(s) from the council's list of approved

providers which can be found on the councils' websites. The assessment certificate will only be valid for the application process for a period of 12 months from its date of issue.

8.24 Existing drivers may also be required to pass a practical driving assessment if there are concerns about their standard of driving, and the licence may be suspended until the assessment is passed.

### **English language proficiency**

8.25 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies, guidance and licence conditions. This could have a direct impact on the protection of children and vulnerable adults and being able to identify and act on signs of exploitation. Sitting the knowledge test is a reasonable test of English language proficiency and the licensing team leader may also decide to refer an applicant to an independent organisation who will undertake testing of the applicant's spoken English. Applicants who are referred will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

### **Knowledge test**

8.26 Hackney carriage and private hire drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street, whereas private hire vehicle drivers will normally have time to check the shortest or quickest route on a map and discuss the options with the hirer prior to the hire commencing. The ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.

8.27 In order to maintain the high standards expected of drivers, the councils will not grant a licence to drive a hackney carriage or private hire vehicle until the applicant has passed their knowledge test. This includes drivers who have held a licence previously which has lapsed. The knowledge test will be in a form and structure determined by the council and may be administered by a third party. Applicants will be given their result as soon as possible and the aim is to provide the result within one week.

8.28 In order to determine their fitness, applicants will be required to undertake a test as to their knowledge of:

- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports)
- the Highway Code
- hackney carriage and private hire licensing law and the councils' policy.

8.29 There is a fee to sit the test and this is published together with the other council licensing fees. No applicant may sit the test more than three times in any 12-month period commencing on the date of their first test. Any cancellations must be made at least 48 hours before the test date and time. The fee for tests cancelled with less than 48 hours' notice will not be refunded.

8.30 Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

### **Disability Awareness Training**

8.31 All applicants for a hackney carriage/private hire driver's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

8.32 Once passed, the training must be retaken by all licensed drivers every three years. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

### **Safeguarding Training**

8.33 All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

8.34 Once passed, the training must be retaken by all licensed drivers every three years. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

### **Behaviour and conduct of drivers**

8.35 The councils consider that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques and set a good example to other road users. The Code of Good Conduct at Appendix E forms part of the conditions attached to a hackney carriage/private hire driver's licence.

8.36 Failure to comply with any aspect of the Code of Good Conduct will result in enforcement action dependent upon the breach. This may result in warnings or penalty points being given by licensing officers or if necessary, by the relevant panel. Repeated breaches following such education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

8.37 A driver's licence will cease to be valid on the suspension, revocation, surrender or expiry of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked, surrendered or expired. If a driver is given notice to return their licence and badge, they must do so within seven days.

## **9. Private hire operators**

### **Requirements and obligations**

9.1 A private hire vehicle may only be dispatched to a booking by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle with a driver. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

### **Grant and renewal of licences**

9.2 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

### **Criminal record checks**

9.3 Applicants must also provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licensed driver with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, should the individual cease to hold a driver licence, a Basic DBS will be required to be provided within a month of that licence expiring and annually thereafter). The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the private hire operator is trading as a limited company (or partnership) the council will also require the directors and company secretary (or partners) to provide a Basic DBS disclosure every year, and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.

9.4 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of ten, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.

9.5 Where the councils have reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

9.6 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator, and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm and provided on request. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

## **Right to work in the UK**

9.7 All operator licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The councils will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.

9.8 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than five years.

## **Knowledge Test**

9.9 Private hire operators need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. In addition, they must have a clear knowledge of the laws and legislation relating to the work of licensed drivers, vehicle proprietors and operators. In view of this, the councils will not grant an operator's licence until the applicant has passed the knowledge test. The knowledge test will be in a form and structure determined by the council and may be administered by a third party. Applicants will be given their result as soon as possible and always within one week.

9.10 This requirement will be waived for drivers licensed by the relevant council who have already taken the knowledge test.

9.11 Where the applicant is a limited company or partnership, the applicant shall nominate one of the directors/partners or the company secretary who shall undertake the knowledge test. Where there are changes to the directors or partners throughout the period of the licence, the council may require another representative from the firm to be nominated to undertake the knowledge test within a set period of time.

9.12 Applicants will be required to undertake and pass a test as to their knowledge of:

- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports)
- the Highway Code
- hackney carriage and private hire licensing law and the councils' policy.

9.13 There is a fee to sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than three times in any six month period commencing on the date of their first test. Any cancellations must be made at least 48 hours before the test date and time. Tests cancelled with less than 48 hours' notice will not be refunded.

9.14 Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

## **Disability Awareness Training**

9.15 All applicants for an operator's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

9.16 Once passed, the training must be retaken by all licensed operators every three years. Failure to re-take the training will result in the operator's licence being suspended until such time as they have attended and passed the training.

9.17 In addition, all staff involved in bookings and dispatching work must take and pass the disability awareness training prior to commencing work for the operator. The training must be retaken every three years. Should it be found that any staff member is breaching this requirement, this may result in the suspension of the operator's licence until such time as the staff member has attended and passed the training.

## **Safeguarding Training**

9.18 All applicants for an operator's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

9.19 Once passed, the training must be retaken by all licensed operators every three years. Failure to re-take the training will result in the operator's licence being suspended until such time as they have attended and passed the training.

9.20 In addition, all staff involved in bookings and dispatching work must take and pass the approved safeguarding training prior to commencing work for the operator. The training must be retaken every three years. Should it be found that any staff member is breaching this requirement, this may result in the suspension of the operator's licence until such time as the staff member has attended and passed the training.

## **Conditions**

9.21 The relevant council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. These conditions can be found at Appendix D.

## **Operator Base**

9.22 The address used on the operator's application must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to below are kept and at which they may be inspected by licensing officers without notice.

9.23 It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose before any licence is granted.

9.24 If premises are open to the public, applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the relevant council will approve an application for a private hire operator's licence.



9.25 The councils will not grant a private hire operator's licence for an operator with an operating base that is outside the councils' areas. This is to ensure that proper regulation and enforcement measures may be taken by the relevant council.

9.26 Operators who propose to change their operating base must obtain a licence to operate from the new address prior to commencement of operating from the new base.

### **Sub-contracting**

9.27 A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.

9.28 Passenger Carrying Vehicle (PCV) licensed drivers are subject to different checks from hackney carriage and private hire vehicle licensed drivers as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking must not be permitted without the informed consent of the hirer. The hirer must be informed that a PSV will be used, with a PCV driver who is subject to different checks and not required to have an enhanced DBS check.

### **Trading names**

9.29 An operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.

### **Data protection**

9.30 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive online guidance on registering as a data controller and how to meet their obligations.

### **Record keeping**

9.31 The conditions at Appendix D outline the requirements in respect of records to be kept by operators, including booking records, and records in respect of the drivers and vehicles operated. All records kept by the operator shall be kept at the operator base for a minimum of 12 months following the date of the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for driver and vehicle records).

## Appendix A - Hackney Carriage Specification and Licence Conditions

### Specification

1. The vehicle must meet the following specification:
  - a) the vehicle must be capable of carrying no fewer than four passengers and no more than eight
  - b) each passenger seat shall be fitted with a seat belt
  - c) no seats may be side facing
  - d) the seat provided for each passenger will have a minimum width of 406mm (16 inches) measured across its narrowest part
  - e) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences
  - f) in addition to the driver's door, the vehicle will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
  - g) the vehicle will be right hand drive
  - h) the vehicle will have four wheels
  - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle
  - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
  - k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
  
2. All vehicles must meet the following requirements:
  - a) Light transmitted through the windscreen must be at least 75 percent
  - b) All other windows (both front and rear) must allow at least 70 percent of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed for as long as required assuming they meet the rest of this policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next compliance test. Failure to do so will result in the vehicle failing the compliance test.

### **Vehicle emissions and testing requirements**

3. From 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence.
4. Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

Vehicles up to the third anniversary of their date of registration will require an annual compliance check.

Vehicles older than the third anniversary of their registration but less than the seventh anniversary of their registration will require compliance checks every six months.

Vehicles older than the seventh anniversary of their date of registration will require compliance checks every four months.

5. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT and certificate of compliance standard for their age and construction and the council's standards as laid out in this appendix. In addition, the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.

### **Equipment**

6. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:
  - a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change became necessary. Tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused.
  - a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle.
  - a warning triangle
  - a fire extinguisher
  - a working torch

- a first aid kit that is within the expiry date shown on the packaging.
- a high viz jacket or waistcoat

### **Condition of the vehicle**

7. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the current Motor Vehicle (Construction and Use) Regulations.

### **Insurance and other documentation**

8. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle for hackney carriage use or public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The councils will only accept insurance from bodies that are registered with the Motor Insurance Bureau.
9. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance certificate. Only original documents are acceptable.

### **Licence plates**

10. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet. or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed. The licence plate remains the property of the council at all times. If required to do so at any time, the licence holder must return the plate to the council within seven days.

### **Taxi signs, livery and advertising**

11. Hackney carriages must display a roof sign in accordance with Appendix C.
12. Hackney carriages must display the complaints information card provided by the council inside the vehicle so that it may be clearly read by passengers.
13. Advertisements are permitted on the interior of purpose-built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. No advertisement may be placed on the dividing glass partition other than notices approved by the council. Advertisements are not permitted on the interior of non-purpose-built hackney carriage vehicles.

14. Advertisements are permitted on the exterior of hackney carriages, including a full livery and/or vehicle 'body-wrap', subject to approval under the process detailed in Appendix J.
15. Proprietors are also permitted to display the following on the vehicle:
  - a sign indicating membership of the AA, RAC or similar motoring organisation
  - a first aid kit sticker
  - any other material supplied by government or a government organisation or corporation with the permission of the council.

### **Audio, CCTV, video or surveillance systems**

16. No audio, CCTV, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

### **Smoke free vehicles**

17. No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment is prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

### **Meters and tariff card**

18. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be set for the current maximum tariff set by the council (or can be set at a lower tariff) and shall be sealed with a tamper evident seal to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences, and the taximeter is brought into operation.
19. The taximeter must:
  - be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff or a lower tariff set by the operator
  - not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered. All openings shall be sealed with a 'tamper evident' seal supplied by the council.
  - show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
  - be securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.
20. The tariff card must be fixed in such a position that it is visible to all passengers within the vehicle at all times. The tariff card shall clearly display the vehicle's licence number and shall reflect the tariff in use by the vehicle.

## **Trailers**

21. Trailers may only be used with the prior written approval of the relevant council. The trailer can only be used in connection with pre-booked journeys and cannot be used for plying for hire on a rank or the street.
  - the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
  - the vehicle insurance must include cover for towing a trailer
  - a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## **Accessible Vehicles - Specification**

22. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard hackney carriage with seating for the number of passengers the vehicle is licensed to carry.
23. Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
24. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
25. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
26. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

## **Accessible Vehicles - Equipment and Anchorage**

27. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

## **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.

## **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

28. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level to allow smooth entry/exit of the wheelchair.
29. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
30. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
31. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
32. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
33. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

## **Lost property**

34. The proprietor or driver of a hackney carriage must report any lost property found in the vehicle to Thames Valley Police in accordance with their current procedures, if they are unable to contact the passenger directly.

## **Reporting to the council**

35. All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
36. All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
37. All licence holders must notify the relevant council in writing of any transfer of ownership of a licensed vehicle within 14 days of the transfer taking place.
38. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.

## **Hackney carriages and pre-booked journeys**

39. Hackney carriage proprietors must keep records of any pre-booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
  - time and date of the booking
  - name of the hirer
  - fare quoted
  - how the booking was made (e.g. app, telephone, email, in person) and the time
  - time of the proposed pick up
  - point of pick up and drop off
  - notes about any sub-contracting of the booking
40. Proprietors will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties and to ensure the hackney carriage is operating in compliance with policy.



## Appendix B - Private Hire Vehicle Specification and Licence Conditions

### Specification

1. The vehicle must meet the following specification:
  - a) the vehicle must be capable of carrying no fewer than four passengers and no more than eight
  - b) each passenger seat shall be fitted with a seat belt
  - c) no seats may be side facing
  - d) the seat provided for each passenger will have a minimum width of 406mm (16 inches) measured across its narrowest part
  - e) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences
  - f) in addition to the driver's door, the vehicle will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
  - g) the vehicle will be right hand drive
  - h) the vehicle will have four wheels
  - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle
  - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
  - k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
  
2. All vehicles (except for those with an exemption) must meet the following requirements:
  - a) Light transmitted through the windscreen must be at least 75 percent
  - b) All other windows (both front and rear) must allow at least 70 percent of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle compliance test. Failure to do so will result in the vehicle failing the compliance test.

3. A private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

### **Vehicle emission and testing requirements**

4. From 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence.
5. Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check.

Vehicles up to the third anniversary of their date of registration will require an annual compliance check.

Vehicles older than the third anniversary of their registration but less than the seventh anniversary of their registration will require compliance checks every six months.

Vehicles older than the seventh anniversary of their date of registration will require compliance checks every four months.

6. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT and certificate of compliance standard for their age and construction and the council's standards as laid out in this appendix. In addition, the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.

### **Equipment**

7. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:
  - a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change became necessary. Tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused.
  - a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle.
  - a warning triangle

- a fire extinguisher
- a working torch
- a first aid kit that is within the expiry date shown on the packaging.
- a high viz jacket or waistcoat

### **Condition of the vehicle**

8. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to, the generality of the current Motor Vehicle (Construction and Use) Regulations.

### **Insurance and other documentation**

9. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for private hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The councils will only accept insurance from bodies that are registered with the Motor Insurance Bureau.
10. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance certificate. Only original documents are acceptable.

### **Licence plates**

11. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.
12. Where a vehicle is granted an exemption from display of the plate, the vehicle must display the internal licence issued by the council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver. The rear licence plate must also be carried in the vehicle at all times.

### **Private hire signs and advertising**

13. Advertisements are permitted on the exterior of private hire vehicles, including a full livery and/or vehicle 'body-wrap', subject to approval under the process detailed in Appendix J. Advertisements for other taxi or private hire companies are not permitted.

14. Private hire vehicles are not permitted to display the words 'Taxi' or 'Cab' which may indicate the vehicle is a hackney carriage and they must not display a roof sign.
15. Private hire vehicles must display the complaints information card provided by the council inside the vehicle so that it may be clearly read by passengers.
16. Private hire vehicles may also display:
  - a sign indicating membership of the AA, RAC or similar motoring organisation
  - a first aid kit sticker
  - any other material supplied by government or a government organisation or corporation with the permission of the council.

### **Audio, CCTV, video or surveillance systems**

17. No audio/video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

### **Smoke free vehicles**

18. No smoking is permitted in the vehicle by either the driver or its passengers. The use of electronic cigarettes and other vapour inhaling equipment is prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

### **Meters**

19. A private hire vehicle may be fitted with a taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle which must be visible to passengers.
20. The taximeter must:
  - be of the clock calendar type and change according to the wording of the displayed fare tariff
  - show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
  - be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

### **Trailers**

21. Trailers may only be used with the prior written approval of the council and subject to the following requirements:
  - trailers can only be used in connection with private hire bookings

- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
- the vehicle insurance must include cover for towing a trailer
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

### **Accessible Vehicles - Specification**

22. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.
23. Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
24. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
25. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
26. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

### **Accessible Vehicles - Equipment and Anchorage**

27. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

#### **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250kg and certified to the relevant British Standards.

### **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

28. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.
29. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
30. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
31. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
32. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
33. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

### **Specification for special vehicles**

34. For the purpose of this policy, a special vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special' category are stretch limousines, classic cars or a vehicle that has fewer than four seats.
35. This element of the policy only applies to private hire vehicles and sets out the general considerations the council will take into account when considering an application for the licensing of a special vehicle. This policy does not apply in relation to vehicles

used solely in connection with weddings and funerals, as these are exempt from private hire licensing.

36. The general licence conditions for private hire vehicles would not normally allow for special vehicles to be licensed for a number of reasons including the style and design of the vehicle.
37. A proprietor may apply for a licence for any special vehicle which would not meet the standard private hire vehicle conditions by seeking variation or exemption from some of the standard conditions. All other requirements in respect of standard private hire vehicles shall apply to any special vehicles unless the vehicle is exempted from said requirement in writing by the council.
38. Each vehicle will be considered and assessed on merit taking account of:
  - the overall condition of the vehicle
  - the number of passengers for which it is required to be licensed (vehicles may only be licensed for up to and including 8 passengers)
  - the specific criteria for which exemption is sought.
39. The individual nature of a special vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether additional conditions should be included on any licence. The primary consideration will always be the safety and comfort of the travelling public.
40. Vehicles may be right or left hand drive provided that left hand drive vehicles have the relevant vehicle type approval from DVSA (written proof to be submitted with the application). In addition, the following applies:
  - the vehicle must not have fewer than four road wheels
  - the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
  - the vehicle must comply with Construction and Use Regulations.

### **Lost property**

41. The proprietor or driver of a private hire vehicle must report any lost property found in the vehicle to Thames Valley Police in accordance with current procedures, if they are unable to contact the passenger directly.

### **Reporting to the council**

42. All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.

43. All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
44. All licence holders must notify the relevant council in writing of any transfer of ownership of a licensed vehicle within 14 days of the transfer taking place.
45. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.



## **Appendix C - Hackney Carriage Roof Signs**

1. All hackney carriages must display a fully illuminated roof-mounted sign to the specifications below.
2. The requirements for the roof sign are:
  - an aerodynamic triangular structure referred to by some sign manufacturers as 'streamline' or 'sloped'
  - the long dimension is 450mm (18 inches), the base is 150mm (6 inches) and the height is 150mm (6 inches)
  - a white background
  - must be connected to the taximeter and it must be automatically controlled
  - must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
  - the relevant council's logo, measuring 125mm wide and 95mm high, must be displayed on the far left of the front of the roof sign
  - the vehicle plate number must be displayed under the logo
  - the proprietor's surname or company name/logo (as agreed with the licensing team) must be displayed in the remaining space
  - nothing else is displayed on the front of the roof sign.
3. The roof sign must be affixed to the vehicle at all times. The only exceptions to this are:
  - when the vehicle is parked at a proprietor's home or in a private taxi office car park for security reasons
  - when the vehicle is undergoing maintenance work or is being cleaned.

In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built in taxi roof sign. In this case the council's logo, measuring 125 mm wide and 95mm high, must be displayed in both rear passenger door windows.



Front (SODC logo shown to indicate size and location of council logo)



Back (Telephone number optional)



Side

## **Appendix D - Operator Licence Conditions**

1. The records required to be kept by the operator under sections 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. Any information recorded must remain accurate for future reference. If using a book, the pages must be numbered consecutively. The operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
  - time and date of the booking
  - name of the hirer/passenger
  - fare quoted
  - how the booking was made (e.g. app, telephone, email, in person) and the time
  - time of the proposed pick up
  - point of pick up and drop off
  - registration or plate number of the vehicle allocated for the booking and the name and licence number of the driver
  - name of the individual who dispatched the vehicle.
2. A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings. If a PSV with PCV driver is used, the hirer must be informed of this and notified that the driver is not required to have an enhanced DBS check.
3. If the operator uses a computerised booking system, the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
4. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used.
5. All records kept by the operator shall be kept for a minimum of 12 months following the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for vehicle and driver records) and shall be made available upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
6. Operators will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties. Records shall be maintained at the operator base for that purpose.
7. Operators are required to report any complaints regarding a driver's behaviour, driving standards or the condition of the vehicle to the council within 72 hours of receipt of the complaint. This does not remove responsibility from the operator to conduct a proper investigation of the complaint.

8. It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the reason for the failure or refusal is because the hirer or a person accompanying the hirer is disabled person who will be accompanied by an assistance dog. It is also an offence to make any additional charge for the carrying of an assistance dog.
9. Operators must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all operators must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
10. Operators must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
11. Where the private hire operator is trading as a limited company or partnership, the company must advise the licensing authority within seven days of any change in directors or partners throughout the period of the licence.
12. If an operator is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request.
13. The operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.
14. Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm, and this must be provided on request to any authorised officer. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role.
15. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

## **Appendix E - Driver Licence Conditions and Code of Conduct**

1. Drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence. Any driver who contravenes policy or any of these conditions may be deemed not fit and proper to hold a licence.
2. Drivers shall wear their driver's licence badge in a clearly visible position at all times when in control of a licensed vehicle.
3. Whilst in control of a licensed vehicle, a driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the vehicle proprietor, the vehicle plate number and registration number.
4. Drivers must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all drivers must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
5. Drivers must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
6. Drivers must notify the relevant council in writing within seven days of any change in their medical condition. A new medical may be requested by the council to determine if the driver is fit to continue to drive licensed vehicles.
7. Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation for this to the council within 14 days of the request.
8. Drivers shall behave in a civil and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or leaving the vehicle.
9. Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.
10. Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in control of a licensed vehicle.
11. Drivers shall ensure their appearance is smart, clean and professional when working.
12. Drivers must not initiate or take part in any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of

communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger whilst working or in a licensed vehicle.

13. Drivers shall convey a reasonable quantity of luggage for passengers and offer reasonable assistance in loading and unloading.
14. Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers and must not park in breach of any parking restrictions.
15. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
  - not sound the vehicle's horn
  - keep the volume of audio and communications equipment to a reasonable level
  - take all reasonable actions to avoid disturbance to persons in the vicinity
16. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or waiting on a rank.
17. Drivers shall carry an assistance dog accompanying a disabled person without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with the notice.
18. Drivers shall carry a wheelchair using person and their wheelchair and provide reasonable assistance without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with their notice.
19. At hackney carriage ranks, drivers shall:
  - queue in an orderly manner and proceed along the rank promptly
  - if approached by a potential customer, direct them to the vehicle at the front of the rank unless the passengers specifically ask for a particular vehicle or driver
  - not call out to any person to ask if they require a taxi ('touting')
  - remain in or within ten metres of the vehicle
  - not park on the rank when not working.

## **Appendix F - Guidance on Suitability of Applicants**

*[extract from Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018]*

### **Overview**

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8 which states: "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### **Taxi Drivers**

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and many authorities grant "dual" or "combined" licences to cover driving both types of vehicle.

3.11 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, and be a "fit and proper" person<sup>1</sup>.

3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.13 An applicant must also have the right to remain, and work in the UK<sup>2</sup>.

3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>3</sup>

3.15 It is the whole issue of "fit and proper" that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>4</sup>. Silber J said: "... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."

3.16 This is reflected in a test widely used by local authorities: 'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'<sup>5</sup>

3.17 It is suggested that the expression "safe and suitable" person to hold a driver's licence is a good interpretation which neither adds nor removes anything from the original term of "fit and proper" but brings the concept up to date.

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide: "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any

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<sup>1</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>2</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>3</sup> "Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>4</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>5</sup> Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21



such licence.”<sup>6</sup> This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments.<sup>7</sup> Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service
- Knowledge tests
- Driving tests
- Disability Awareness
- Signed Declarations
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>8</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.<sup>9</sup>

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>10</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

3.24 If any applicant has, from the age of 10 years, spent 6 continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/ countries covering the relevant period should be required.

3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person’s safety and suitability.<sup>11</sup>

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<sup>6</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>7</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>8</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>9</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>10</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

<sup>11</sup> As recommended by the DfT “Taxi and Private Hire Licensing – Best Practice Guide” para 59

3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account.<sup>12</sup> This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

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<sup>12</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar*[2011] EWHC 2943 (Admin)

3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

### **Private Hire Operators**

3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All 3 licences (PHO, PHV and PHD) must have been granted by the same authority<sup>13</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>14</sup>.

3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?

3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

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<sup>13</sup> See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>14</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used: “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>15</sup>

3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>16</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

## **Vehicle Proprietors**

3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>17</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

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<sup>15</sup> Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

<sup>16</sup> See s57(1)(c) of the 1976 Act.

<sup>17</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

3.47 A suitable test would be: “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>18</sup>

## **Guidance on Determination**

4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

## **Pre-application requirements**

4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks
- Specifications e.g. minimum number of doors, seat size, headroom, boot space etc

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<sup>18</sup> Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc
- Emission limits/vehicle age limits
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service
- Checks made to the National Anti-Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available)
- Medical checks
- Knowledge of the geographic area
- Spoken and written English tests
- Disability awareness training
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks
- Details of their vetting procedures for their staff
- Knowledge of the licensing area.

4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>19</sup>) is “safe and suitable” to hold the licence.

4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>19</sup> Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>20</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction.<sup>21</sup>

4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

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<sup>20</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>21</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## **Drivers**

4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.



4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

### **Crimes resulting in death**

4.29 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.

### **Exploitation**

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

### **Offences involving violence**

4.31 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.

### **Possession of a weapon**

4.32 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.

### **Sex and indecency offences**

4.33 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.

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

### **Dishonesty**

4.35 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.

### **Drugs**

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

4.37 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.

## **Discrimination**

4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Motoring convictions**

4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**

4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban 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.

4.41 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 sentence or driving ban imposed, whichever is the later.

## **Other motoring offences**

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Hackney carriage and private hire offences**

4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Vehicle use offences**

4.45 Where an applicant has a conviction for any offence which involved the use of a

vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Private Hire Operators**

4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle Proprietors**

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.51 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.52 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## **Appendix G - Penalty Points Scheme**

The councils operate a penalty points scheme under which points can be issued to licence holders for breaches of licensing conditions or non-compliance with the law as an alternative to prosecution. This is in accordance with the councils' Environmental Health and Licensing enforcement policy, which is available on the councils' websites. There is no financial penalty associated with this scheme. The existence of this scheme does not bind officers or members to act in accordance with it, and if the circumstances of a particular case support doing so it shall be open to officers or members to select a different course of action in respect of that case, such as prosecution for a single breach, or issuing an informal warning.

The main features of the scheme are as follows:

- points are issued to licence holders for breaches of licensing conditions or legislation
- a total of 12 points issued to an individual licence holder in any 12 month period will result in consideration of suspension or revocation of the licence
- points issued to a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued; and
- licence holders have a written right of appeal within seven days of points being issued.

In conducting a review of a licence where the holder reaches 12 points within any 12 month period, the Head of Housing and Environment or Panel will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate and proportionate to take. Each case will be considered on its own merits. The decision maker may also have regard to any previous warnings or panel referrals in reaching a decision, including those involving other licensing authorities. The options available to the decision maker, depending upon the severity of the breaches and any previous record of misconduct, will typically be:

- to take no further action
- to warn the licensee as to their future conduct
- to suspend the licence for a specified period, or until such time as certain conditions have been satisfied; or
- to revoke the licence.

In general, the recommended starting point for any period of suspension would be two weeks. This may be reduced if there is sufficient mitigation, or extended in more serious cases.

Any licence holder subject to suspension or revocation has a right to appeal to the magistrates' court within 21 days of the decision. Suspensions and revocations will not be implemented until the 21 day appeals period has elapsed, however, driver suspensions on public safety grounds will take immediate effect. Once a suspension has been served, all points will be removed for 'totting up' purposes.

A list of breaches covered by the scheme, together with the points that can be issued for each breach is shown below. Similar breaches may be regarded in the same way, even if not explicitly listed below.

<b>No</b>	<b>Breach</b>	<b>Points</b>
1	Use of hand held phone whilst in control of a vehicle	12
2	Driver smoking in the vehicle	12
3	Obstruction or failure to comply with requirement of authorised officer or constable	12
4	Unlicensed vehicle (including use of a suspended vehicle)	12
5	Unlicensed driver (including use of a suspended driver)	12
6	Using vehicle with no valid insurance or compliance certificate	12
7	Using vehicle which would not pass a compliance test	12
8	Failure to carry an assistance dog	12
9	Failure to carry or to provide reasonable assistance to disabled persons	12
10	Private hire driver plying for hire	12
11	Hackney carriage plying for hire outside the relevant council area.	12
12	Failure by driver or operator to keep records of bookings or vehicles	10
14	Abusive or improper behaviour	8
15	Private hire vehicle parked on a rank	8
16	Hackney carriage parked in a rank outside of licensing district	8
17	Display of roof sign on a private hire vehicle	8
18	Making false statement or withholding information in connection with an application	6-12
19	Charging more than metered/agreed fare, use incorrect tariff or tampering with meter	6-12
20	Poor driving standards	6-12
21	Failure to produce licences or documentation on request	6
22	Failure to notify any matter required by licence condition within prescribed time limit	6
24	Failure by hackney carriage proprietor to keep records of pre-booked journeys	6
25	Touting	6
26	Hackney carriage driver refusing fare from rank without good reason	6
27	Leaving a hackney carriage unattended on a designated rank	6
29	Carrying person other than hirer without consent or carrying excessive passengers	6
30	Failure to present vehicle for inspection when requested	6
31	Failing to comply with vehicle licence conditions e.g. not carrying equipment	6
32	Illegal tyres / construction and use offences / vehicle defect	8
33	Vehicle not displaying licence plate as prescribed, failure to display internal licence or displaying unauthorised markings or advertising	6
34	Hackney carriage not displaying prescribed roof sign, roof sign not connected or not functioning properly	6
35	Failure to wear driver licence badge so it is clearly visible	6
36	Unnecessarily prolonging a journey	4
37	Vehicle engine idling for more than one minute	4
38	Failing to display tariff card in vehicle with a meter	4
39	Parking in contravention of parking restrictions or Highway Code	4
40	Failure to comply with traffic sign or signal or similar traffic offence	4
41	Illegal use of bus lane	4
42	Poor driving standards - minor	4
43	Failure to display smoke free signage in vehicle	4
44	Misuse of vehicle horn	4

## **Appendix H - Safeguarding vulnerable adults and children**

We recognise that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is provided. **The key message is that safeguarding is everyone's responsibility.**

Please read these questions and answers to help you understand more about who we are trying to protect:

**Q. What do we mean by children?**

A. Under the law 'child' means anyone under the age of 18.

**Q. What do we mean by 'vulnerable young people and adults'?**

A. Vulnerable young people or adults are those who have needs because of their mental health, disability, age, illness or other reasons that may mean they are unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation. Some people may be more likely to be abused by others because they need help to speak, move or understand or they may have mental health problems; this makes them vulnerable.

**Q. Perhaps you are already transporting vulnerable passengers; how would you know this?**

A. They may find it hard to understand, behave in unexpected ways or have difficulty finding their way; all of which can make them vulnerable to others treating them badly. Other passengers may suffer from dementia, so they can't remember things.

**Q. Who would you report to if you were a concerned about a passenger you transport?**

- A.
- Speak to your manager
  - Contact the Supported Transport Hub at Oxfordshire County Council
  - Contact the Transport Quality Monitoring Team at Oxfordshire County Council.
  - Contact Multi Agency Safeguarding Hub (MASH)
  - Speak to the Oxfordshire County Council Local Authority Designated Officer

Please see end of this section for contact details

### **Abuse**

- An abuser can come from any background
- Women can commit abuse (including sexual abuse) and so can other children
- Anyone can be abused; both children or adults
- Over 80% people that are abused are abused by someone they know
- Children with disabilities are 3 times more likely to be abused
- Adults with disabilities are 1.5 times more likely to be abused

**Q. What is abuse?**

A. There are many types of abuse:

- Physical abuse
- Sexual abuse
- Neglect
- Self-neglect
- Emotional abuse
- Psychological abuse
- Modern slavery
- Domestic abuse
- Financial abuse
- Discriminatory abuse

**Q. What do you think are examples of physical abuse?**

A. Hitting, shaking, throwing, poisoning, burning, drowning, suffocating.

**Q. What do you think are examples of emotional abuse?**

A. Telling someone they are worthless, unloved, inadequate, not valued for themselves, not worth listening to, deserve to be laughed at. Calling people names, prejudice and bullying.

**Q. What do you think are examples of sexual abuse?**

A. Encouraging a child or vulnerable adult to take part in or watch sexual activities. This includes any unwanted physical contact whether inside or outside of clothing.

**Neglect**

**Q. What is neglect?**

A. Failure to meet a child or vulnerable adult's needs, such as:

- not providing food, clothing, medical treatment and shelter
- not protecting them from harm from others
- not responding to emotional needs

**Q. What do you think are examples of self-neglect?**

- A.
- Poor personal hygiene
  - Malnutrition/ weight loss
  - Unsuitable clothing
  - Unsafe living condition

## There are other ways people you transport could suffer abuse:

- **Forced marriage** – where someone is forced to marry against their will. They can happen in secret and can also be planned by parents, family or religious leaders. (This is illegal, unlike arranged marriage which is legal).
- **Domestic abuse** – treating a partner badly. This includes humiliation, violence and intimidation to punish or frighten them.
- **Modern slavery** – when people are taken from one place to another to be exploited.
- **Radicalisation** – when people are encouraged to adopt radical positions on political and social issues and when people are recruited for terrorism.
- **Female genital mutilation (FGM)** – the practice of removing some or all of a girl's sexual parts. It is illegal in the UK and in many other countries.
- **Child sexual exploitation (CSE)** – a type of sexual abuse in which children are used for sex, money, power or status. Children or young people may be tricked and think they are being loved and that they have agreed to it. They might be invited to parties and given drugs and alcohol.
- **Grooming** – when someone pretends to make friends to get someone's trust, so they can eventually have sex with them. Children and young people can be groomed online or face to face. Many children and young people don't understand that they have been groomed, or that what is happening to them is abuse.
- **County lines** – is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs. They use dedicated mobile phone lines or the 'deal line'. County Lines is a serious issue nationwide. It not only involves drugs but also violence, criminal and sexual exploitation, modern slavery and missing persons.
- **Human trafficking** - is a crime relating to the moving of a vulnerable person from one place to another against their will.

## What should I look out for?

There are various signs to look for. One sign on its own may not be significant, but several signs together should give you cause for concern:

- unaccompanied children
- unusual drop off points
- adults paying fares for young people
- passenger allowing others to speak for them when addressed directly
- inappropriate conversations
- passenger not knowing their home or work address
- passengers travelling with a group of persons who do not speak the same language
- passengers collected very early and/or returned late at night on a regular basis
- inappropriate clothing for the season/weather
- they may look thin, ill or depressed
- they may have no cash of their own
- a decline in a vulnerable person's well-being (e.g. noticeably more forgetful or tired)
- other warning signs such as bruising, drugs, self-harm



## How to keep yourself safe

If a passenger becomes violent or aggressive, remain calm and avoid shouting. Give them space and report to your office and the transport quality monitoring team (if applicable). It is important that you behave in ways that protect you and your passengers from risk.

### **You should not:**

- take an unplanned detour to take a passenger home
- give a vulnerable passenger your personal mobile number for any reason
- give gifts
- befriend passengers on Facebook or other social media

### **You should:**

- read any guidelines provided by the district council or county council drivers
- be professional
- avoid swearing and aggression
- always wear your ID badge
- sit lone passengers in the back seat (unless their passport says you should not)

## Reporting concerns

Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs and having the knowledge of how to report concerns can be a major help in preventing this crime. If you hear or see anything which makes you think someone might be at risk you need to tell your office or one of the contact numbers below. Please remember it is your job to report information, **not to investigate**.

## Useful numbers

If there is an urgent risk call	999
To report specific concerns about the abuse or neglect of an adult, call Social and Health Care	0845 050 7666
If you are worried that your manager or any other professional in a position of trust (e.g. teacher) may be abusing a child, call the Local Authority Designated Officer for Child Protection (LADO)	01865 810603
If you are concerned that a child may be being abused by someone other than your manager or another professional (e.g. parent), call the Multi-Agency Safeguarding Hub (MASH)	0345 0507666
To discuss general safeguarding concerns for the particular attention of the Supported Transport Hub call Or email them to Transport Quality Monitoring Team	01865 323500 <a href="mailto:gmcc@oxfordshire.gov.uk">gmcc@oxfordshire.gov.uk</a>

## **Appendix I - Disability awareness**

Taxis are an important, and sometimes the only, means of transportation for many people with disabilities. It may be that you drive a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Under the Equality Act 2010, you're disabled if you have a physical or mental impairment that has a substantial and long-term negative affect on your ability to do normal daily activities. Disability comes in many forms - not always visible.

You should never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask how you can assist.

The mandatory training will give you an awareness and better understanding of people with disabilities whilst also enabling you to ensure that your passengers always receive the very highest standard of safety. On the day of the training session, a practical demonstration will be given on manoeuvring and securing wheelchairs. Also, the following advice aims to assist you in giving the best quality of service to your passengers.

### **Communicating with passengers**

- Speak directly to the person and not their helper or carer
- Treat people with respect and do not speak about them as if they are not there
- Be aware of personal space and physical contact

Please follow any additional information, advice or instructions that you are given by a parent, carer or establishment. For example, a carer might inform you that a child or vulnerable adult had a very difficult evening and might be quite unsettled. Don't let anyone persuade you to drop them off at an unplanned venue - someone with dementia could get lost or get into difficulties and they might no longer be safe. You may be advised not to talk with some passengers because they are too unwell to understand clearly.

### **Wheelchair users**

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.
- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are

collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

### **Passengers with walking difficulties**

If the passenger appears to have walking difficulties, or is frail or elderly, always offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.

Some other tips:

- Let people use their walking aids if they have one
- Don't hurry people as they may get flustered
- Be aware of floor surfaces/hazards they will be walking on
- If a passenger falls, do NOT try to catch them

### **Visually impaired passengers**

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which may be held out by some visually impaired people in order to hail a cab
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and sound your horn
- If your customer would like to be accompanied to or from a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily)
- Tell your passenger whether they are entering a saloon car or purpose-built cab
- Demonstrate which way the doors open where appropriate
- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof
- Make sure the passenger(s) know which way the vehicle is facing
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion
- Tell passenger(s) the fare and count out the change
- Set the passenger(s) down in a safe place and ensure they know where they are going

### **Hearing impaired passengers**

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going

## **Assistance dogs**

Assistance dogs can be for:

- Sight loss
- Hearing loss
- Therapy dogs
- Specially trained seizure or stroke awareness dogs

Assistance dogs are trained to remain on the floor of a vehicle. Refusal to carry an assistance dog without a medical exemption is an offence under the Equality Act 2010 and is in contravention of the conditions of your licence.

## **Passengers with learning disabilities**

A learning disability is NOT the same as a learning difficulty or mental illness. Some people with a learning disability can talk clearly and look after themselves whilst others may not be able to communicate at all.

There are different ways of communicating with passengers who have learning disabilities:

- Communication systems e.g. Makaton
- Easy read symbols e.g. emojis
- Be patient
- Use plain speech but do not use baby talk
- Say what you mean and mean what you say to avoid confusion
- Speak with feeling
- Body language is also important when communicating with passengers

## **Autism**

People with autism have different ways of understanding the world. Some people with autism find it difficult to understand what we mean when we are talking, and some are confused by rules and boundaries. Each person with autism is different with their own preferences and needs and they can behave in unexpected ways. They may feel very anxious moving from one place to another and when very upset they may not be able to hear what is being said.

Common examples of behaviours associated with autism:

- Avoiding social interaction
- Avoiding eye contact
- Taking people's speech literally
- Being unable to understand sarcasm
- Liking familiar routine

## **Epilepsy**

People with epilepsy can have seizures. It is important that you have read any information supplied and know what to do. If a passenger has a seizure you need to note how long this lasts and pass this message on to the relevant people.

### **Mental health and physical disabilities**

You may also transport vulnerable adults who have a mental health condition such as dementia or anxiety or someone with physical problems such as hearing or sight loss. You will be advised on the best way to meet the passenger's needs by their family or care professional.

### **Dementia**

One suggestion is for you to have a checklist when you are picking up or dropping off someone who is forgetful, so you can be sure they have important items such as their bag, keys, glasses, purse/wallet, any medication, etc.

### **Vehicle maintenance and seatbelts**

Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

Best practice is for the driver to wear their seatbelt as this sets a good example for their passengers. Also make sure all your passengers are wearing a seatbelt.

## **Appendix J - Approval of advertising on licensed vehicles**

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
  - a) Those with political, religious, sexual or controversial texts
  - b) Those for escort agencies or massage parlours
  - c) Those displaying nude or semi-nude figures
  - d) Those which seek to involve the driver as an agent of the advertisers
  - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language)
  - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the council and proposals must be accompanied by full colour, three-view art work.
4. The licensed vehicle may be required to attend the council offices for inspection of the finished livery.
5. The bodywork of the licensed vehicle must be maintained in good condition. If any panels on the vehicle are damaged, they must be repaired or replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area or directly adjacent to the licence plate or registration number.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

## Appendix K - Glossary of Terms

Term	Description
Authorised officer	An officer authorised by the council under the relevant legislation governing the licensing of hackney carriage and private hire vehicles, operators and drivers
Compliance testing centre	One of the designated test centres across the two districts where vehicles may be tested and issued with a compliance certificate
Compliance certificate	Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy
Convictions and cautions	Applicants should note that any reference in this document to 'conviction' includes all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), including those that are regarded as spent under the 1974 Rehabilitation of Offenders Act (see Regulated Occupation below).
Council	The Vale of White Horse District Council in its capacity as licensing authority for the area of Vale of White Horse, and/or South Oxfordshire District Council in its capacity as licensing authority for the area of South Oxfordshire.
DBS	Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)
DfT	The Department for Transport
DfT guidance	The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010 and Private Hire Vehicle Licensing: Guidance Note, published in August 2011
DfT guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
EEA	European Economic Area
General Licensing Committee	The committee of councillors of Vale of White Horse District Council that is responsible for the council's hackney carriage and private hire licensing functions in the area of Vale of White Horse, and the committee of councillors of South Oxfordshire District Council that is responsible for the council's hackney carriage and private hire licensing functions in the area of South Oxfordshire.
Group 2 Medical	The DVLA Group 2 standard of medical fitness for professional drivers.

Guidance on suitability etc	The Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018
Hackney carriage	A vehicle licensed to ply for hire throughout the respective district.
HGV	Heavy Goods Vehicle
Low emission vehicle (LEV)	One with CO <sub>2</sub> emissions of 120 g/km or lower
Licensing panel	A Taxi Licensing Panel of South Oxfordshire District Council or Vale of White Horse District Council.
Passenger	A traveller in a vehicle other than the driver.
Private hire vehicle	A motor vehicle constructed or adapted to seat fewer than 9 passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers
Private hire operator	A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle
PSV	Passenger Service Vehicle
Regulated occupation	The principles of the Rehabilitation of Offenders Act 1974 do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. See also Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
Taxi	This word has no meaning in law but is routinely used in government documents to describe hackney carriages. To avoid confusion, the use is limited to instances where reference is made to other documents which have used it.
Ultra-low emission vehicle	An ultra-low emission vehicle is a vehicle that produces less than 75g/km of CO <sub>2</sub> .
Vehicle or licensed vehicle	Both a hackney carriage and private hire vehicle.