

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

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on 24 October 2012 and South Oxfordshire District Council at the meeting of Council on 18 October 2012 and comes into force on 1 January 2013 and will be reviewed five years from that date unless previously amended.

<b>Version control</b>		
<b>Version</b>	<b>Date</b>	<b>Revisions</b>
v1	1 January 2013	Policy came into force
v2	26 February 2015	Amended office address
v3	20 September 2019	Amended references to Head of Service plus minor typographical and format changes

## FOREWORD

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 has to show how it arrived at its licensing decisions.

### Using this policy

- the policies are shown in text boxes, which are separately numbered and titled
- the additional text gives examples, background and reasons for the policies.

If you have any queries about licensing issues please contact the licensing teams at the following addresses:

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## GLOSSARY OF TERMS

Term	Description	Reference for Details
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	Any reference to convictions also includes, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act	
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 guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published 22 September 2009	
DSA	Driving Standards Agency – an Executive Agency of the Department for Transport	
DVLA	Driver and Vehicle Licensing Agency	
DVLA driving licence	A full original Great Britain driving licence	
EEA	European Economic Area	
General Licensing Committee	The committee of councillors of the 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. 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.	
Hackney carriage	A vehicle licensed to ply for hire throughout the respective district.	Town Police Clauses Act 1847
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 traveler in a vehicle other than the driver.	
Private hire vehicle	A motor vehicle constructed or adapted to seat fewer than nine 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	Local Government Miscellaneous Provisions Act 1976 Sec 80 (1)
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	Local Government Miscellaneous Provisions Act 1976
PSV	Passenger Service Vehicle	
Regulated occupation	The principles of the 1974 Act 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.	Rehabilitation of Offenders Act 1974 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
The DfT	The Department for Transport, including previous names under which that Department has been known	
The DfT guidance	The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010	
Vehicle or licensed vehicle	Both a hackney carriage and private hire vehicle	

## INTRODUCTION

1 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.

2 The aim of the licensing process, in this context, 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.

3 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.

4 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 in accordance with the relevant council's enforcement policy. Where it is necessary for either of the councils to depart substantially from this policy, clear and compelling reasons will be given for doing so.

5 The councils' hackney carriage and private hire licensing policies have been introduced and reviewed at different times. A review of the policies and procedures has taken place to produce this single joint policy covering both councils. The 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 Chairmen of the General Licensing Committees is authorised to make minor administrative amendments to the policy where necessary.

6 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their businesses. 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, drivers and operators should not store these forms on their own system but should download the latest version of a form when it is required.

## **BACKGROUND**

### **Role of hackney carriages and private hire vehicles**

7 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to 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.

### **Licensing profile**

#### **SOUTH OXFORDSHIRE**

The council currently licenses 581 vehicles: 374 hackney carriages and 207 private hire vehicles. There are 821 drivers and 61 operators licensed by the council.

#### **VALE OF WHITE HORSE**

The council currently licenses 291 vehicles: 201 hackney carriages and 90 private hire vehicles. There are 244 drivers and 43 operators licensed by the council.

### **Best practice guidance and legislation**

8 The DfT has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010. In addition, the Equality Act 2010 has implications for both hackney carriage and private hire operators in respect of disabled access to vehicles and further guidance and directions are expected on this matter.

9 The DfT guidance is directed at local authorities in England and Wales with responsibility for hackney carriage and private hire licensing who 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.

10 The councils have taken account of the DfT guidance to shape this policy.

11 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.

The Law Commission consulted on changes to the law on hackney carriages and private hire vehicles in the document 'Reforming the law of taxi and private hire services'. The consultation period ended on the 10 August 2012 and the commission intended to produce proposals for consideration by the end of April 2014. Bearing in mind the timescales and uncertainty of outcomes at this time no additional consideration has been taken of the consultation document in producing this policy.

## Costs and benefits of licensing policies

12 The DfT guidance stresses that licensing requirements which are unduly stringent are likely to unreasonably restrict the supply of hackney carriage and private hire services by increasing the cost of operation or by otherwise restricting entry to the trade. Councils are therefore cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.

13 Councils are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public, should at least be matched by the benefit it will provide to the public, for example through increased safety.

14 The cost of administering the policy including the cost of enforcement where the law allows will be met from licensing fees. 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, public safety and the delivery of other council policies.

## Enforcement

15 The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. This may be of the statutory requirements or the council's policies as directed by regulations and current best practice. All enforcement schemes need to be proportionate and transparent. 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.

16 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal advice and warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers.

17 There is a strong professional relationship between the licensing teams and the trade. This is based on the application of consistent standards for all parties. The adoption of a points based system provides a transparent set of breaches and proportionate penalties. This builds on the current enforcement policies. The points system does not affect the driver's or operator's rights of appeal within the councils' democratic systems and ultimately the magistrate's court. The details of the system are shown in Appendix H. The penalty points system commenced on 1 January 2013.

### **POLICY ENFORCEMENT 1: Penalty points system**

The councils will operate a points based enforcement scheme. Points will be issued by the council based on a standard tariff. Points remain on a driver's or operator's licence for 12 months from date of issue. Details of the scheme are shown in Appendix H.



## POLICY ENFORCEMENT 2: Points limit in 12 months.

Drivers who exceed 12 points or operators who exceed 30 points in any 12 month period will be required to attend a hearing before the relevant licensing panel to determine whether they are a fit and proper person under relevant licensing legislation.

## Tariff

### POLICY TARIFF 1

South Oxfordshire District Council **does not operate** a council set hackney carriage tariff.

### POLICY TARIFF 2

The Vale of White Horse District Council **operates** a council set hackney carriage tariff.

18 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 or pre-booked journeys where the cost is agreed in advance. Drivers may charge any amount for a journey provided it does not exceed the fare on the meter. Hackney carriage vehicles must clearly display the tariff card within the vehicle.

## HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

### Limitation of numbers

19 No powers exist for the councils to limit the number of private hire vehicles that they license. The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages “if, but only if, the relevant council is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds it would, therefore, have to be established that the council had been reasonably satisfied that there was no significant unmet demand. The councils take the view that the market will determine the number of hackney carriage vehicles to meet demand.

20 If the councils were to take the view that a quantity restriction 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.

#### POLICY VEHICLE 1: Numbers

The councils will not set a limit on the number of hackney carriages that they license.

### **Specifications and conditions**

21 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.

22 The councils will not license purpose built hackney carriage vehicles as private hire as this can confuse members of the public.

#### POLICY VEHICLE 2: Minimum standards

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.

#### POLICY VEHICLE 3: Number of passengers

Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications set out in Appendix A or Appendix B. The councils will determine 'novelty vehicles' on a case by case basis.

#### POLICY VEHICLE 4: Q plate vehicles

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 are also used to disguise stolen or accident damaged vehicles.

## Accessibility

### SOUTH OXFORDSHIRE

The council currently licenses 581 vehicles; 374 hackney carriages and 207 private hire vehicles. Of these 22 (11%) private hire vehicles and 9 (2%) hackney carriages are wheelchair accessible.

### VALE OF WHITE HORSE

The council currently licenses 291 vehicles; 201 hackney carriages and 90 private hire vehicles. Of these 15 (17%) private hire vehicles and 14 (7%) hackney carriages are wheelchair accessible.

23 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.

24 It is arguable that different accessibility considerations apply to hackney carriage and private hire vehicles in that hackney carriages can be hired immediately in the street or at a hackney carriage stand by the customer dealing directly with a driver, whereas private hire vehicles can only be used by prior booking. On the basis that those with disabilities must have equal access to transport services, the council considers that it is particularly important that a disabled person should be able to hire a hackney carriage on the spot with the minimum delay or inconvenience; having accessible hackney carriages available helps make that possible.

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

#### POLICY VEHICLE 5: Wheelchair accessible vehicles (WAV)

The councils will continue to encourage the licensing of vehicles that are wheelchair accessible by giving a reduction in vehicle licence fees.

The eligibility of such vehicles is defined as any vehicle that has:

- met the European Community Whole Vehicle Type Approval or the UK Low Volume Type Approval (ESVA or IVA)
- has suitable tracking, seatbelt and wheelchair anchorages been constructed or modified to accommodate disabled passengers.

The licence fee reductions are subject to annual review.

## Vehicle type

26 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.

### POLICY VEHICLE 6: Certification for wheelchair adapted vehicles

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 (ESVA or IVA) that meets the required standard. Prior to the first licensing of the vehicle the operator must produce certification that the vehicle meets the required standards.

27 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 normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

28 Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. 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.

## Access

29 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.

30 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.

31 A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

## Equipment

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

### Ramps

33 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 250 kg and certified to BS6109.

### Wheelchair lift

34 A purpose designed wheelchair lift shall conform to 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.

35 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.

36 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 i.e. 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.**

37 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).

38 All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

39 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 and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

40 A VOSA certificate of compliance following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards.

41 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.

## POLICY VEHICLE 7: Private hire vehicles and hackney carriage vehicles

The councils will require all new hackney carriage and private hire vehicles that have been manufactured or adapted to carry passengers in their wheelchairs and have side or rear-loading facilities to have:

- Been fitted with an appropriate ramp or tail lift that has been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998.
- The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company
- A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces
- All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC)
- 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
- A VOSA certificate of compliance following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards

Any driver must be fully trained in the safe operation of the equipment. The equipment must be maintained in good working order and available for use at all times.

## Maximum age of vehicles

42 The DfT guidance states that it is possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate. The councils have not set age limits on vehicles but have set a robust regime of vehicle testing that reflects the greater risk posed by older vehicles.

## POLICY VEHICLE 8: Maximum age of vehicles

The councils will not apply age restrictions to vehicles meeting the required standards as set out in Appendix A and Appendix B.

## Vehicle testing

43 The DfT guidance recognises that an annual MOT test 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.

44 The councils will approve testing stations to which all hackney carriages and private hire vehicles must be taken when being tested in connection with licensing requirements. The approved testing stations will be decided upon through an open application process that takes place every five years. Having taken into account the DfT guidance that best practice is to approve more than one testing station the councils will approve a minimum of two testing stations in the Vale of White Horse area and/or neighbouring districts and a minimum of three testing stations in South Oxfordshire and/or neighbouring districts. The location and contact information for approved testing centres will be available on the councils' websites.

### POLICY VEHICLE 9: Certificates of compliance

The councils will only accept certificates of compliance from council approved testing centres.

45 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 MOT part of the test may be referred to VOSA.

### POLICY VEHICLE 10: Compliance testing requirements

The councils require all vehicles (with exception to vehicles less than one month old and less than 1500 recorded miles which are exempt) to be licensed as hackney carriages and private hire vehicles to undergo an MOT and compliance test before the issue of a licence. Testing must be undertaken in a council approved testing centre. In addition to this vehicles must be tested and licensed in accordance with Policy Vehicle 9: Certificates of compliance above.

46 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.

The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT standard for their age and construction 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.

## **Signage and advertising**

47 Members of the public can often 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 are able to easily distinguish each type of vehicle.

48 For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified in Policy Vehicle 12 below.

49 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 councils will continue using different colours and styles for the different type of licences.

### **POLICY VEHICLE 11: Display of licence plate**

All hackney carriages and private hire vehicles must display a licence plate affixed to the outside rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

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 or Velcro<sup>®</sup> are allowed. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with Policy Vehicle 14.

50 Hackney carriages must also display a roof sign measuring 18 inches (45 cm) long by six inches (15 cm) high and six inches (15 cm) deep; this is a key feature in helping to identify licensed hackney carriage vehicles.

Hackney carriage vehicles licensed by the Vale of White Horse must comply with Policy Vehicle 12 after 1 April 2013 when the vehicle is licensed or the licence renewed. Vehicles displaying a compliant roof box will not have to display signage on the rear doors.



## POLICY VEHICLE 12: Hackney carriage roof signs

All hackney carriage vehicles licensed by the councils must carry a fully illuminated roof-mounted sign to the specifications below:

The requirements for the roof sign are:

- the roof sign is an aerodynamic triangular structure and is referred to by some sign manufacturers as 'streamline' or 'sloped'
- the long dimension is 45 cm (18 inches), the base is 15 cm (six inches) and the height is 15 cm (six inches)
- the roof sign has a white background
- the roof sign must be connected to the taximeter and it must be automatically controlled
- the roof sign 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 12.5cm wide and 9.5cm high (see Appendix D), must be displayed on the far left of the front of the roof sign. The taxi licence plate number must be displayed under the logo. The proprietor's surname or company name must be displayed in the remaining space. The word 'taxi' may also be displayed in conjunction with the owner or company name
- nothing else is displayed on the front of the roof sign.

51 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 taxi office car park for security reasons, or
- when the vehicle is undergoing maintenance work or is being cleaned.

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

53 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 12.5cm wide and 9.5cm high, must be displayed in both rear passenger door windows.

54 The hackney carriage proprietor may use the rear face to display the proprietor's telephone number (see Appendix D).

55 Advertising will be permitted on licensed vehicles. Complaints about unsuitable or offensive advertisements may be referred to the relevant council's licensing panel.

#### POLICY VEHICLE 13: Advertising on licensed vehicles

Advertising on licensed vehicles will be permitted.

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

56 Private hire vehicles which are used for contract work for at least 75 per cent of the time can 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 evidence as to why plate exemption is required. Where an exemption is granted the vehicle will display a prescribed internal licence in accordance with Policy Vehicle 14 below. The internal licence contains vehicle/licence details and must be visible from the outside and the vehicle/licence details must be visible from the inside. Both internal licences must be displayed at all times and the rear licence plate must be carried in the vehicle at all times.

57 The rear licence plate will be provided by the council and must be carried in the boot of the vehicle at all times. 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. Operators/drivers 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.

58 The licence fee payable for plate exemption is subject to annual review and will be published together with other council licensing fees.

#### POLICY VEHICLE 14: Plate exemption

Private hire vehicles which have been granted an exemption from displaying their licence plate by the council shall affix the supplied internal licence on the windscreen adjacent to the tax disc holder. Exempted vehicles shall also display a second internal licence in the back window of the vehicle. This displays the vehicle licence details so that they are visible from the rear. The internal licence shall be affixed in the centre of the window horizontally and at the top or bottom of the window, depending of the location of any brake-lights. Both internal licences shall be clearly visible from the inside and outside of the vehicle and neither shall be placed in a position that obstructs the view of the driver. Both internal licences must be displayed in the vehicle at all times. These internal licences are in a prescribed form and will only be issued by the council to avoid opportunities for unlicensed drivers to acquire them. The standard rear licence plate must also be carried in the boot of the vehicle at all times.

## Security and closed circuit television (CCTV)

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

### POLICY VEHICLE 15: CCTV

The councils will not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council. All such equipment and images must be operated in accordance with relevant data protection legislation. It is the responsibility of the driver/operator to ensure compliance.

## Environmental considerations

60 The licensing policy promotes more efficient licensed vehicles which reduce the levels of CO<sub>2</sub> and NO<sub>x</sub> emitted. A move towards the use of alternative fuels and improved technology will further reduce emissions.

61 Hackney carriage and private hire vehicles are an essential form of transport in the councils' areas. Many people depend on these services for trips that buses do not make. Some are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the districts. It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible.

62 The councils will offer reduced licence fees for vehicles that produce lower carbon dioxide emissions. This will be based on the current vehicle tax bands.

Band CO<sub>2</sub> emission (g/km)

A	Up to 100
B	101-110
C	111-120
D	121-130
E	131-140
F	141-150
G	151-165
H	166-175
I	176-185
J	186-200
K	201-225
L	226-255
M	Over 225

63 Within the Vale of White Horse District Council area the council has declared an Air Quality Management Area in parts of Abingdon and Botley (places where national air quality standards have been breached as a result of vehicle emissions). The Council's AQAP (Air Quality Action Plan) was approved by the Licensing and Regulatory Committee in April 2009. This plan refers to the consideration of possible further measures to reduce emissions from hackney carriages and private hire vehicles.

64 Within the South Oxfordshire District Council area the council has declared Air Quality Management Areas in Wallingford, Watlington and Henley (places where national air quality standards have been breached as a result of vehicle emissions).

#### **POLICY VEHICLE 16: Reduced licence fees for less polluting vehicles**

The councils will seek to achieve a reduction in emissions from hackney carriages and private hire vehicles by continuing to offer a reduction in fees for vehicles with low CO<sub>2</sub> emissions.

65 In the event that central government introduces measures to control emissions or local emission controls were to be required by an air quality action plan the councils would review the policy on emission standards for licensed vehicles, if necessary.

#### **Stretched limousines and novelty vehicles**

66 Stretched limousines are elongated saloon cars. The number of stretched limousines being imported, particularly from the United States, has been increasing. They are generally used for private hire work and special occasions.

67 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 'novelty vehicles policy' set out in Appendix B.

68 Where a vehicle has been modified to provide access or special facilities for disabled passengers, the councils will require either VOSA approved certification from the manufacturer or installers prior to licensing approval (Policy Vehicle 6).

69 Where a vehicle has been imported from another country, the councils may require VOSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or novelty vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary for the council to consider whether to include special conditions on any licence. The council will take into consideration the guidance issued by the DfT 'Guidance for operators of stretched limousines'.

#### **POLICY VEHICLE 17: Stretched limousines and novelty vehicles**

Stretched limousines or novelty vehicles may be granted a private hire vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the SVA or IVA as set out in Policy Vehicle 18.

## **POLICY VEHICLE 18: Single Vehicle Approval (SVA) certificates**

In accordance with the DfT guidance, all applications to license stretched limousines or novelty vehicles as private hire vehicles will be judged on their merits. As these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the relevant council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. This documentation will normally be a Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) certificate.

## **POLICY VEHICLE 19: Imported stretched limousines or novelty vehicles**

Where a vehicle has been imported from another country VOSA approved certification may be required prior to licensing approval.

## **Funeral and wedding vehicles**

70 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.

71 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.

## **Livery**

72 Some councils require licensed vehicles to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. This is not considered necessary in the councils' area. The visual distinction between hackney carriages and private hire vehicles can be achieved by the signage (see Appendix A). The councils do not require that licensed vehicles are finished in a special livery or appearance.

## **Transfers**

73 A proprietor of a licensed hackney carriage or private hire vehicle may transfer their interest in the vehicle to another person. Under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, they must ensure that the relevant council is notified of the new proprietor's name and address within 14 days.

74 A 'transfer' is the sale of a licensed vehicle (including the paper licence and licence plate) from one person to another as opposed to 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 'new vehicle licence'.

## POLICY VEHICLE 20: Transfer of licences

Applications to transfer a licence must be made on the prescribed application form.

75 The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

## Accidents

76 Where damage that requires repair arises from an accident the driver is required to report the accident to the relevant council within three days. The councils' primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

77 A licensing officer or approved testing station may examine the extent of the damage and determine whether or not 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 a maximum of three working days.

## POLICY VEHICLE 21: Accidents

The councils require that the proprietor of a hackney carriage or driver of a private hire vehicle that is involved in a road traffic accident that causes any damage to the vehicle that requires repair shall report the accident on the council's accident notification pro-forma within three working days of the accident occurring and bring the vehicle for inspection if requested.

## Application procedure

78 Applications for a hackney carriage or private hire vehicle licence must be made on the prescribed application form which is available on the relevant council's website together with guidance to assist in the completion of the application.

## POLICY VEHICLE 22: Application

Applications for a hackney carriage or private hire vehicle licence must be made on the prescribed application form in accordance with the council's application procedure.

79 The licence fees payable are subject to annual review and will be published together with other council licensing fees.

## **Consideration of applications**

### **POLICY VEHICLE 23: Consideration of applications**

The councils will consider all applications on their own merits once they are satisfied that the application is complete.

## **Grant and renewal of licences**

80 Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months.

### **POLICY VEHICLE 24: Duration of vehicle licences**

The councils will grant hackney carriage and private hire vehicle licences for a period of one year. However a licence may be granted for a shorter period, should this be justified in a specific case.

### **POLICY VEHICLE 25: Operator's responsibility**

It is the proprietor's or operator's responsibility to ensure that vehicle re-tests are carried out in sufficient time for a new certificate of compliance to be issued and that insurance, vehicle registration documents and the annual fee are available for processing by council staff in time for the issue of a licence.

81 The councils will only accept complete applications comprising all the necessary paperwork as set out in Policy Vehicle 25. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued. The vehicle will then be unlicensed and must not be used as a hackney carriage or private hire vehicle.

## **Change of details**

### **POLICY VEHICLE 26: Change of details**

The proprietor must notify the relevant council in writing of any change of address or telephone number during the period of the licence within seven days of the change taking place.

# HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

## Parallel procedures

82 The statutory and practical criteria and qualifications for a private hire driver are broadly similar to those for a hackney carriage driver. The sections below apply equally to private hire and hackney carriage drivers.

'Fit and proper person' is not defined in any of the legislation but is key when determining a driver application or renewal. The following statement is commonly used as a guide to clarifying the meaning. 'Would you allow your son, daughter, mother, spouse or other person you care about get into this vehicle with this person alone?'

This statement was confirmed in discussion by Silber J. in the case of Leeds City Council v Hussain (2002) which surrounds the suspension of a driver:

'... the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose 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 people'

Officers and licensing panels will bear the above statement in mind when determining applications, renewals and when making enforcement decisions. Other factors will also be considered on a case by case basis.

## Age and experience

83 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 age for holding a full driver's licence are unnecessary, advising that applicants should be assessed on their merits.

**POLICY DRIVER 1: Age and experience**

The councils will not impose either a maximum or minimum age limit for drivers. There is a statutory requirement that an applicant must have held a DVLA licence for a least a year.

84 In relation to those persons over 65, reference should be made to Policy Driver 10 below.

## Knowledge test

85 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 DfT recognises that most councils require prospective drivers to pass a test of local topographical knowledge as a condition of gaining a licence.

86 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 unless it is satisfied that the applicant is a 'fit and proper person'. In this context the ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.

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

- local geography
- the Highway Code
- hackney carriage and private hire licensing law and the councils' policy.

#### **POLICY DRIVER 2: Knowledge test**

The councils will not issue a licence to drive a hackney carriage or private hire vehicle unless the applicant has passed a knowledge test of the area covering local geography, the councils' hackney carriage and private hire licensing policy, the law relating to hackney carriage and private hire licensing and the Highway Code.

No applicant may sit the test more than five times in any 12 month period except in exceptional circumstances.

88 There has been an increase in the number of applications for hackney carriage and private hire drivers' licences from people whose first language is not English. Sitting the knowledge test is a reasonable test of English language proficiency and therefore no additional written test is considered to be necessary at this time. Most communication between drivers and passengers is spoken so it is essential that all candidates have a reasonable standard of spoken English. The licensing officer may decide to undertake additional testing of the applicant's spoken English. Applicants who have difficulties with spoken English 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.

#### **Test failure and re-sits**

89 Applicants are given their result as soon as possible and always within one week. If the applicant has passed the test, their application can proceed to the next stage. If they have failed the test they are given feedback and a re-sit is booked as soon as the applicant requires and there is a place available.

90 There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 12 month period except in exceptional circumstances. This policy will apply from 30 September 2013.

### POLICY DRIVER 3: Spoken English test

New drivers must demonstrate a basic level of spoken English or they will be required to pass an independently administered English test prior to their application for a private hire or hackney carriage driver's licence being considered.

## **Driving proficiency, qualifications and giving assistance**

91 The councils have concluded that the standard DVLA driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles. There are nationally recognised vocational qualifications for the hackney carriage and private hire trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in encouraging drivers to obtain one of these qualifications in the future. The councils encourage such training as this enhances the standing of the trade as one with recognised qualifications to demonstrate competence.

92 A driver who has been suspended by the council because of proven complaints about the standard of their driving or has been suspended because they have accumulated nine penalty points on their DVLA driving licence may be required to pass the DSA Taxi and Private Hire Drivers Assessment before their licence will be reinstated.

### POLICY DRIVER 4: Competence to drive

Drivers who have had their hackney carriage and private hire licence suspended due to accumulating nine or more points on their DVLA licence or who have complaints proven against them about the standard of their driving may be required to pass the Driving Standards Agency Taxi and Private Hire Drivers Assessment in order to be licensed by the councils.

### POLICY DRIVER 5: Additional professional qualifications

The councils will encourage drivers to attend training and assessment for qualifications relevant to the licensed carriage trade.

13.1 per cent of both South Oxfordshire's and the Vale's populations have a declared disability. In 2011 it is estimated that 18.2 per cent of the South Oxfordshire population are over 65 years of age and this is projected to rise to 23.5 per cent by 2026. In 2011 it is estimated that 17.8 per cent of the Vale's population are over 65 and this is projected to rise to 23.4 per cent by 2026.

93 Applicants for a hackney carriage/private hire driver's licence will be required to undergo disability awareness training. Applicants with existing, equivalent qualifications such as an NVQ in Road Passenger Transport must produce

documentary evidence at the time of application. Alternative qualifications are accepted at the discretion of the council. Qualifications obtained more than five years prior to application may not be accepted. All disability awareness training must be completed within the first six months of licensing and those already licensed to be trained within the first 12 months of licence renewal. The cost of the training shall be met by the applicant/licence holder or their employer.

The requirement for South Oxfordshire licensed drivers to comply with Policy Driver 6 will commence on 1 January 2013.

#### POLICY DRIVER 6: Disability awareness qualification

All licensed drivers must demonstrate successful completion of a disability awareness qualification within six months of first being licensed or within 12 months of renewing their licence.

94 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.

95 Drivers who fail to comply with this requirement will have their licence suspended until they demonstrate to the relevant council that they have met this requirement.

96 Applicants who have held a full driving licence issued by an EEA country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence. Upon application, applicants will have to apply to convert their existing driver's licence to a DVLA driver's licence. The councils will not renew a licence to drive a hackney carriage or private hire vehicle unless the applicant holds a DVLA driver's licence.

97 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.

98 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold the converted DVLA licence for 12 months prior to being issued with a hackney carriage/private hire vehicle driver's licence. However, those who have held a driving licence issued by an EEA state, an Accession state or Northern Ireland for 12 months will be eligible to apply immediately.

99 It is possible to convert any existing driving licence to a DVLA driving licence, either by straight transfer or by undertaking a driving test.

#### POLICY DRIVER 7: Driving licences

Applicants for a hackney carriage/private hire vehicle driver's licence who have held a full EEA driving licence must have held it for at least 12 months in order to be granted a hackney carriage or private hire vehicle driver's licence.

## POLICY DRIVER 8: DVLA check

Before the grant or renewal of a driver's licence, the applicant will be required to submit to a DVLA check. This will be either by post or in person. The DVLA charges a small fee for the service that is passed on to the applicant.

100 This check brings to light any driving offences committed that may not appear on the licence submitted and which should have been declared on the application form.

### **Medical examination**

101 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. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying standards to hackney carriage and private hire drivers is considered to be best practice by DfT guidance.

102 A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, is obtainable from the licensing team. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a confidential report will be submitted to the council. 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. The applicant may request a copy of the report.

103 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. Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing.

104 Licence holders must advise the licensing team, in writing, of any deterioration in their health 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 undergo a further medical examination by a medical practitioner appointed by the council. In these circumstances the councils will pay for the examination. Where there remains any doubt about the fitness of any applicant, the relevant licensing panel will review the medical evidence and make the final decision.

Policy Driver 9 and Policy Driver 10 will come into force from 1 January 2013

#### POLICY DRIVER 9: Medical examination

A medical examination carried out by a GP at the surgery the applicant is registered at is required before the grant of a driver's licence in order to assess an applicant's fitness to drive a licensed vehicle. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

#### POLICY DRIVER 10: Medical re-examination

Licence holders must be re-examined in accordance with the DVLA Group 2 standard. More frequent checks will also be required if, in the opinion of the medical practitioner, it is necessary. Drivers age 45 and over will require a medical every five years. Drivers aged 65 and over must be examined annually. Drivers or applicants with insulin dependent diabetes are subject to satisfactory annual consultant assessment as per the DVLA's 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'.

#### POLICY DRIVER 11: Medical problems

Licence holders must advise the relevant council within seven days, in writing, of any deterioration in their health that may affect their driving capabilities.

### **Criminal record checks**

105 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.

106 The Rehabilitation of Offenders Act 1974 and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as 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.

107 Applicants for such licences must therefore disclose all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act.

108 The councils are approved Disclosure and Barring Service bodies. Therefore applicants can deal with the DBS through the relevant council. The councils will not accept portability of DBSs except through the DBS 'Update' system. The councils may request another disclosure at any time if a further check is considered necessary. As a further safeguard a regime of random Enhanced DBS checks on drivers may be carried out. If a driver is given notice to undertake a random DBS check by the council they must do so within 28 days of the request.

**POLICY DRIVER 12: Disclosure and Barring Service checks**

The councils will require an Enhanced Disclosure and Barring Service disclosure before a licence is granted and then every three years. The councils will not accept DBSs from other organisations unless undertaken through the DBS 'Update' system.

**POLICY DRIVER 13: Random DBS checks**

Drivers given notice to undertake a random DBS check by the council must do so within 28 days of the request or their licence may be suspended until a satisfactory DBS check has been received by the relevant council.

109 The councils will place a condition on the licence to advise drivers that their hackney carriage or private hire driver's licence may be suspended or revoked if any relevant information is later found on the DBS disclosure.

110 The councils are bound by rules of confidentiality, and will not divulge any information to third parties. The applicant for a DBS disclosure is sent a disclosure report to their home address, this must then be shown to the licensing team. The councils will manage information arising from disclosures in accordance with the DBS's codes of practice.

**POLICY DRIVER 14: Disclosure of convictions, cautions, traffic offences etc.**

Applicants for licences are required to disclose all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) including those that would be regarded as spent under the 1974 Act.

**POLICY DRIVER 15: Reporting of all convictions, cautions, traffic offences etc.**

Licensed drivers must report all new convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) in writing within seven working days.

111 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 an authenticated certificate of good conduct from the relevant embassy/ies will be required. If an applicant submits a certificate of good conduct in a language other than English, the council may appoint a translator and the translation fee will be passed on to the applicant. The application will not be considered complete if this fee has not been paid. Most embassies produce the certificate in English.

**POLICY DRIVER 16: Certificate of good conduct**

Applicants who have lived outside of England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, must provide an authenticated certificate of good conduct from the relevant embassy. If an applicant submits a certificate of good conduct in a language other than English, the council may appoint a translator and the translation fee will be passed on to the applicant. The application will not be considered complete if this fee has not been paid.

**POLICY DRIVER 17: Age limits for certificates of good conduct**

There is no suggested age or period of time that a certificate of good conduct should cover. As many of the council's applicants already require a certificate of good conduct, determining an age from which any criminal offences are checked is necessary and so the relevant council will require a certificate of good conduct to cover an applicant from the age of ten in line with what is checked for the DBS. The relevance of convictions at young ages will be taken into account as outlined in the policy.

## **Relevance of convictions and cautions**

112 The DfT guidance recommends that, when considering an individual's criminal record, authorities must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends

that authorities have a clear policy for the consideration of criminal records that must address:

- the type of offence
- the number of offences
- the number of elapsed years since the offence.

113 When assessing whether an applicant is a 'fit and proper person' to hold a licence, or whether an existing licence holder is still a 'fit and proper person' to continue to hold a licence, the council will consider each case on its merits. It will take account of convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) whether spent or unspent, but only in so far as they are relevant to an application for a licence. The licensing officer will assess the information provided, in accordance with the licensing policy, and decide whether the applicant is a 'fit and proper person' to hold a licence or whether the existing licence holder is still a 'fit and proper person' to continue to hold a licence. Where the applicant meets the requirements of the policy and the licensing officer concludes that the applicant is a 'fit and proper person' the Head of Housing and Environment has the delegated authority to approve the application.

#### POLICY DRIVER 18: Consideration of previous convictions

When assessing whether an applicant is a 'fit and proper person' to hold a licence or an existing licence holder to continue to hold a licence, the relevant council will consider each case on its merits taking into account the driver's previous history of behaviour. It will take account of convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) whether spent or unspent, but only in so far as they are relevant to an application for a licence.

114 Where the licensing officer cannot be satisfied that either the applicant or an existing licence holder is a fit and proper person the matter may be referred to the relevant panel.

115 When dealing with convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences), the relevant council will take into account:

- whether convictions are spent or unspent
- the nature of the offences
- the age of the offences
- whether the offences are relevant
- the number of offences.



116 Guidance about specific offences is given in Appendix G. In general terms, if the offence is recent and relevant to public safety, the relevant council is:

- less likely to approve the application for a new licence, and
- more likely to revoke an existing licence.

117 The licensing officer will initially consider either an application for a new licence or the suspension of an existing licence in those cases where any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) are relevant and unspent, as stated in the Rehabilitation of Offenders Act 1974. The licensing officer may then make a recommendation to the Head of Housing and Environment who has delegated authority under the scheme of delegation to officers, to issue a refusal or suspend or revoke an existing licence. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer may submit a report for consideration by the panel. Applicants can appeal to the magistrates' court against a refusal to grant or decision to suspend or revoke the licence under the Public Health Act 1936.

118 In particular, an applicant or an existing licence holder may be referred to the relevant panel as stated below in policy driver 19.

#### POLICY DRIVER 19: Consideration of previous convictions

Applicants or existing licence holders may be referred to the relevant panel where the applicant/existing licence holder's record includes one or more of the following:

- any term of imprisonment or custody
- any conviction for a violent or sexual offence, or dishonesty which is of a serious nature
- any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving
- nine or more points on their DVLA Driving Licence.

119 The council will require a mandate for release of information under the data subject access provisions of the Data Protection Act 1984, section 21 (1) and (2), from the DVLA for every application.

#### POLICY DRIVER 20: Release of information

Applicants will be required to sign a mandate for release of information under the data subject access provisions of the Data Protection Act 1984, section 21 (1) and (2), from the DVLA for every application.

## Proof of right to work in the UK

120 Since 2008 employers have been liable to a civil penalty of up to £10,000 per illegal worker if they have not established 'an excuse' for employing someone who does not have the right to work in the UK. The UK Border Agency has produced guidance 'Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006: - Full Guide for Employers on Preventing Illegal Working in the UK' published January 2014.

121 Whilst not being the employer of hackney carriage or private hire drivers, the DfT considers it necessary for licensing authorities to check on an applicant's right to work before granting a hackney carriage/private hire driver's licence. The councils agree that this is not only good practice but helps protect the income of those currently licensed who do have the right to work. All applicants can be provided with a copy of the Agency's 'List A – Documents which provide an ongoing excuse' and 'List B – Documents which provide an excuse for up to 12 months' so that they are aware of what documents they are required to submit. A copy of all new applicants' documentation will be taken and will remain on file. If the document is from 'List A' they will not be asked to prove their right to work again.

### POLICY DRIVER 21: Proof of right to work

The councils will refer to the UK Border Agency's Guidance 'Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006: - Full Guide for Employers on Preventing Illegal Working in the UK' published January 2014 'when dealing with applicants and therefore all applicants will have to prove their right to work in the UK by supplying the relevant documentation as detailed in the guidance.

122 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 or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment to which they are not entitled.

123 All current licensed drivers if required will be asked to prove their right to work on renewal of their licence. The right to work will normally only need to be proved once.

124 If an applicant is only able to submit documentation from 'List B' they will only be licensed for one year or a lesser period if their right to work will expire before that date. There is no discounted fee for licences of less than three years.

125 If after referring to the UK Border Agency's guidance, licensing officers are still unsure about an applicant's right to work in the UK, they will discuss the applicant's documentation with the agency by using their helpline. If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) council officers will assist the UK Border Agency, Immigration Office or police in their enquiries as necessary.

## **Behaviour and conduct of drivers**

126 Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the councils' licensing objectives.

127 The councils consider that to assist both drivers and the public it would be useful to set down the standards which 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 forms part of the conditions attached to a hackney carriage/private hire driver's licence.

### **POLICY DRIVER 22: Expected standards of behaviour**

The standards expected of licensed drivers are set out in the Code of Good Conduct that is included within the conditions attached to the driver's licence and set out at Appendix C.

128 Failure to comply with any aspect of the Code of Good Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which licensing officers will use to help decide upon subsequent enforcement action. 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.

## **Sexual activity**

129 In order to protect both passengers and drivers there must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty.

### **POLICY DRIVER 23: Sexual activity**

There must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty.

## **Application procedure**

130 The councils require that applications for a hackney carriage/private hire driver's licence must be made on the prescribed application form which is available on the relevant council's website together with guidance to assist in the completion of the application. 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.

## POLICY DRIVER 24: Consideration of applications

Once the relevant council is satisfied that it has a complete application the council will consider the application on its own merits taking into account the driver's previous history of behaviour to determine if they meet the 'fit and proper person' criteria. Full details of how applications are considered can be seen at Appendix E.

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

132 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 drivers a three year licence only.

## POLICY DRIVER 25: Duration of driver licences

The councils will only offer three year driver licences.

133 To allow sufficient time for documents to be processed, applicants should ensure that the council receives their complete application, including the fee, at least eight weeks before expiry of a driver's licence.

134 Licensing officers will aim to send a reminder letter to drivers twelve weeks before their existing badge in order to assist applicants in their prompt submission of renewal applications. Drivers are reminded that the councils are not obliged to do this and the responsibility of ensuring licences and DBS disclosures do not expire remains with the licence holder. If a DBS disclosure has not been issued in time the councils will only renew a driver's licence if the applicant has returned their application form for the DBS disclosure in the time specified by the council when it invites the renewal.

135 The councils may refuse to grant licences where the application is missing any of the necessary paperwork. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, therefore the driver will be unlicensed during which time it will be illegal for them to drive a licensed hackney carriage or private hire vehicle or to use an unlicensed vehicle for the carriage of passengers for hire or reward.

### **Change of details**

136 Drivers must notify the relevant council in writing within seven days of any change of address or telephone number during the period of the licence.

## POLICY DRIVER 26: Change of details

Drivers must notify the relevant council in writing within seven days of any change of address or telephone number during the period of the licence.

## Sharing of information

137 The councils will share all information with other enforcement bodies including other councils, the police, UK Border Agency, HMRC and the Department for Work and Pensions on enforcement related issues involving licensed drivers, operators and vehicle owners. When sharing information the following wording will be added to statements:

'I have checked the Council records in respect of \_\_\_\_\_, of \_\_\_\_\_, date of birth \_\_\_\_\_. The documents were created or received by a person in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office and the person who supplied the information contained in the statement (the relevant person) had or may reasonably be supposed to have had knowledge of the matters dealt with, and each person through whom the information was supplied from the relevant person received the information in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office.'

## POLICY DRIVER 27: Sharing of information

The councils will share all information with other enforcement bodies including other councils, the police, UK Border Agency, HMRC and the Department for Work and Pensions on enforcement related issues involving licensed drivers, operators and vehicle owners.

## PRIVATE HIRE OPERATORS

### Requirements and obligations

138 Any person who operates a private hire service (who is not a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the relevant council for a private hire operator's licence. The objective in licensing private hire operators is the safety of the public who will be using operators' premises, and vehicles and drivers arranged through them. Best practice in respect of the controls required over private hire operators is to ensure that the costs of any licensing requirements are commensurate with benefits that they seek to achieve.

139 A private hire vehicle may only be dispatched to a customer by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle. 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.

140 Applicants must apply for an operator's licences using the prescribed form and submit the correct fee. All new private hire operators must submit a business plan and undergo a Basic DBS disclosure (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). The council will then decide whether the applicant is a fit and proper person to hold such a licence. The applicant must provide the relevant council with proof that they are entitled to work within the UK. For details of the requirement and guidance please see Policy Driver 21.

#### POLICY PHO 1: Proof of right to work

The councils will refer to the UK Border Agency's Guidance "Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006: - Full Guide for Employers on Preventing Illegal Working in the UK" published January 2014" when dealing with applicants and therefore all applicants will have to prove their right to work in the UK by supplying the relevant documentation as detailed in the guidance.

141 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 or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence.

#### **Criminal record checks**

142 Private hire operators are not exempt from the Rehabilitation of Offenders Act 1974 (refer to point 106). Before it considers an application for a private hire operator's licence the relevant council requires the applicant to undertake a Basic DBS disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant. If the operator holds a hackney carriage or private hire driver's licence with the council, no DBS disclosure is required. Where the private hire operator is trading as a limited company the council may also require the directors and company secretary to undertake a Basic DBS check.

#### POLICY PHO 2: DBS disclosure

The councils require a Basic Disclosure and Barring Service disclosure and Certificate of Good Conduct (if required) before a licence is granted and then every three years. Where the private hire operator is trading as a limited company the council may also require the directors and company secretary to undertake a Basic DBS check.

143 The applicant will also have to submit a business plan to the relevant council to demonstrate how they intend running the business. They will need to provide two references: one must be from a previous employer, the other from a professional person, e.g. an accountant or solicitor, as evidence that the applicant is capable of keeping adequate records.

### POLICY PHO 3: Applications

Applications for a private hire operator's licence must be accompanied by a business plan setting out how the operator intends running the business. Applications also have to be accompanied by two references: one must be from a previous employer, the other from a professional person, e.g. an accountant or solicitor, as evidence that the applicant is capable of keeping adequate records.

144 The councils will consider each application on its own merits once the application form and supporting documents are complete. Companies that wish to expand will be required to submit a revised business plan before further licences are granted.

### Conditions

145 The relevant council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.

### Record keeping

146 Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 requires operators to record specific information. The information shall be kept in a suitable book or on a computer or any other similar device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- the time and date of the booking
- the name of the hirer
- the fare quoted
- how the booking was made, e.g. telephone or email and the time
- the time of the proposed pick up
- the point of pick up and drop off
- the registration or plate number of the vehicle allocated for the booking and the name of the driver.

### POLICY PHO 4: Record keeping

Operators are required to keep records of each booking, including date and time of booking, the name of the passenger, the pick-up point, the destination, the name of the driver, the registration and plate number of the vehicle and any fare quoted at the time of the booking. These records must be available at the address supplied on the application form.

147 Operators are legally required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as set out in the private hire operator's conditions in Appendix B.

#### POLICY PHO 5: Records kept for one year

Operators must keep records in respect of all bookings, vehicles and drivers, for a period of one year.

148 Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties.

#### POLICY PHO 6: Access to computerised records

Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties.

149 Operators will also be required to provide adequate instruction to licensing officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

#### POLICY PHO 7: Instruction on operator computer systems

Operators will be required to provide adequate instruction to licensing officers in order to enable the licensing officers to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

### **Insurance**

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

#### POLICY PHO 8: Public liability insurance

The councils will require applicants to provide evidence that public liability insurance to the value of £5 million has been taken out for premises that are open to the public (e.g. waiting rooms) and will not issue a licence until it is satisfied that this is the case.

### **Address from which an operator may operate**

151 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 above are kept and at which they may be inspected by licensing officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.



152 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.

#### **POLICY PHO 9: Planning consent**

Holders of an operator's licence should note that the grant of an operator's licence does not allow the use of the premises as a private hire operator's base in the absence of planning permission.

### **Bases outside the relevant council area**

#### **POLICY PHO 10: Bases outside councils' areas**

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 and is not intended to be a restraint of trade.

### **Sub-contracting**

153 A private hire operator may sub-contract a booking to another licensed operator licensed by the same council and a record of who the booking was sub-contracted to and when must be made in accordance with the above.

### **Application procedure**

154 Applications for operator's licences must be made on the prescribed application form which is available on the relevant council's website together with guidance to assist in the completion of the application.

#### **POLICY PHO 11: Consideration of applications**

The councils will consider each application on its own merits once it is satisfied that the application is complete.

155 The licence fees payable are subject to annual review and will be published together with other council licensing fees.

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

156 All private hire operator licences will be issued for three years. Licences of a shorter duration may be issued if required.

## POLICY PHO 12: Duration of licences

Private hire operator's licences will be granted for a three-year period subject to the power to grant a licence for a shorter period if required.

157 Whilst licensing officers will aim to send a reminder letter to the current operator one month before their existing licence expires in order to assist applicants in their prompt submission of renewal applications, operators are reminded that the councils are not obliged to do this and the responsibility for ensuring licences do not expire remains with the licence holder.

158 Applicants for renewal of a private hire operator's licence are required to provide a current (less than one month old) Basic DBS disclosure obtained by the relevant council every three years. Licensing officers will aim to send a reminder letter to operators ten weeks before their existing DBS Disclosure expires and six weeks before their existing licence expires if a DBS is not required in order to assist applicants in their prompt submission of renewal applications. Operators are reminded that the councils are not obliged to do this and the responsibility of ensuring licences and DBS disclosures do not expire remains with the licence holder.

159 If a DBS disclosure has not been issued in time the councils will only renew an operator's licence if the applicant has returned their application form for the DBS disclosure in the time specified by the council when it invites the renewal. However, the relevant council will place a condition on the licence to advise operators that their private hire operator's licence may be suspended or revoked if any relevant information is later found on the DBS disclosure.

160 The councils may refuse to grant licences where the application is missing any of the necessary paperwork. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, resulting in it being illegal to operate as no operator's licence would be in force.

### **Change of details**

161 The operator must notify the relevant council in writing within seven days of any change of address, (whether this is a home address or the operating address) or change of telephone number or any other details during the period of the licence.

## POLICY PHO 13: Change of details

Private hire operators must notify the relevant council in writing within seven days of any change of address or telephone number or any other details during the period of the licence.

# APPENDIX A - HACKNEY CARRIAGE VEHICLE SPECIFICATION AND SCHEDULE OF CONDITIONS

## Hackney carriage vehicle conditions

1. A hackney carriage 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 proprietor's licence from the council, before they are legally entitled to use the vehicle for plying for hire.
2. Licences can be obtained by making an application to the relevant council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the councils. They 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.

## Specification

3. The vehicle must meet the following specification:
  - a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
  - b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
  - c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
  - d. 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.
  - e. the vehicle will be right hand drive.
  - f. the vehicle will have four road wheels.
  - g. the vehicle will have an engine with a capacity of at least 990cc. including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
  - h. the vehicle in addition to the driver's door, 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.
  - 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.
- l. the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.

## **Vehicle age and testing requirements**

4. The councils do not place age restrictions on hackney carriage vehicles provided they meet the requirements laid out in this appendix.
5. Vehicles less than 1 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 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.

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.

## **Equipment**

7. The vehicle must carry the following equipment:
  - a. an in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times. It shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle.
  - b. 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 is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the relevant council.
  - c. a jack and tools for changing the wheels
  - d. a spare auto lamp kit applicable to the vehicle and the taxi sign
  - e. a warning triangle
  - f. a torch
  - g. a first aid kit.

## **Condition of vehicle**

8. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times 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. 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 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 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 to carry passengers for hire or reward/ public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council. The councils will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.

10. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid compliance certificate and evidence that the vehicle has a valid vehicle excise licence. 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. The penalty for failing to display a licence plate is a fine not exceeding Level 3 on the Standard Scale. 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**

12. Hackney carriages may display advertising in addition to the requirements as set out below:

- the roof sign is an aerodynamic triangular structure and is referred to by some sign manufacturers as the 'streamline' or 'sloped'
- the long dimension is 45 cm (18 inches), the base is 15 cm (six inches) and the height is 15 cm (six inches)
- the roof sign has a white background
- the roof sign must be connected to the taximeter and it must be automatically controlled
- the roof sign 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 12.5cm wide and 9.5cm high (see Appendix D), must be displayed on the far left of the front of the roof sign. The taxi licence plate number must be displayed under the logo. The proprietor's surname or company name must be displayed in the remaining space. The word 'taxi' may also be displayed in conjunction with the owner or company name
- nothing else is displayed on the front face of the roof sign
- the hackney carriage proprietor may use the rear face to display the proprietor's telephone number (see Appendix D)
- the roof sign must be permanently affixed to the vehicle at all times whatever journey or job the vehicle is undertaking. The roof sign can be removed when the vehicle is parked at a proprietor's home or in a taxi office car park for security reasons. The roof sign can also be removed 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 which has a built in taxi roof sign. In this case council's logo, measuring 12.5cm wide and 9.5cm high, must be displayed on both rear passenger doors.

## **Interior of the vehicle**

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. The permitted sizes are as follows:

- bulkhead 60cm x 8cm
- tip up seat 33cm x 30.5cm.

14. No advertisement may be placed on the dividing glass partition other than notices approved by the council.

15. Advertisements are not permitted on the interior of non-purpose built hackney carriage vehicles, without prior written permission from the council.

## **Exterior of the vehicle**

16. Advertisements are permitted on the exterior of hackney carriages.

17. Proprietors may display a full livery and/or vehicle 'body-wrap'.

18. Operators 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, video or surveillance systems**

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

## **Smoking**

20. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

## **Meters/fare card (South Oxfordshire licensed hackney carriage vehicles)**

21 (a). All hackney carriage vehicles licensed or renewing their licence between 1 January 2013 and 30 June 2013 must be fitted with a taximeter by 30 June 2013. After 30 June 2013 only hackney carriages fitted with a taximeter will be licensed or granted a renewal. 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. The taximeter shall be set at the tariff displayed in the vehicle. 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.

22 (a). The taximeter must:

- be of the clock calendar type and change according to the tariff card displayed in the vehicle
- 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.

23 (a). A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times. The fare card shall clearly display the vehicle's licence number.

## **Meters/fare card (Vale of White Horse licensed hackney carriage vehicles)**

21 (b). 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. The taximeter shall be set for the current maximum tariff agreed by the council (or can be set at a lower tariff) and shall be sealed by one of the council's approved testing stations 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.

22 (b). 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 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.

23 (b). A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card shall clearly display the vehicles licence number.

## **Wheelchair access**

24. If the vehicle is designed or adapted to carry a wheelchair, the owner of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

25. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

## **Trailers**

26. 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 bookings 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.

## **Lost property**

27. The proprietor or driver of a hackney carriage must hand in any found lost property to the nearest police station within 48 hours.



## **Convictions/ change in particulars of proprietor**

28. The proprietor shall give notice in writing to the council within seven days of any conviction, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

## **Legislation**

29. The holder of every hackney carriage licence shall comply with the provisions relating to hackney carriages contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- Equalities Act 2010 Section 168 (Assistance Dogs)

## **APPENDIX B - PRIVATE HIRE VEHICLE LICENCE AND PRIVATE HIRE OPERATOR'S CONDITIONS**

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under a relevant operator's licence.

2. Licences can be obtained by making an application to the relevant council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the councils. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by 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.

### **Specification**

3. The vehicle must meet the following specification:
- a. The vehicle must be capable of carrying not fewer than four passengers and no more than eight
  - b. Each passenger seat shall be fitted with a seat belt. No seats may be side facing.  
The seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part
  - c. 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. The driver must explain to the passengers the operation of the seats before a journey commences.
  - d. will be right hand drive
  - e. will have four road wheels
  - f. the vehicle will have an engine with a capacity of at least 990cc including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
  - g. will in addition to the driver's door, have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
  - h. 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.
  - i. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment

- j. 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
  - k. the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle
4. 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 age and testing requirements**

5. The councils do not place age restrictions on private hire vehicles provided they meet the requirements laid out in this appendix.
6. Vehicles less than 1 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.

7. 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 (if fitted) will be checked over a measured mile.

## **Equipment**

8. The vehicle must carry the following equipment:
- a. An in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times when the vehicle is licensed shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle
  - b. 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 is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the relevant council
  - c. a jack and tools for changing the wheels
  - d. a spare auto bulb kit applicable to the vehicle

- e. a warning triangle
- f. a torch
- g. a first aid kit.

## **Condition of the vehicle**

9. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times 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. 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 Motor Vehicle (Construction and Use) Regulations which currently apply.

## **Insurance and other documentation**

10. 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 must be provided to the council. The councils will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.

11. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid compliance certificate and evidence that the vehicle has a valid vehicle excise licence. Only original documents are acceptable.

## **Licence plates**

12. 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. 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. The penalty for failing to comply with this request is a fine not exceeding Level 3 on the Standard Scale. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with the policy on plate exemption.

## **Private hire signs and advertising**

13. Private hire vehicles may display advertising provided it does not use the words 'Taxi' or 'Cab' that may indicate the vehicle is a hackney carriage. Private hire vehicles may also display:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a sign which requires passengers not to smoke

- a first aid kit sticker
- any other material supplied by government or a government organisation or corporation with the permission of the council.

### **Audio/video or surveillance systems**

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

### **Smoking**

15. No smoking is permitted in the vehicle by either the driver or its passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

### **Meters/fare card**

16. A private hire vehicle may be fitted with a taximeter. If the vehicle is fitted with a taximeter it 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.

17. 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.

### **Wheelchair access**

18. If the vehicle is designed or adapted to carry a wheelchair, the owner of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

19. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

### **Trailers**

20. 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.

## **Lost property**

21. The proprietor or driver of a private hire vehicle must hand in any found lost property to the nearest police station within 48 hours.

## **Convictions/change in particulars of proprietor**

22. The proprietor shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

## **Private hire operator's conditions**

23. The holder of a private hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

24. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept 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 operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- the time and date of the booking
- the name of the hirer
- the fare quoted
- how the booking was made, e.g. telephone or email and the time
- the time of the proposed pick up
- the point of pick up and drop off
- the registration or plate number of the vehicle allocated for the booking and the name of the driver.

25. 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.

26. 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. All records kept by the operator shall be kept for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.

27. Operators will also be required to provide adequate instruction to licensing officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

## **Legislation**

28. The holder of every private hire vehicle licence shall comply with the provisions relating to private hire vehicles contained in the following legislation:

- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- Equalities Act 2010 Section 168 (Assistance Dogs)

## **Novelty vehicles**

29. This element of the policy only applies to private hire vehicles.

30. For the purpose of this policy, a novelty vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an 'executive vehicle' and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special event' category are stretch limousines, classic cars, executive vehicles or a vehicle that has fewer than four seats.

31. This element of the policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.

32. The general licence conditions for private hire vehicles will not normally allow for novelty vehicles to be licensed for a number of reasons including the style and design of the vehicle.

33. For any novelty vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations, or which otherwise would not meet the standard private hire vehicle conditions, the proprietor may apply to be licensed by seeking variation or exemption from some of the standard conditions.

34. 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
- the specific criteria for which exemption is sought.

35. The primary consideration will always be the safety and comfort of the travelling public.

36. This policy sets out the general considerations the council will take into account when considering an application for the licensing of a novelty vehicle.

## Specification

37. Vehicles may be right or left hand drive provided that left hand drive vehicles have vehicle type approval from the Vehicle Certification Agency, Department for Transport, of which the council requires proof.

- 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.

38. Vehicles must carry:

- a fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council. The extinguisher must be securely affixed in the vehicle and ready for immediate use.
- a first aid kit.
- a spare wheel suitable for immediate use.
- a jack and tools for changing the wheels.
- the screen sticker, if supplied by the council, must be displayed in the lower nearside corner of the rear windscreen.
- spare light bulbs.
- no audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

39. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a private hire vehicle.

40. The licensing officer will consider applications for vehicles older than ten years. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council. In particular, the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.

41. No age limit will be set for novelty vehicles but they are required to be tested as per private hire vehicles.

Vehicles less than 1 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.

42. The council will only accept vehicle compliance tests that are valid for more than 11 months.

43. The individual nature of a novelty 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 special conditions should be included on any licence.

### **Plate exemption**

44. Vehicles which are used for contract work for at least 75 per cent 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 council will require evidence as to why plate exemption is required. Such vehicles must display front and rear windscreen badges, which will be provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The 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. Operators/drivers 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.

## **APPENDIX C - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S CONDITIONS AND CODE OF CONDUCT**

1 All 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.

2 Any hackney carriage/private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council. The penalty for failing to comply with this request is a fine not exceeding Level 1 on the Standard Scale.

3 Whilst in control of a hackney carriage or private hire vehicle, the 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 owner/proprietor and the identification marks of the vehicle.

4 The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

5 If a driver is given notice to undertake a random DBS check by the council they must do so within 28 days of the request.

6 The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle. Drivers must ensure their appearance is smart and professional when working.

7 Any driver of a hackney carriage/ private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.

8 No driver of a hackney carriage/private hire vehicle shall at any time engage in any sexual activity in a licensed vehicle, whether consensual or otherwise, with a passenger. Any driver who contravenes this condition may be deemed not to be a 'fit and proper person' to hold a licence.

9 Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.

10 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.
- switch off the engine if required to wait.
- take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.

11 Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible.

12 Under Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to 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.

13 A driver shall give notice in writing to the council within seven working days of any change in medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.

14 At hackney carriage ranks drivers shall:

- queue in an orderly manner and proceed along the rank in order and promptly.
- if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company.
- assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
- remain in or within 10 metres of the vehicle.
- not park on the rank when not working.

15 Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:

- convey a reasonable quantity of luggage.
- afford reasonable assistance in loading and unloading.
- be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

16 Human Trafficking is a crime relating to the moving a vulnerable person from one place to another against their will. Child Sexual Exploitation is the sexual abuse of young people under 18 and usually involves relationships where young people receive something (food, accommodation, drugs, alcohol, affection, gifts, money) as a result of performing sexual acts.

Criminals often use licensed vehicles and drivers to move these vulnerable people. 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 of human trafficking and

having the knowledge of how to report their concerns can be a major help in preventing this crime.

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:

- does not know their home or work address
- allows others to speak for them when addressed directly
- live or travel in a group, sometimes with other persons who do not speak the same language
- they are collected very early and/or returned late at night on a regular basis
- may have poor clothing for the work they are doing, and/or a lack of safety equipment
- they may look thin, ill or depressed
- have no cash of their own
- be known to work at a brothel and be frequently moved from one site to another.

If you think that you are carrying passengers who may be trafficked or sexually exploited then contact:

- i) Thames Valley Police: 101 (or if an emergency 999)
- ii) Crimestoppers: 0800 555 111

## **Legislation**

17 The holder of every hackney carriage and private hire vehicle and drivers licence shall comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- Section 168 Equalities Act 2010 (Assistance Dogs).

18 Notwithstanding the relevant legislation, the council's conditions, the council's hackney carriage and private hire driver, vehicle and operator policy and the council's byelaws, drivers, proprietors and operators should be aware of the following criminal offences:

- failure to give assistance to wheelchair users or failure to carry them safely
- charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
- refusal to carry an assistance dog without a medical exemption

- driving whilst using a hand held mobile telephone or device
- smoking in a hackney carriage or private hire vehicle
- driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- exceeding the safe permitted number of working hours
- claiming benefits for which there is no entitlement
- and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take action as it sees fit. This may include prosecution.

**APPENDIX D - HACKNEY CARRIAGE ROOF BOX**



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



Back (Telephone number optional)



Side

## **APPENDIX E - CONSIDERATION OF APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF LICENCES**

1. Upon receipt of a completed application form, the licensing officer will consider the application on its individual merits taking into account the person's previous history of behaviour to determine whether they meet the 'fit and proper person' criteria. Where the consideration is a review of an existing licence holder this will be to determine whether that person continues to meet the 'fit and proper person' criteria. Where the application is incomplete, it will not be considered until the missing details or documents are supplied and may be returned along with any fee provided.
2. Where having considered the application or review against the criteria of the council's policy the licensing officer considers that the person meets the criteria of a fit and proper person the Head of Housing and Environment who has delegated powers under the scheme of delegation to officers, may approve the application.
3. Successful applicants will be notified in writing and issued with a licence. Those who are granted a driver's licence will be issued with a badge, which will remain the property of the council and must be surrendered if the driver's licence is suspended or revoked. If a licence is suspended the driver must within seven days of that suspension return the badge to the council. If that suspension is subsequently lifted the badge will be returned to the driver within two working days. Hackney carriage driver licences must be retained by the driver's employer until that employment ceases, when it will be returned to the driver to pass to any new employer.
4. Where having taken into account the applicant's history of behaviour including convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) the licensing officer is not satisfied that the person meets the criteria of a 'fit and proper person' and should therefore not be granted a licence, the officer will make a recommendation to the Head of Housing and Environment.
5. Where the Head of Housing and Environment concludes that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers.
6. If Head of Housing and Environment, is required to do so by the council's policy or for other reasons considers it necessary they will refer the matter to a panel for consideration. The applicant or licence holder will be advised of the date, time and venue of the panel.
7. The proceedings and terms of reference of the licensing panel are set out on the councils' website.

## **APPENDIX F - THE KNOWLEDGE TEST**

### **Introduction**

1. In order to maintain the high standards that the council expects of its drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a written test and will contribute to satisfying the requirement to be a fit and proper person. The written test is a test of the candidate's command of written English as well as their knowledge of local geography and legislation. Candidates may also be tested on their understanding and use of spoken English. Candidates must demonstrate an adequate level of spoken English before they will be assessed as competent. This assessment may be in the form of an independent qualification or certification.

### **Local geography**

2. Applicants will be tested on their knowledge of the relevant district's geography, by recording the shortest routes between locations in the area or primary destinations such as airports.

### **Highway code**

3. Applicants will be asked to answer a number of questions as to driving skills, road information and etiquette as set out in the Highway Code.

### **Hackney carriage and private hire licensing legislation and council rules and policy**

4. Applicants will be tested on their knowledge and understanding of the law as it applies to hackney carriage and private hire licensing.

### **Disability issues**

5. In view of the special considerations to be made when dealing with passengers with differing abilities, all drivers will be expected to undertake and pass training in disability awareness within six months of obtaining their licence or renewing their licence. Drivers with existing qualifications will be assessed on their merits as to whether they are exempt from this requirement.

### **Test re-takes**

6. Applicants who fail to achieve the pass mark in the written test will be invited to take a different test on another occasion. They will not be considered to be fit and proper to hold a licence until they have achieved the requisite pass mark. No candidate will normally be allowed to take the test more than five times within a 12 month period.

7. To ensure that all applicants are encouraged to prepare for the above process, a non-returnable fee will be charged for each test taken.

### **Procedures and guidelines for tests**

8. The procedures and guidance to applicants concerning the test, fees and dates of test are available on the relevant council website.



## **APPENDIX G - GUIDELINES RELATING TO RELEVANCE OF PREVIOUS CONVICTIONS**

1. All applicants for a hackney carriage/private hire driver's licence must complete an enhanced Disclosure and Barring Service (DBS) check prior to the granting of a licence.
2. On completing the council's licence application form all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) and pending court cases or licensing hearings must be declared. Failure to disclose convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) which are subsequently notified by the Disclosure and Barring Service or any pending court cases or licensing hearings will be considered to be an act of dishonesty and may result in the application being refused or licence revoked. Applicants should note that any reference in this appendix to conviction also includes all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences).
3. All past all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) will be considered against Home Office guidelines. The Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment Act 2012 sets out the period after which all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) are regarded as 'spent' and which would not normally necessitate disclosure. In 2002 the Rehabilitation of Offenders Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for such licences are now required to disclose all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) including those that would previously have been regarded as spent under the Act. The council will use the Rehabilitation of Offenders Act 1974 as guidance but in every case the individual facts will be considered in accordance with the criteria set out in policies Policy Driver 18 and Policy Driver 19.
4. The overriding consideration is the safety of the public. The council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
5. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

6. Some discretion may be applied if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

## **The Rehabilitation of Offenders Act 1974**

7. Rehabilitation of Offenders Act 1974 guidelines as amended by the Legal Aid, Sentencing and Punishment Act 2012 will be used by the council, but for repeat offenders or offences that are not stipulated under the Rehabilitation of Offenders Act 1974 the following guidelines will be used to determine if an applicant is a fit and proper person to hold a licence.

### **Minor traffic offences**

8. Convictions for minor traffic offences should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence. However, the number, type and frequency of such offences will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least six months. An application will normally be refused where an applicant has nine or more penalty points on his/her DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last six months. An existing licence holder may be suspended where the person has nine or more penalty points on his/her DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last six months. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DSA Taxi and Private Hire Assessment in accordance with Policy Driver 4 before the licence is granted or the suspended licence reinstated. These offences are detailed on page 78.

### **Major traffic offences**

9. Isolated convictions, without disqualification, for a major traffic offence should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence but will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years would require the application or an existing licence holder to be referred to the panel for a decision. No further application would normally be considered until a period of three years free from convictions has elapsed. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DSA Taxi and Private Hire Assessment in accordance with Policy Driver 4 before the licence is granted or the suspended licence reinstated. These offences are detailed on pages 76 and 77.

## **Hybrid traffic offences**

10 Offences of this type will be treated as major traffic offences if the court awarded four or more penalty points or as minor traffic offences if the court awarded three or less penalty points and will then be dealt with in accordance with either paragraph 8 or 9 above as necessary. These offences are detailed on pages 78 and 79.

## **Use of handheld mobile telephones whilst driving**

11 Isolated convictions for use of a handheld mobile telephone or device should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence. However, the number, type and frequency of such offences will be taken into account and if there are more than two offences of this nature the applicant will normally be expected to show a period free of conviction of at least six months. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DSA Taxi and Private Hire Assessment in accordance with Policy Driver 4 before the licence is granted or the suspended licence reinstated.

## **Offences under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976**

12 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) when deciding whether an applicant or an existing licence holder is to be treated as a 'fit and proper person' to hold or continue to hold a licence.

13 An applicant may be refused a licence where he or she has been convicted of an offence under the Acts at any time during the six months preceding the application, or has more than one conviction within the two years preceding the date of the application. If an existing proprietor, operator or driver is convicted of an offence under the legislation it could lead to all relevant licences being revoked for a minimum of five years; those who committed two or more offences would not normally be considered for a minimum of ten years but in most cases would be refused a licence for life. For new applicants who have submitted applications but are suspected of breaching the above named Acts, their application will be kept on hold pending a full investigation by the licensing officer. Those drivers who have had a licence revoked by any other local authority will not normally be considered for a minimum of five years after that revocation.

14 If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel.

## **Driving under the influence of alcohol offences**

15 Convictions of driving or being in charge of a vehicle while under the influence of drink will be viewed seriously. An isolated spent conviction under the guidelines of The Rehabilitation of Offenders Act 1974 may not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence, but a warning will be given as to future behaviour. If an applicant has been convicted of drink driving whilst in charge of a licensed vehicle the applicant may be refused a licence until five years after restoration of the DVLA driving licence. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DSA Taxi and Private Hire Assessment in accordance with Policy Driver 4 before the licence is granted or the suspended licence reinstated.

16 An unspent conviction for this type of offence will result in the refusal of the application or the revocation of an existing licence. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel for decision.

## **Public disorder offences involving alcohol**

17. An isolated conviction for an alcohol related offence need not prevent an applicant from gaining a licence or an existing licence holder keeping their licence. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel for decision.

## **Drugs**

18. An applicant with a conviction for a drug related offence will be required to show a period of a least five years free of convictions before an application is granted. An existing licence holder who is convicted of a drug related offence will be referred to the panel who could order that all relevant licences are revoked. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance

with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel.

## **Indecency offences**

19. Applicants with convictions for soliciting will be refused a licence until five years free of such offences. An existing licence holder who is convicted of soliciting will be referred to the panel who could order that all relevant licences are revoked. Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until a minimum of ten years free of such offences has passed. An existing licence holder who is convicted of any of these offences will be referred to the panel who could order that all relevant licences are revoked. More than one conviction for this kind of offence will mean that no licence will be granted. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel.

20. Where an existing licence holder is found to be in breach of Condition 8 of the hackney carriage and private hire driver conditions set out at Appendix C to this policy the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel.

## **Violence**

21. As hackney carriage and private hire drivers maintain close contact with the public any existing licence holder with a conviction for any of the offences set out below will have his licence revoked. Any applicant for a licence will be refused where they have an unspent conviction for any of the offences below:

- murder
- manslaughter
- manslaughter or culpable homicide while driving
- arson
- malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- grievous bodily harm with intent (s.18 Offences Against the Person Act)
- grievous bodily harm (s.20 Offences Against the Person Act)
- robbery
- racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)

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

22. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel.

23. As hackney carriage and private hire drivers maintain close contact with the public any existing licence holder with a conviction for any of the offences set out below will have his licence revoked. Any applicant for a licence will be refused where they have an unspent conviction for any of the offences below:

- common assault
- common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- assaulting a police officer
- affray
- racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- riot
- obstruction
- possession of an offensive weapon
- possession of a firearm
- criminal damage
- violent disorder
- resisting arrest.

24. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel for decision.

## **Theft and fraud**

25. Drivers of hackney carriage and private hire vehicles are expected to be honest.

26. As hackney carriage and private hire drivers maintain close contact with the public any existing licence holder with a conviction for an offence of theft or fraud will have his licence revoked. Any applicant for a licence will be refused where they have an unspent conviction for any of the offences listed below:

- theft
- burglary
- fraud
- perjury
- benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- any other similar offence of dishonesty

27. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel for decision.

## **Driver's behaviour**

28. Any hackney carriage/private hire driver acting in a disorderly, abusive or violent manner towards any member of the public, other driver, police officer or any council official (including non South Oxfordshire or Vale of White Horse District Council officials) will in accordance with Condition 7 of Appendix C to this policy be deemed not to be a 'fit and proper person' to hold a licence and will be referred for consideration by the Head of Housing and Environment. If they conclude that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Housing and Environment may refer the report to the relevant panel.

## **Information**

29. The date of the court conviction is to be taken as the start date of the rehabilitation period, unless a sentence of imprisonment or corrective training exceeding 48 months was imposed, in which case the offence is never rehabilitated.

30. The following examples are for guidance only. Each application will be considered on its individual merits taking into account the person's previous history of behaviour to determine if they meet the 'fit and proper person' criteria, and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer. If the licensing officer considers that the applicant is not a 'fit and proper person' he will refer the matter to the Head of Housing and Environment with a recommendation.

31. A decision to refuse, revoke or suspend the licence can be appealed under the Public Health Act 1936 to the Magistrates' Court within 21 days of the date on which the council's decision was served.

### **Summary of rehabilitation periods applicable to certain sentences**

#### **(Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment Act 2012)**

<b>Sentence/disposal</b>	<b>Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).</b>	<b>Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).</b>
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 5 years) and up to and including 48 months (4 years)	7 Years	3.5 years
Custodial sentence of over 6 months and up to and including 30 months (2 5 years)	4 Years	2 years
Custodial sentence of 6 months or less	2 Years	18 months
Community order or youth rehabilitation order**	1 Year	6 months

\*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

\*\*In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.



The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction.

<b>Sentence/disposal</b>	<b>Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).</b>	<b>Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).</b>
Fine	1 Year	6 months
Conditional discharge,	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

## **Sex Offenders Register**

### **How long do offenders remain on the register?**

32. Those given a jail sentence of more than 30 months for sexual offending are placed on the register indefinitely. Those imprisoned for between six and 30 months remain on the register for 10 years, or five years if they are under 18. Those sentenced to six months or less are placed on the register for seven years, or three-and-a-half years if under 18. Those cautioned for a sexual offence are put on the register for two years, or one year if under 18.

### **Major traffic offences**

(Appendix G Paragraph 9 refers)

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours

AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA30 Attempting to drive while disqualified by order of court

CD10 Driving without due care and attention

CD20 Driving without reasonable consideration for other road users

CD30 Driving without due care and attention or without reasonable consideration for other road users  
CD40 Causing death through careless driving when unfit through drink  
CD50 Causing death by careless driving when unfit through drugs  
CD60 Causing death by careless driving with alcohol level above the limit  
CD70 Causing death by careless driving then failing to supply a specimen for analysis  
CD80 Causing death by careless or inconsiderate driving  
CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers

DD40 Dangerous driving  
DD60 Manslaughter or culpable homicide while driving a vehicle  
DD80 Causing death by dangerous driving  
DD90 Furious driving

DR10 Driving or attempting to drive with alcohol level above limit  
DR20 Driving or attempting to drive while unfit through drink  
DR30 Driving or attempting to drive then failing to supply a specimen for analysis  
DR40 In charge of a vehicle while alcohol level above limit  
DR50 In charge of a vehicle while unfit through drink  
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
DR70 Failing to provide specimen for breath test  
DR80 Driving or attempting to drive when unfit through drugs  
DR90 In charge of a vehicle when unfit through drugs

IN 10 Using a vehicle uninsured against third party risks

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

MS50 Motor racing on the highway  
MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

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

Offences as coded above, but with 0 changed to 2 (e.g. LC20 becomes LC22)

### **Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. LC20 becomes LC24)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. DD40 becomes DD46)

### **Minor traffic offences**

(Appendix G Paragraph 8 refers)

MS10 Leaving a vehicle in a dangerous position  
MS20 Unlawful pillion riding  
MS30 Play street Offences  
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test  
MS70 Driving with uncorrected defective eyesight  
MS80 Refusing to submit to an eyesight test  
MS90 Failure to give information as to identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations  
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle  
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals  
TS20 Failing to comply with double white lines  
TS30 Failing to comply with a 'Stop' sign  
TS40 Failing to comply with direction of a constable or traffic warden  
TS50 Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)  
TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign

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

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

#### **Causing or permitting**

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

#### **Inciting**

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

### **Hybrid traffic offences**

(Appendix G Paragraph 10 refers)

CU10 Using vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition  
CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers  
CU80 Breach of requirements as to control of the vehicle, mobile telephones etc.

SP10 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road  
SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway  
SP60 Undefined speed limit offence

**Aiding, abetting, counselling or procuring**

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

**Causing or permitting**

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

**Inciting**

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

33 This list is not exhaustive and codes may be changed or added during the duration of this policy. If an applicant or current licence holder has been disqualified or given points that are not listed here, they will still be taken into account.

## **APPENDIX H - ENFORCEMENT**

1 As part of both councils' aim to offer fair and transparent enforcement of their statutory functions, the councils operate a penalty points scheme.

2 Enforcement is viewed as part of the overall licensing control process exercised by the councils and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

3 Enforcement action will be taken to:

- ensure public safety
- support the policies of the councils
- respond to individual public and trade complaints
- support partnerships with other agencies like the Police and DVSA
- complement the council's corporate enforcement policy.

4 Authorised officers of the council are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- penalty points
- appearance before panel / delegated officer
- prosecution

5 Licence holders have a clear legal duty to offer assistance and information to any authorised officer and must not wilfully obstruct or give false information.

### **Penalty points scheme**

6 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.

7 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 credited to an individual licence/licensee in any 12 month period will result in a review of the licence at a panel;
- in the case of a private hire operator licence the total number of points credited in any licensing year is extended to 30 points;
- points against 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 the points being issued.

8 There is no financial penalty associated with this scheme and drivers or operators may continue to work if points are awarded.

9 A list of breaches covered by the scheme, together with the points that can be awarded for each breach is shown below.

<b>No</b>	<b>Breach</b>	<b>Points</b>
1	Hackney carriage or private hire vehicle not displaying licence plate	4
2	Hackney carriage vehicle not displaying prescribed roof sign	4
3	Failing to comply with any other vehicle licence conditions e.g. not carrying equipment, general condition of the vehicle etc.	4
4	Minor vehicle defects e.g. broken tail light, blowing exhaust, ineffective/broken windscreen wiper/wash	4
5	Failing to produce a driving licence or insurance certificate, which is valid on the day of request, within the prescribed time limit	6
6	Failing to notify the council of details of road traffic collision within the prescribed time limit	3
7	Private hire driver plying for hire	12
8	Failure to present vehicle for inspection when requested	3
9	Failure to wear driver licence badge	4
10	Making false statement or withholding information to obtain a licence	12
11	Charging more than the displayed fare	6
12	Charging more than the meter fare when HC used as a PH	6
13	Unnecessarily prolonging a journey	4
14	Obstruction of an authorised officer or constable or failure to comply with requirement of an authorised officer or constable	6
15	Carrying person other than the hirer without consent	6
16	Failure by PHV operator to keep records of bookings	10
17	Failure by operator to keep records of vehicles	10
18	Parking in contravention of public highway parking restrictions	4
19	Failing to notify change of address or change of medical circumstances within prescribed time limit	6
20	Licensed vehicle displaying unauthorised markings (inside/outside)	6
21	Failing to display hackney carriage fare card in vehicle	4
22	Leaving a hackney carriage unattended whilst on a designated rank.	4
23	Aggressive behaviour	4-12
24	Hackney carriage plying for hire outside the relevant council's area	6