

Minutes

of a meeting of the

General Licensing Committee



held at 2.30pm on Thursday 8 October 2009
at the Guildhall, Abingdon

Open to the Public, including the Press

Present:

Members: Councillor Richard Farrell (Chair), Bob Johnston, Julie Mayhew-Archer, Janet Morgan, Zoe Patrick, Peter Saunders, Robert Sharp and Elaine Ware

Officers: Steve Culliford, Melanie Hemmings, Jason Popham and Margaret Reed

Number of members of the public: Nil

GE.12 Notification of substitutes and apologies for absence

The attendance of substitute members who had been authorised to attend in accordance with the provisions of Standing Order 17(1) was recorded as referred to above, with apologies for absence having been received from Councillors Terry Fraser, Gareth Jennings, John Morgan, Alison Rooke, Val Shaw and Richard Webber.

GE.13 Minutes

The minutes of the meeting of the committee held on 10 July 2009 were adopted and signed as a correct record.

GE.14 Declarations of interest

None

GE.15 Urgent business and chair's announcements

None

GE.16 Statements, petitions and questions from the public relating to matters affecting the general licensing committee.

None

GE.17 Taxi Licensing policy

The committee received and considered report 56/09 of the Head of Legal and Democratic Services. The report gave feedback from the taxi and private hire trade on the proposed revision to the hackney carriage and private hire driver, vehicle and operator's policy. The trade's comments were set out in the report and the committee was asked to consider these before deciding whether the policy should be further amended before being recommendation to the council on 28 October.

The committee carefully considered each submission and made the following comments:

- Side loading of disabled passengers – the committee considered that the policy should be amended to allow for side-loading of disabled passengers only, instead of rear loading. However, where existing licenced vehicles allowed rear loading this was permissible so long as the licence did not lapse and was not transferred to another person.
- The committee considered removing the option to have magnetic licence plates and magnetic door stickers and noted comments from members of the trade that magnetic stickers might cause paint to fade on the vehicle. The committee noted that adhesive stickers would be no different and in the interests of safety and for the prevention of misuse, the committee accepted the recommendation from the officers to remove magnetic licence plates and stickers in the interests of safety and for the prevention of misuse.
- The committee considered identification stickers for private hire vehicles exempted from displaying the licence plate and again noted comments from members of the trade. One respondent commented that this policy should be made compulsory as all passengers should be aware that they were in a licensed vehicle. The committee accepted the proposal that discreet identification stickers must be displayed in exempted private hire vehicles.
- The committee considered the council's definition of a low emission vehicle. Previously a low emission vehicle was defined as one in a tax band of A or B. The committee approved the definition of a low emission vehicle as one with CO2 emissions of 120g/km or lower.
- The committee considered the policy of vehicles not needing to display signage while being used for weddings. The committee accepted the recommendation to remove this provision from the draft policy, reverting to the current position where both identification stickers and roof signs should be displayed throughout the period a vehicle was licensed, even when used for weddings.
- The committee examined the introduction of disability awareness training for hackney carriage and private drivers. A number of comments were received from members of the trade, namely that the policy should not be introduced for all drivers but just for those drivers who operated vehicles that had been adapted for disabled drivers. However the committee considered that all drivers should be trained. The committee approved the proposal for compulsory disability awareness training to be undertaken by drivers within the first six months of licensing for new applications (after the date of the introduction of the new policy) and for existing licensed drivers within the first six months of licence renewal.

- The committee considered the requirement for drivers to undergo medical examination every three years. One respondent suggested that five years was sufficient. The committee approved the proposal for medicals to be carried out every three years, in line with best practice guidance from the Department of Transport.
- The committee considered the requirement for proof of right to work and prevention of illegal working. The committee confirmed the proposal to require all applicants (new or renewing drivers and operators) to prove their right to work in the UK and for licences to only be issued for a period consistent with their right to work if their right to work was not permanent.
- No time scale had been included in the policy for the introduction of a prescribed fixing location for the door stickers. The officers suggested a phased approach. The committee agreed that door stickers should be affixed both horizontally and vertically central on the rear passenger doors of hackney carriages.
- The revised draft policy suggested that the vehicle registration document should be in the same name as the applicant. However the committee noted that some taxi operators leased their vehicles. The committee agreed to amend the wording to provide that door stickers should be affixed both horizontally and vertically central on the rear passenger doors of hackney carriages. The committee agreed that each new vehicle licensed should have stickers displayed in the new prescribed manner and that currently licensed vehicles should have stickers relocated if necessary if the licence lapses or was transferred to another person or new stickers were required.

RESOLVED

- (a) *that authority be delegated to the Head of Legal and Democratic Services to update the draft policy in the light of the comments made by the committee and prepare an amended version for recommendation to the council;*

R E C O M M E N D E D

- (b) *that the council adopts the hackney carriage and private hire driver, vehicle, and operator's policy (attached) with effect from 1 January 2010; and*
- (c) *that authority be delegated to the Head of Legal and Democratic Services to make any minor changes to the policy.*

Exempt information under Section 100A(4) of the Local Government Act 1972

None

The meeting rose at 3.00 pm



Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy

Draft policy

Review date: October 2012

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1. Executive summary

The main purpose of this document is to:

- Outline the Department for Transport Best Practice Guidance and the Department for Transport Best Practice Guidance Consultation document (published May 2009) and so far as possible make appropriate and necessary adjustments after consideration of the relevance of the guidance to the Council's area
- Reflect any changes and improvements found to be necessary since the introduction of a policy in 2007
- Implement new and amended legislation and guidance, including the requirement for applicants to prove their right to work in the UK and the introduction of Disability Awareness Training
- Define the eligibility for certain fee reductions offered
- Revise the specification of licensed vehicles and update vehicle licence conditions
- Consider the environmental impacts of licensed vehicles
- Revise application requirements and procedures deemed necessary since the introduction of the policy in 2007

2. Definitions and interpretation

2.1 Throughout this document:

- 'The Council' means the Vale of White Horse District Council
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire vehicle
- 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- 'Private Hire vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
- 'Private Hire Operator' means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake

- ‘The DfT’ means the Department for Transport, including previous names under which that Department has been known
- ‘The DfT Guidance’ means The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in November 2006
- The ‘DfT Consultation Guidance’ means the Department for Transport’s Best Practice Guidance Consultation document, published May 2009
- ‘Sub-Committee’ means a General Licensing Sub-Committee of the Council
- The word ‘Taxi’ has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire vehicles
- The term ‘DVLA driving licence’ means a full original GB driving licence
- ‘EEA’ means European Economic Area

2.2 This policy document contains information about legal requirements, government guidance, Council policy, procedures and standards. For ease of interpretation text which represents a legal requirement or Council policy is shown underlined.

3. Background

3.1 Role of hackney carriages and private hire vehicles

Hackney Carriage and Private Hire vehicles have a specific role to play in an integrated transport system. They are able to provide 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.

3.2 Aims and objectives of licensing

The aim of licensing of the Hackney Carriage and Private Hire vehicle trades 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 authority’s 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.

3.3 Licensing profile

The Council currently licenses approximately 251 vehicles; 133 Hackney Carriages and 118 Private Hire vehicles. There are approximately 302 drivers and 41 Operators licensed by the Council.

3.4 Review of policies and practices

3.4.1 The Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the district of the Vale of White Horse. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.

3.4.2 The Council's 'Hackney Carriage and Private Hire Licensing Policy' was first introduced in July 2007. A comprehensive review of the policies and procedures has taken place.

3.4.3 The DfT Guidance does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Where a section of the guidance provides advice that is relevant to a particular section of this policy document, this will be confirmed at the beginning of the relevant section. It will normally be followed by a statement of the Council's policy in respect of that specific issue shown by underlined text.

3.5 Best practice guidance and legislation

3.5.1 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.

3.5.2 This Best Practice Guidance is directed at local authorities in England and Wales who will "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". There is recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.

3.5.3 This document interprets the DfT's considered views about what constitutes "Best" or "Good Practice" in terms of Hackney Carriage and Private Hire licensing, together with local factors specific to this District.

3.5.4 This document also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

3.6 Costs and benefits of licensing policies

3.6.1 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. Licensing authorities are therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.

3.6.2 Licensing authorities 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.

3.6.3 The cost of administering the policy will be met from licensing fees. In making proposals for change, officers have had regard to the likely costs of implementation and have endeavoured to strike an appropriate balance between the financial interests of the trade, public safety and the delivery of other council policies.

4. Introduction to the policy

4.1 Powers and duties

This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which place on the Council the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. Local authorities have been given additional powers for immediate suspension of licences in the interests of public safety under the Road Safety Act 2006.

4.2 Objectives

In setting out its policy, the Council seeks to promote the following objectives through the licensing process:

- The protection of public health and safety;
- The establishment of a professional and respected Hackney Carriage and Private Hire trade;
- Access to an efficient and effective public transport service;
- The protection of the environment.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public which is in line with the Council's Vision: 'to build and safeguard a fair, open and compassionate community'.

4.3 Policy status

4.3.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document and the objectives set out above.

4.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

4.3.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. Where applications go outside the policy or are contentious, they are likely to involve determination by a Sub-Committee.

5. Hackney carriage and private hire vehicles

5.1 Limitation of numbers

5.1.1 No powers exist for licensing authorities to limit the number of Private Hire vehicles which 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 local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

5.1.2 Many local licensing authorities do not impose any quantity restrictions on Hackney Carriages and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles. The over-riding principles are the benefit to be achieved for them by the continuation of controls and how they might benefit if the controls were removed. Evidence should be sought as to whether removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of service provision.

5.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

5.1.4 If the local authority were to take the view that a quantity restriction can 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.

5.1.5 The Council does not intend to set a limit on the number of Hackney Carriages which it licenses, since no evidence has been provided of any difficulty arising from this stance. However, this will be re-examined during the review of this policy in three years' time.

5.2 Specifications and conditions

5.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can license as Hackney Carriages and Private Hire vehicles.

5.2.2 The DfT Guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

5.2.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that this implies. (There are at present only a small number of designs of purpose-built Hackney Carriage.) Councils are however encouraged to make use of the “type approval” rules within any specifications they determine (this is explained in more detail elsewhere in this policy).

5.2.4 The Council is empowered to impose such conditions as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

The Council has adopted minimum standards which it will apply in respect of all licensed vehicles. These are specified in Appendix A.

5.2.5 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 applicable to such vehicles. Purpose built vehicles are amongst those which the Council will license only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the two types of licensed vehicle.

5.2.6 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 ‘rung’ cars.

5.3 Accessibility

5.3.1 Of the 133 Hackney Carriages currently licensed, 19 (14.3%) are reported to be wheelchair accessible. The Council will respond to any mandatory requirement issued by the Government for the introduction of wheelchair accessible vehicles. In the meantime, the Council will continue to encourage the licensing of vehicles which are wheelchair accessible by giving a reduction in vehicle licence fees. The eligibility of such vehicles has now been defined as vehicles which have been given a ‘Group 2 European Community Whole Vehicle Type Approval’ Standard Certificate. A smaller percentage reduction will be given where a vehicle has not been issued with this certificate but has minor modifications to make the vehicle more accessible to people with disabilities. The licence fee reductions are subject to annual review and will be published together with other Council licensing fees.

5.3.2 When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers VOSA approved certification from either the manufacturers or installers will be required prior to licensing approval.

5.3.3 The Spinal Injuries Association and The National Taxi Association, supported by ROSPA (the Royal Society for The Prevention of Accidents) and a number of disabled persons’ groups, have written to all licensing authorities asking them to prohibit the use of Hackney Carriage vehicles which are adapted for disabled passengers, where the wheelchair is loaded from the rear rather than the side of the vehicle. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is therefore, exposed to risk from

traffic. This is seen as being particularly relevant for Hackney Carriages, which operate from side loading Hackney Carriage stands. The Spinal Injuries Association states the advantages of side loading are also that drivers may not be familiar with lowering a wheelchair down a kerb which could present dangers to the passenger and that being seated in the centre of the vehicle is likely to be safer than being seated at the rear. They also cite the need for the passenger to have an alternative exit in the case of an emergency. The Council will therefore require all new Hackney Carriage or Private Hire vehicle licence applications for vehicles that have been manufactured or adapted to carry passengers in their wheelchairs, to have side-loading facilities and rear-loading shall be prohibited. Vehicles with rear-loading only facilities licensed at the commencement of this policy shall continue to be permitted so long as there is no lapse in the licence and the licence is not transferred to another person.

5.4 Maximum age of vehicles

5.4.1 The DfT Guidance reminds licensing authorities that it is perfectly 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. It is nevertheless accepted that a greater frequency of testing is appropriate for older vehicles (see 5.5 below).

5.4.2 Local licensing authorities are however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives for example, by setting vehicle emissions standards or promoting cleaner fuels (see 5.8 below).

5.4.3 The Council does not intend to place an age restriction on licensed vehicles but will require a higher frequency of testing for older vehicles.

5.5 Vehicle testing

5.5.1 Licensing Authorities have a number of reasons for engaging nominated testing stations. These relate to their duties under the licensing legislation and the need to be able to ensure consistency, quality and an effective response to specific vehicle related issues which might arise. The nominated testing stations must operate within specific Licensing Authority approved requirements concerning testing procedures and health and safety at work arrangements.

5.5.2 For a number of years the Council has nominated a testing station to which all Hackney Carriages and Private Hire Vehicles must be taken when being tested in connection with licensing requirements. The nominated testing station is decided upon through a competitive tender process which takes place every three years. Since April 2009, this Council has had contracts with two nominated testing stations, having taken into account the DfT Guidance that best practice is to nominate more than one.

No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a Certificate of Compliance in respect of a satisfactory test and has been appropriately licensed by the Council.

5.5.3 Anyone who wishes to complain about or is in dispute with either nominated testing station may contact the Licensing Team who will investigate. Complaints about the part of the test that checks the Council's conditions will be dealt with by the Licensing Team with reference to an expert if necessary. Officers from the Licensing Team will immediately refer any complaint

about the mechanical / MOT part of the test to VOSA who have a procedure in place for such disputes.

5.5.4 In respect of MOT requirements, Hackney Carriages are subject to an MOT test when they have reached the age of one year from the date of first registration and Private Hire vehicles after the first three years. However, the Council requires all vehicles to be licensed as Hackney Carriages and Private Hire vehicles to undergo a Compliance Test before the issue of a licence, regardless of the age of the vehicle. In addition to this vehicles must be tested and licensed in accordance with 5.5.2 above.

5.5.5 The Council requires a greater frequency of testing for older vehicles: annual tests and Certificates of Compliance will be required for all vehicles up to three years old (after the date of first registration); vehicles between three and seven years old will be subject to a vehicle test every six months; any vehicle over seven years old will be subject to a vehicle test every four months. Vehicles will be licensed for one year. However any subsequent unsatisfactory vehicle test during that year will result in the licence being suspended or revoked.

5.6 Signage and Advertising

5.6.1 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.

5.6.2 It is possible to prohibit Private Hire vehicles from displaying any identification at all apart from the local authority licence plate or disc. Some clearer identification is however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver and secondly because it is quite reasonable (and in the interests of the travelling public) for a Private Hire vehicle operator to be able to state on the vehicle the contact details for hiring.

5.6.3 The DfT Guidance recommends as best practice, a licence condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local authority and which specifies that the vehicle can be 'pre-booked only'. This approach identifies the vehicle as Private Hire and helps to avoid confusion with a Hackney Carriage, but also gives useful information to the public wishing to make a booking.

5.6.4 Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only' as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a Hackney Carriage.

5.6.5 The DfT Guidance also recognises that there is a case for allowing any Hackney Carriage proprietors who wish to do so, to make it clear by advertising on their vehicle that they charge less than the maximum fare.

5.6.6 Within the Council's area, all Hackney Carriages and Private Hire vehicles are required to display a licence plate on the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. The plates shall not be magnetic as these have been reported to frequently fall off the vehicles when in motion, resulting in an unacceptable hazard to road users and

additional costs of replacement for the proprietor. In addition, many new vehicles emerging on the market are made of lighter non-magnetic materials, making magnetic plates un-workable. Thirdly as magnetic plates are quickly removed their use is open to abuse by both licensed and unlicensed drivers, the latter in particular causing a public safety risk. Magnetic licence plates on vehicles licensed at the commencement of this policy shall continue to be permitted so long as there is no lapse in the licence and the licence is not transferred to another person. If a new licence plate is required (due to loss or damage) the replacement plate issued will not be magnetic.

5.6.7 All Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI" and nothing else and these must be lit when plying for hire. Any other additional wording requested on the roof sign will require prior approval of the Council. In order to differentiate between the two types of licensed vehicle, Private Hire vehicles must not carry roof-mounted signs of any kind and they must have no signs using the words "Taxi", "Hackney", "Cab" or "For Hire".

5.6.8 To further distinguish between vehicles that can be hailed but also to make the identification of a Hackney Carriage easier for the public, all Hackney Carriages are required to display stickers on both the rear side door panels. These stickers are in a prescribed form and will only be issued by the Council to avoid opportunities for unscrupulous unlicensed drivers to acquire them. The stickers shall be centred both horizontally and vertically on the rear doors. The stickers shall not be magnetic as these have been reported to frequently fall off the vehicles when in motion, resulting in an unacceptable hazard to road users and additional costs of replacement for the proprietor. In addition, many new vehicles emerging on the market are made of lighter non-magnetic materials, making magnetic stickers un-workable. Thirdly as magnetic stickers are quickly removed their use is open to abuse by both licensed and unlicensed drivers, the latter in particular causing a public safety risk. Door stickers on vehicles licensed at the commencement of this policy, not displayed as required and magnetic stickers shall continue to be permitted so long as there is no lapse in the licence and the licence is not transferred to another person. If replacement stickers are required (due to loss or damage) the replacement stickers issued will not be magnetic and shall be displayed in the correct position.

5.6.9 Advertising the proprietor or operator's business will be permitted with prior permission of Licensing Officers, but this will be strictly controlled so that confusion between the two types of vehicle is kept to the minimum. Advertising by other, for example local, companies will be allowed subject to the prior approval of an Officer in the Licensing Team in order to ensure that it could not be considered inappropriate or offensive.

5.6.10 In view of the variety of signage allowed in other districts, a specification has been adopted for the colour, size, shape, and content of the signs which identify the vehicle as licensed. **The specification is contained within Appendix A.**

5.6.11 The Council considers that as there does not appear to be a problem in its area in members of the public hailing Private Hire vehicles and such vehicles do not attempt to ply for hire on ranks, both of which happen in other districts, it is not currently necessary to bring in a requirement that Private Hire vehicles display 'Pre-booking only' stickers. The Council considers that it is the choice of proprietors whether and how they let customers know they charge less than the Council's maximum fare tariffs.

5.6.12 Those Private Hire vehicles which have been granted an exemption from displaying their licence plate by the Council shall affix a prescribed sticker internally on the windscreen in place of or above the tax disc holder. The sticker contains a tax disc holder and vehicle / licence details shall be visible from the outside and the required 'No Smoking' sign and vehicle / licence details visible from the inside. Exempted vehicles shall also display a small sticker in the back window of the vehicle. This sticker displays the vehicle / licence details so that they are visible from the rear. The sticker 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 stickers 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. These stickers are in a prescribed form and will only be issued by the Council to avoid opportunities for unscrupulous unlicensed drivers to acquire them.

5.7 Security and Closed Circuit Television (CCTV)

5.7.1 The DfT recommends licensing authorities 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.

5.7.2 The Council will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgement of the owners and drivers themselves. The Hackney Carriage and Private Hire vehicle trades are however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

5.7.3. The DfT consultation guidance suggests local authorities might consider drawing up notices to set out not only what passengers can expect of drivers but vice versa. The Council considers that there would be difficulty enforcing the display of such notices as the majority of vehicles are ordinary vehicles, not London-style black cabs and therefore space is restricted and owners are not keen to stick notices to the vehicle. If the notices were not stuck down they could be easily removed. In the spirit of the suggestion, it has been decided to add a sentence to the Tariff Card which it is already mandatory to display in Hackney Carriages, whose drivers are most at risk of abusive behaviour. This will ask passengers to treat the driver with the same respect they expect to be treated with as passengers. Private Hire drivers may wish to draft their own notice.

5.8 Environmental considerations

5.8.1 The Government suggests that by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European-wide emission limits are having on improving air quality. In private cars these standards are introduced for new vehicles as follows:

- **Euro I technology** – became mandatory for vehicles first registered after 1992 (light goods vehicles 1994).
- **Euro II technology** – became mandatory for vehicles first registered after 1st October 1996 (light goods vehicles 1998).
- **Euro III technology** – became mandatory for vehicles first registered after 1st October 2001

(light goods vehicles 2002).

- **Euro IV technology** – became mandatory for vehicles first registered after 1st October 2006
- **Euro V technology** – became mandatory for vehicles first registered after 1st October 2009

5.8.2 Consideration needs to be given as to whether, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and in particular, whether it would be appropriate to shorten the period of time from the introduction of new standards to when full fleet compliance with those standards is achieved. Any introduction of emissions standards would, however, need to be phased, to ensure that operating profits are maintained. This would mean not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards.

5.8.3 Vehicles manufactured prior to 1994 did not have to meet emission limits (Euro1 technology) designed to improve air quality.

5.8.4 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

5.8.5 Hackney Carriage and Private Hire vehicles are an essential form of transport in the Council area. Many people depend on these services for trips that buses or cars do not or cannot 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 district. It is however, clearly important that emissions from Hackney Carriages and Private Hire vehicles are reduced as far as possible.

5.8.6 The Council already offers a reduction in fees for 'low emission vehicles' however this term was not defined. After research into fuel types and other measures such as emission reduction equipment, it was decided that the Council's definition of a 'low emission vehicle' would be a vehicle which falls in to the DVLA Vehicle Tax Bands 'A' or 'B' as these already take into account alternative fuel types. Both the Council's nominated garages can test vehicles which run on LPG. The Government has since published additional tax bands and therefore the Council's definition of a 'low emission vehicle' is one with CO2 emissions of 120 g/km or lower (which is the same level as in the previous definition of 'Tax bands A or B').

5.8.7 At present there are no local emission controls applicable in the Council's area. However, 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. The AQAP refers to the consideration of possible further measures to reduce emissions from Hackney Carriage and Private Hire vehicles. The Council 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 CO2 emissions of 120 g/km or lower but from April 2010 onwards will also offer a reduction in fees for vehicles first registered after the 1st October 2001, in order to ensure that vehicles meeting Euro Emission Standard 3 are

encouraged. In addition, licensed vehicles are required to switch off their engines whilst parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures. It is also of note that more frequent testing of older vehicles, on the grounds of safety, no doubt also encourages a younger, less polluting fleet.

5.8.8 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 Council would review its policy on emission standards for licensed vehicles accordingly, if necessary.

5.9 Stretched limousines and other modified vehicles

5.9.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream Private Hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all Private Hire work plus special occasions such as stag and hen parties, graduations and end of year 'Proms'.

5.9.2 Licensing authorities are sometimes asked to license stretched limousines or modified vehicles as Private Hire vehicles. The DfT Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the Private Hire trade, meeting a public demand.

5.9.3 Licensing authorities have however, generally considered there to be some problems preventing stretched limousines or other modified vehicles from being licensed including:

- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from the United States;
- many have been converted or modified after manufacture;
- seating space per passenger is 460mm and could give a greater capacity than eight persons;
- due to their origin many parts may not be available making adequate maintenance difficult.

5.9.4 Accordingly, many local authorities have been reluctant to license these vehicles because of possible risks to the public. Clearly, stretched limousines will normally fall within the Private Hire vehicle licensing regime for licensing and enforcement purposes.

5.9.5 Most limousines and other modified vehicles are imported for commercial purposes, although there are loopholes in the import procedures by which some vehicles may never be inspected prior to being used on roads in the UK.

5.9.6 The Local Government (Miscellaneous Provisions) Act 1976 defines a Private Hire vehicle as a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying passengers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a Private Hire vehicle;

- not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- in a suitable mechanical condition;
- safe;
- comfortable.

5.9.7 Stretched limousines or other modified 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 Act.

5.9.8 In accordance with the DfT Guidance, all applications to license stretched limousines or other modified vehicles as Private Hire vehicles will be treated on their merits. As these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the 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) Certificate.

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

5.10 Funeral vehicles

There is 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.

5.11 Wedding vehicles

5.11.1 A vehicle does not need to be licensed to be used in connection with a wedding.

5.11.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

5.11.3 If a licensed Hackney Carriage or Private Hire vehicle is used for a wedding the licence plate, roof sign and door stickers must still be displayed.

5.12 Livery

Some licensing authorities require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this Council's area. It is felt that that the visual distinction between Hackney Carriages and Private Hire vehicles can be achieved by the appropriate signage (see Appendix A). The Council does not require that licensed vehicles are finished in a special livery or appearance, notwithstanding the requirements set out in paragraph. 5.6.

5.13 Transfers

5.13.1 A proprietor of a licensed Hackney Carriage or Private Hire vehicle may transfer their interest in the vehicle to another person but under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, must ensure that the Council is notified of the new proprietor's name and address within 14 days. The Council requires that applications to transfer a licence must be made on the prescribed application form in accordance with the application procedure set out in Appendix C. In particular, there is a requirement for both parties to attend the Council's offices in person by prior arrangement.

N.B. 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 licence 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'.

5.13.2 The licence fee payable is subject to annual review and will be published together with other Council licensing fees.

5.14 Application procedure

5.14.1 The Council requires that applications for a Hackney Carriage or Private Hire vehicle licence must be made on the prescribed application form in accordance with the application procedure set out in Appendix B.

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

5.15 Consideration of applications

The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix H.

5.16 Grant and renewal of licences

5.16.1 The DfT Guidance makes no recommendations in respect of the duration of Hackney Carriage or Private Hire vehicle licences however legislation limits the maximum period of such licences to 12 months.

5.16.2 The Council will therefore 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 appropriate in the circumstances.

5.16.3 It is the proprietor or operator's responsibility to ensure that vehicle re-tests are carried out in sufficient time for a new Certificate of Compliance and other necessary documentation to be available for processing by Council staff in time for the issue of a licence.

5.16.4 Council officers will endeavour to send a reminder letter to the current vehicle proprietor, one month before their existing licence expires in order to assist applicants in their prompt submission of renewal applications. However, the Council is not obliged to do this and the responsibility for ensuring licences do not expire remains with the licence holder.

5.16.5 From the date of receipt of a satisfactory and complete vehicle licence application, a minimum of five working days is required before the appropriate licence can be issued. Failure to do this may result in the licence expiring and therefore in order to grant a new licence the vehicle shall comply with all the conditions in Appendix A which it may have previously been exempted from.

5.16.6 Licensing Team Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will 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 vehicle will be unlicensed during which time it will be illegal to use it for the carriage of passengers for hire or reward.

5.17 Change of details

The proprietor must notify the Council in writing of any change of his/her address or telephone number during the period of the licence, immediately after or preferably before the change takes place. Section 44 of the Town Police Clauses Act 1847 states that a Hackney Carriage Proprietor must give notice of a change in address, in writing within seven days.

6. Hackney carriage and private hire drivers

6.1 Parallel procedures

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 therefore apply equally to Private Hire and Hackney Carriage drivers.

6.2 Age and experience

6.2.1 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 inappropriate, advising that applicants should be assessed on their merits. The Council 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.

6.2.2 In relation to those persons over 65, reference should be made to 6.5 below.

6.3 Knowledge test

6.3.1 Hackney Carriage and Private Hire drivers clearly need a good working knowledge of the area for which they are licensed. Members of the public deserve to be 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 authorities require prospective drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry into the trade are not unnecessarily high).

6.3.2. The DfT's Consultation Guidance refers to drivers who wish to carry out school contracts being deterred from the role because of a local authority's requirement for them to sit a knowledge test. This Council will continue to require those who wish to carry out school contracts to undergo a knowledge test on the grounds that it is still important for them to have a knowledge of the area in case of road closures or accidents, for example and is also still important for them to have an awareness of the requirements of Highway Code, licensing legislation and the Council's Conditions. Drivers carrying out school runs are only required to be licensed as Private Hire drivers and as such will be allowed the use of maps and satellite navigation aids (on 'mute') during the test. There would also be difficulties in enforcing that any driver issued a licence in order to carry out a school contract did purely that and tracking the employment of a driver to ensure this would be unduly onerous on Council officers.

6.3.3 In order to maintain the high standards that the Council expects of drivers, a licence to drive a Hackney Carriage or Private Hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person, one of the criteria for which includes a knowledge of the area in which they wish to operate, safety matters, basic maths and basic taxi / private hire licensing law. The test shall be completed within one hour.

6.3.4 Appendix E shows what the test comprises. There is a fee for the knowledge test and this is published separately with the rest of the Council's fees.

6.3.5 Possibly due to the change in the make-up of the local population and the current economic climate, there has been an increase in the number of applicants, specifically those whose first language is not English. It is considered that sitting the test is a good enough test of English language proficiency and therefore no additional language test is considered to be necessary at this time. It is only necessary for drivers to comprehend and communicate in oral English (apart from the reading of road signs / instructions which will have been tested during the DVLA's driving test) and therefore the Council will offer applicants struggling to comprehend written English or write the answers in English, along with those who may have other difficulties, such as dyslexia, the opportunity to sit a verbal test. **If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English they may be required to take language instruction as a pre-requisite to re-sitting these tests.**

Test failure and re-sits

6.3.6 Marking of the tests is carried out by two people and a third decides if anything is unclear. Applicants are given their result by telephone as soon as possible and always within one week. The pass mark is 70%. If they have passed the test, their application can proceed to the next stage. If they have failed the test they are given detailed feedback and a re-sit is booked for as soon as the applicant feels comfortable and there is space available.

6.3.7 An applicant may sit the initial test and a maximum of three re-sits (the combined total of verbal or written tests to be four). From the Licensing Team's experience, most applicants pass the test at the first re-sit but for those who do not they often need a total of four tests. A total of five tests has been offered in the past but this is considered too time consuming for both parties and it is recognised that some limit must exist as question papers are not exhaustive and would become a less valuable tool as time passed and applicants would become more likely to pass solely on guessing what the questions and answers might be.

6.3.8 If an applicant fails all four tests, it is their choice whether to withdraw their application and reapply when they feel they have had more time to revise and get to know the area. Their subsequent application would be treated as a new application. If the applicant chooses not to withdraw, Licensing Team Officers would have no choice but to refuse the application on the ground that the applicant is not fit and proper to hold a licence. The applicant would have a right of appeal to Magistrates' Court

6.3.9 There is a fee for the re-sit of a test and this is published separately together with the other Council licensing fees.

6.4 Driving proficiency, qualifications and giving assistance

6.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for Hackney Carriage and Private Hire drivers. Whilst most licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require the DSA or some further driving test to be taken. Authorities considering this route are asked to be mindful as to whether or not this produces benefits which are commensurate with the costs involved for would-be drivers, in terms of both money and broader obstacles to entry to the trade.

6.4.2 It is believed that the standard car-driving test provides sufficient evidence of driving competency for the drivers of Hackney Carriage and Private Hire vehicles in the Council's area. It is considered that introducing a requirement that drivers pass the specific DSA test or indeed any other competency qualification would not produce benefits which are commensurate with the costs involved.

6.4.3. Similarly 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 Council encourages such training, the NVQs for which are currently free but once no longer voluntary, will incur a cost to the applicant. No timescale has been given as to when such qualifications may become mandatory.

6.4.4. The Council considers that given 13% of the Vale's population are registered disabled, 15% are over 65 years of age (although it is recognised there may be some overlap in these figures) and the proportion of those over the age of 65 is projected to rise by 47% by 2026, there is a more urgent case for training drivers in assisting those requiring assistance. There are training companies with packages which can be specifically designed to suit the needs of local groups. The Council require each new applicant for a Hackney Carriage or Private Hire driver's licence to undergo such training within their first six months of licensing and those already licensed to be trained within the first six months of licence renewal. The cost of the training shall be met by the applicant / licence holder or their employer.

Successful delegates are given a certificate to show that they are aware of the needs of people with disabilities. This will hopefully promote the scheme and will provide easy identification of those who have been trained to those requiring assistance or their carers.

It is hoped that the training sessions will give rise to greater respect for not only those requiring assistance but other fellow members of the trade through pair or team work and problem-solving. Business opportunities and contacts may also result for those new to the trade.

If an applicant can show they have passed adequate similar training by some other means, they will be exempted from the training arranged by the Council.

6.4.5 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a Hackney Carriage or Private Hire vehicle driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a Hackney Carriage / Private Hire vehicle driver's licence. This requirement has subsequently been amended by the Driving Licences (Community Driving Licence) Regulations 1996 to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of a Hackney Carriage / Private Hire vehicle driver's licence. The DfT takes the view that

drivers from Accession States are eligible to acquire a Hackney Carriage / Private Hire driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an Accession State. In addition, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 gave equal recognition to Northern Ireland driving licences.

6.4.6 It is possible to convert any existing driving licence to a UK driving licence, either by straight transfer or by undertaking an appropriate driving test.

6.4.7 Upon application, this Council requires ALL applicants to convert their existing driving licence to a UK DVLA drivers licence. 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 UK 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 post conversion.

6.4.8 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. This brings to light any driving offences committed that may not appear on the licence submitted. The DVLA charges a small fee for the postal service which is passed on to the applicant.

6.5 Medical examination

6.5.1 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and thereafter for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying the C1 standards to Hackney Carriage and Private Hire drivers with insulin treated diabetes is considered to be best practice.

6.5.2 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.

6.5.3 A request form for a medical examination, which may be presented to the applicant's GP, is obtainable from the Licensing Team. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report will be submitted to the Licensing Team. The applicant may on request, have a copy of the report.

6.5.4 The DfT's Guidance suggests Hackney Carriage and Private Hire drivers undergo the Group 2 standard of medical every three years. The Council supports this, given the importance of a driver's good physical and mental health in protecting the public. Licence holders will be required to be re-examined every three years. More frequent checks will also be required if, in the opinion of the medical practitioner, it is necessary. Drivers aged 65 and over must be examined annually. Drivers or applicants with insulin dependant 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'.

6.5.5 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current Group 2 standard medical examination not more than one month old, will not be required to undergo a further medical examination before a licence is granted or renewed.

6.5.6 Licence holders must advise the Council promptly of any deterioration in their health that may affect their driving capabilities.

6.5.7 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council.

6.5.8 Where there remains any doubt about the fitness of any applicant, a Sub-Committee will make a decision in light of the medical evidence available.

6.6 Criminal record checks

6.6.1 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 Criminal Records Bureau (CRB), as these disclosures include details of spent convictions and police cautions. The Council will require an Enhanced Criminal Records Bureau disclosure before a licence is granted and then every three years, even if a licence is renewed annually.

6.6.2 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as “spent” and which would not normally necessitate 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 those benefits of the 1974 Act. Applicants for licences are therefore, now required to disclose all convictions, including those that would previously have been regarded as spent under the 1974 Act.

6.6.3 Before an application for a driver’s licence will be considered, the applicant must provide a current (less than one month old) Enhanced CRB Disclosure of criminal convictions obtained by this Council AND for those who have ever lived overseas, an authenticated Certificate of Good Conduct from the relevant embassy/ies. Currently the CRB 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 ever (see 6.6.4 below) lived in countries other than these, a Certificate Of Good Conduct will be required. If an applicant submits a Certificate Of Good Conduct in a language other than English, the Council will 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.

6.6.4 There is no suggested age or period of time that a Certificate Of Good Conduct should cover and therefore a sensible approach has been taken given its purpose of being similar to the CRB check in determining if applicants are fit and proper to hold a licence. In the UK the criminal age of responsibility is ten. Although there are suggestions that this should be raised to 14, this is not because it is no longer thought that children aged ten do not know right from wrong, it is because there are calls for earlier interventions such as Restorative Conferencing rather than the only choice for serious offences being imprisonment. 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 Council will require a Certificate Of Good Conduct

to cover an applicant from the age of ten as necessary, thereby staying in line with what is checked for the remainder of applicants who are checked through the CRB. The relevance of convictions at young ages will be taken into account as outlined below in paragraph 6.7.

6.6.5 The Council is an approved Criminal Records Bureau body. Therefore applicants can deal with the CRB through the Council.

6.6.6 The Council may request another disclosure at any time if a further check is considered necessary.

6.6.7 As a further safeguard a regime of random Enhanced CRB checks on drivers will be carried out.

6.6.8 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties except to other agencies (never individuals) as part of its obligation to prevent crime and disorder and for reasons of public safety. The applicant for an Enhanced CRB disclosure will be sent a separate disclosure report to their home address, while the Council will also receive a copy of the report. Once a decision to grant a licence has been made, CRB Disclosure information is destroyed. In circumstances when the contents of the CRB Disclosure cause Licensing Team Officers or the Council to consider if the applicant or licence holder is a 'fit and proper' person to hold a licence, the Disclosure will be kept for no longer than is necessary. This is generally no longer than a period of up to six months. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the CRB will be consulted about this and full consideration will be given to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. Once the retention period has elapsed, the Disclosure information shall be immediately destroyed by secure means, i.e. by shredding, pulping or burning.

6.6.9 Licensed drivers are obliged to report all new warnings, reprimands, ABSOs, cautions, Community Service Orders, Restraining Orders and Fixed Penalties to the Council within 21 days.

6.7 Relevance of convictions and cautions

6.7.1 The DfT Guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence and especially sexual attack. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. Such a policy should encompass applicants from elsewhere in the EU and other overseas countries through, for example, by requiring a Certificate of Good Conduct authenticated by the relevant embassy.

6.7.2 In relation to the consideration of convictions, in assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. It will take account of warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application, a Licensing Team Officer will

assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence. Full details are given at **Appendix F**.

6.7.3 In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.

6.7.4 In relation to previous offences, the Council will have regard to the following:

- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty;
- The age of the applicant when the offence was committed.

6.7.5 Guidance in relation to specific offences is given in Appendix F. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

6.7.6 In particular, applications will be referred to a Sub-Committee where the applicant'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 have been acquired on their DVLA Driving Licence.

6.7.7 Where applicants have ever lived in another country a CRB Enhanced check will still be required, although this will be of limited value. Therefore in addition, the applicant must produce a Certificate of Good Conduct issued and authenticated by the appropriate embassy.

6.8 Proof of right to work in the U.K.

6.8.1 In April 2009, the Home Office produced the 2nd edition of 'Summary Guidance For Employers' – The UK Border Agency's 'Prevention Of Illegal Working' document, after changes in the legislation on 29th February 2008 whereby employers have since been liable to a civil penalty of up to £10,000 per illegal worker if they have not established 'an excuse'.

6.8.2 Whilst not being the employer of Hackney Carriage or Private Hire drivers, the DfT considers it appropriate for licensing authorities to check on an applicant's right to work before granting a Hackney Carriage or Private Hire driver's licence. The Council agrees that this is not only good practice but helps protect the income of those currently licensed who do have the right to work. The Council will refer to the UK Border Agency's Guidance 'Prevention Of Illegal Working' 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. All applicants will 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.

6.8.3 All current licensed drivers will be asked to prove their right to work on renewal of their licence and 6.8.2 applies.

6.8.4 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. Any applicant who has applied for a three year licence will therefore be given a refund of the difference between the one and three year licence fee.

6.8.5 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, revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment for which they are not entitled.

6.8.6 If after referring to the UK Border Agency's Guidance, Licensing Team 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.

6.9 Behaviour and conduct of drivers

6.9.1 Adopting a Code of Good Conduct for Hackney Carriage and Private Hire drivers serves to promote the Council's licensing objectives set out in paragraph 3.2 above.

6.9.2 The Council considers 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 standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at Appendix G. The Code should be read in conjunction with the other statutory and policy requirements set out in this document.

6.9.3 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 Council Officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by Council Officers or if necessary, by a Sub-Committee. Repeated breaches following such advice or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

6.10 Application procedure

6.10.1 The Council requires that applications for a Hackney Carriage or Private Hire driver's licence must be made on the prescribed application form in accordance with the application procedure set out in Appendix D.

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

6.11 Consideration of applications

6.11.1 The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix H.

6.12 Grant and renewal of licences

6.12.1 The DfT Guidance recognises that it is important, for safety reasons, that drivers should be licensed but advises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and licensing authorities alike. Three years is in general advocated as the best approach.

6.12.2 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 from the date of such licence or for such lesser period as may be determined

6.12.3 It is however recognised that some drivers may prefer an annual licence because they have plans to move to a different job or to a different area, or because they cannot easily pay the fee for a three-year licence. The Council will therefore continue to offer drivers the choice of an annual or three-year licence. The application procedure is set out in Appendix D.

6.12.4 Applicants for renewal of a Hackney Carriage or Private Hire driver's licence are required to provide a current (less than one month old) Enhanced Criminal Record Bureau Disclosure obtained by this Council every three years. Applicants who are aged 65 or over must provide evidence of their medical fitness to hold a licence upon renewal each year by submitting a DVLA Group 2 Standard medical carried out by a G.P. at the surgery they are registered at.

6.12.5 To allow sufficient time for the CRB application to be processed, applicants should ensure that the Licensing Team receives their complete CRB application **at least eight weeks before** the current CRB Disclosure expiry date.

6.12.6 Council officers will endeavour to send a reminder letter to drivers ten weeks before their existing CRB Disclosure expires and six weeks before their existing licence expires if a CRB is not required in order to assist applicants in their prompt submission of renewal applications. However, the Council is not obliged to do this and the responsibility of ensuring licences and CRB Disclosures do not expire remains with the licence holder.

6.12.7 From the date of receipt of a satisfactory and complete driver licence application, a minimum of ten working days is required before the appropriate licence can be issued. Failure to apply in time may result in the licence expiring and therefore a new licence must be applied for and all criteria for the grant of a new licence met.

6.12.8 Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will 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.

6.13 Change of details

The driver must notify the Council in writing of any change of his/her address or telephone number during the period of the licence, immediately after or preferably before the change takes place.

7. Private hire operators

7.1 Requirements and obligations

7.1.1 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 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, vehicles and drivers arranged through them. Again 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.

7.1.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire Operator who holds an Operator's Licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle. A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire Driver's Licence.

7.1.3. It is a legal requirement that all three licences (driver, vehicle and operator) are with the same authority.

7.2 Criminal record checks

7.2.1 Private Hire Operators (as opposed to Private Hire Vehicle drivers) are not exempted in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. However as a minimum standard, a Basic Disclosure from the Criminal Records Bureau, AND an authenticated Certificate of Good Conduct from the relevant embassy for applicants who have ever lived overseas is required (see below). The Council will require a Basic Criminal Records Bureau Disclosure and Certificate of Good Conduct if required before a licence is granted and then every three years, even if a licence is renewed annually.

7.2.2 Before an application for an Operator's licence will be considered, the applicant must provide a current (less one month old) Basic CRB Disclosure of criminal convictions obtained by this Council AND for those who have ever lived overseas, an authenticated Certificate of Good Conduct from the relevant embassy/ies. Currently the CRB 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 ever (see 7.2.3 below) lived in countries other than these, a Certificate Of Good Conduct will be required. If an applicant submits a Certificate Of Good Conduct in a language other than English, the Council will 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.

7.2.3 There is no suggested age or period of time that a Certificate Of Good Conduct should cover and therefore a sensible approach has been taken given its purpose of being similar to the CRB check in determining if applicants are fit and proper to hold a licence. In the UK the criminal age of responsibility is ten. Although there are suggestions that this should be raised to 14, this is not because it is no longer thought that children aged ten do not know right from wrong, it is

because there are calls for earlier interventions such as Restorative Conferencing rather than the only choice for serious offences being imprisonment. 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 Council will require a Certificate Of Good Conduct to cover an applicant from the age of ten as necessary, thereby staying in line with what is checked for the remainder of applicants who are checked through the CRB. The relevance of convictions at young ages will be taken into account as outlined previously in paragraph 6.7.

7.2.4 The Council is an approved Criminal Records Bureau body. Therefore applicants can deal with the CRB through the Council.

7.2.5 The Council may request another disclosure at any time if a further check is considered necessary.

7.2.6 As a further safeguard a regime of random Basic CRB checks on operators will be carried out.

7.2.7 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties except to other agencies (never individuals) as part of its obligation to prevent crime and disorder and for reasons of public safety. The applicant for a CRB Disclosure will be sent a separate Disclosure report to their home address, while the Council will also receive a copy of the report. Once a decision to grant a licence has been made, CRB Disclosure information is destroyed. In circumstances when the contents of the CRB Disclosure cause Licensing Team Officers or the Council to consider if the applicant or licence holder is a 'fit and proper' person to hold a licence, the Disclosure will be kept for no longer than is necessary. This is generally no longer than a period of up to six months. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the CRB will be consulted about this and full consideration will be given to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. Once the retention period has elapsed, the Disclosure information shall be immediately destroyed by secure means, i.e. by shredding, pulping or burning.

7.2.8 Licensed operators are obliged to report all new all new warnings, reprimands, ABSOs, cautions, Community Service Orders, Restraining Orders and Fixed Penalties to the Council within 21 days.

7.3 Proof of right to work in the U.K.

7.3.1 In April 2009, the Home Office produced the 2nd edition of 'Summary Guidance For Employers' – The UK Border Agency's 'Prevention Of Illegal Working' document, after changes in the legislation on 29th February 2008 whereby employers have since been liable to a civil penalty of up to £10,000 per illegal worker if they have not established 'an excuse'.

7.3.2 Whilst not being the employer of Private Hire Operators, the DfT considers it appropriate for licensing authorities to check on an applicant's right to work before granting an Operator's Licence. The Council agrees that this is not only good practice but helps protect the income of those currently licensed who do have the right to work. The Council will refer to the UK Border Agency's Guidance 'Prevention Of Illegal Working' 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. All applicants will 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. All current licensed operators will be asked to prove their right to work on renewal of their licence and the same applies.

7.3.3 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. 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, revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment for which they are not entitled.

7.3.4 If after referring to the UK Border Agency's Guidance, Council 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.

7.4 Conditions

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

7.5 Record keeping

7.5.1 Requiring operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of the booking is accepted as good practice. This would for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner. In addition to keeping records of these details, the Council also require the pick-up point and date and time of booking to be recorded.

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

7.6 Insurance

The Council requires that an applicant must provide evidence that appropriate public liability insurance 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.

7.7 Address from which an operator may operate

7.7.1 Upon grant of an Operator's Licence, the Authority will specify the address from which the operator may operate. This will be the premises where the records referred to in paragraph 7.5.1 above are kept and at which they may be inspected by Council Officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

7.7.2 It will be the responsibility of the Operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. The grant of a Private Hire Operators' Licence will not imply that such consent is necessary or likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.

7.8 Bases outside the Vale of White Horse District Council area

The Council will not grant an operator's licence for an operator with an operating base that is outside the Council's area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

7.9 Sub-contracting

A Private Hire Operator may sub-contract a booking to another licensed operator and a record of who the booking was sub-contracted to and when must be made in accordance with 7.5 above.

7.10 Application procedure

7.10.1 The Council requires that applications for Operator's Licences must be made on the prescribed application form in accordance with the application procedure set out in Appendix D.

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

7.11 Consideration of applications

The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix H.

7.12 Grant and renewal of licences

7.12.1 The DfT considers that annual licence renewal is not necessary or appropriate for Private Hire Operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). They recommend as good practice that an operator's licence period of five years would be reasonable.

7.12.2 However, it is considered that five years is a long time in the context of the life of a business of this type. Therefore, Private Hire Operators Licences will be granted for a three-year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.

7.12.3 Council Officers will endeavour 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. However, the Council is not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder.

7.12.4 Applicants for renewal of a Private Hire Operators licence are required to provide a current (less than one month old) Basic Criminal Record Bureau Disclosure obtained by this Council every three years. Council Officers will endeavour to send a reminder letter for a CBR Disclosure ten weeks before expiry of the current certificate. To allow sufficient time for the CRB application to be processed, applicants should ensure that the Licensing Team receives their complete CRB application **at least eight weeks before** the current CRB Disclosure expiry date.

7.12.5 From the date of receipt of a satisfactory and complete Private Hire operator licence application, a minimum of five working days is required before the appropriate licence can be issued. Failure to apply in time may result in the licence expiring and therefore a new licence must be applied for and all criteria for the grant of a new licence met.

7.12.6 Council Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will 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.

7.13 Change of details

The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) or change of telephone number during the period of the licence, immediately after or preferably before the change takes place.

APPENDIX A

Hackney carriage and private hire vehicles – specification and conditions

The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the Council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by Licensing Team 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 Licensing Sub-Committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

The vehicle shall be of manufacturers' original specification and shall be constructed and designed:-

- for the carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- with the seat provided for each passenger having a minimum width of 16 inches measured across its narrowest part.
- not to be left-hand drive.
- with four road wheels.
- with an engine having a capacity of at least 1400 cc. including vehicles badged by the manufacturer as "1.4" models
- with in addition to the driver's door, three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
- with access and egress to all passenger seats which will not require the laying flat, folding, removal or repositioning of any seat or equipment in order that passengers may access their seat easily and escape without delay in case of emergency (*permanent* removal of a seat/s in a large capacity vehicle may in fact be necessary to ensure this *prior to the licence being issued*). N.B. Licences issued before 1st January 2009 are exempt from this condition provided that there is no lapse in the licence and the licence is not transferred to another person.

- with an appropriate luggage space to hold a reasonable amount of luggage for the total capacity of the vehicle. Such space shall be physically separated so that luggage will not enter, or be accessible from, the passenger compartment of the vehicle. In the case of hatch and estate type vehicles, such separation may be by way of manufacturers' approved guards, nets or other devices.
- with an M1 Whole Vehicle Type Approval. In the case of vehicles which have been manufactured, amended or converted from other vehicles by Low Volume producers, the appropriate alternative VCA Low Volume Approval Certification will be accepted for the specific vehicle concerned. Any non-standard or imported vehicle may need to have specific and differing certification and/or inspection details e.g. an Advanced Voluntary Single Vehicle Approval examination carried out by VOSA. The Council reserves the right to consult with the Police and other agencies to determine the safety and suitability of individual vehicles as and when necessary.

Maintenance, appearance and condition of the vehicle

The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:-

- be safe.
- be tidy.
- be clean.
- 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 foregoing Motor Vehicle (Construction and Use) Regulations which currently apply.

The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council, the minimum standards being:-

Exterior appearance

All paintwork to be professionally finished and displayed in accordance with the manufacturers' specifications. Bare metal, primer paint, visible rust and perforations will not be permitted.

All bodywork to be free from dents and damage.

No decals, logos, advertisements or decorations may be displayed, except as approved in advance by Licensing Team Officers.

All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.

Mirrored windows are prohibited for all new vehicle applications and existing licensed vehicles that do not already have mirrored windows. Any vehicle with mirrored windows that was licensed before 1st January 2009 is exempt from this condition so long as the vehicle remains licensed and with the same proprietor (i.e. if the licence expires it will not be able to be licensed again).

Tinted windows will only be permitted if passengers' facial expressions can be clearly seen from the outside of the vehicle. Any vehicle with tinted windows that was licensed before 1st January 2009 is exempt from this condition so long as the vehicle remains licensed and with the same proprietor (i.e. if the licence expires it will not be able to be licensed again).

Interior appearance

Carpets, upholstery and cloth trim to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.

All plastic fascia, door linings, roof linings and trim to be kept free from marks, stains and damage.

All door locks, levers and window winders to be operating efficiently.

All interior lights and fascia illumination to be maintained in good condition.

All windows to be kept free of dirt, grime and marks.

Vehicles manufactured with rear-facing seats or with reversible seats will be licensed on condition that they have a working seatbelt. The use of seats in side-facing positions is not permitted.

No seat may be removed (except in the case of MPV type vehicles where this is to satisfy the access/egress condition on page 33) and all seating must remain in an upright position whilst the vehicle is plying, or available for hire.

General

No vehicle will be accepted for licensing as a Private Hire vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a Hackney Carriage. For this reason, vehicles which are recognisable as purpose built "London Style" cabs or similar vehicles should be avoided by any operator intending to provide Private Hire services.

In all other respects, the vehicle and its fittings must be kept in a clean, unaltered and undamaged condition.

Roof signs, identification plates and stickers

Hackney Carriages shall be fitted with an approved roof sign which:-

- Bears the word “TAXI” to the front (and nothing else)
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, shall be positioned in the centre of the roof

Private Hire vehicles will not be permitted to display any type of roof sign.

The licence plate and stickers bearing the licence number, supplied on the licensing of the vehicle shall remain the property of the Council at all times.

The **licence plate shall at all times be securely affixed to the rear exterior of the vehicle**, preferably above the bumper or fixed to the registration plate using a fixing plate for this purpose (so as not to obscure either plate) and shall be **clearly visible at all times**.

Door stickers shall be affixed to Hackney Carriage vehicles in a position at the centre, both vertically and horizontally, of both rear doors and shall be maintained and kept in such condition that the information printed on them is clearly visible to the public at all times. Only the stickers approved and supplied by the Council may be used, these must be applied to the vehicle by Council staff and no other method of fixing will be permitted (e.g. magnetic). Door stickers on vehicles licensed at the commencement of this policy, not displayed as required shall continue to be permitted so long as there is no lapse in the licence and the licence is not transferred to another person. No other signs of whatever nature shall be displayed without the prior consent of the Council, except those which are required by other legislation.

Equipment and fittings

Taximeters

The proprietor of a Hackney Carriage shall ensure the vehicle is fitted with a taximeter approved by the Council and that meter 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, however the maximum tariffs must still be displayed) and shall be sealed by one of the Council’s nominated 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 brought into operation.

The taximeter shall:

- (i) be of the clock calendar type and change according to the wording of the Councils current maximum fare tariff or a lower tariff;
- (ii) not be altered or tampered with except with the approval of the Council and must be retested by one of the Council’s nominated testing stations if it is altered;
- (iii) 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;
- (iv) 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.

A Private Hire Vehicle may also be fitted with a taximeter approved by one of the Council's nominated testing stations, at the discretion of the proprietor. Such device shall:-

- (i) be of the clock calendar type and change according to the wording of the proprietor's current fare tariff
- (ii) not be altered or tampered with except with the approval of the Council and must be retested by one of the Council's nominated testing stations if it is altered;
- (iii) 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;
- (iv) 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.

Fare tables

A Hackney Carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is not concealed from view or rendered illegible when the vehicle is for hire.

If a taximeter is fitted within a Private Hire Vehicle, details of the tariff of fares to which it is calibrated shall be clearly on display within the vehicle.

No-smoking signs

A 'No Smoking' sign must be displayed in each compartment of the vehicle in which people can be carried. This must show the international no-smoking symbol at least 70mm in diameter.

Signs can be downloaded and printed from: smokefreeengland.co.uk/resources or ordered by telephone on 0800 169 1697.

Two Way Radios

The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

Mobile Telephones

Mobile telephones may only be used with a hands-free kit.

Fire Extinguisher

Each vehicle shall contain an in-date fire extinguisher, maintained at all times when the vehicle is licensed. A suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423) shall be securely fixed to 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.

First Aid Kit

The Council requires that a first aid kit is carried in a licensed vehicle.

A suggested list of contents and other helpful advice can be found in the Health and Safety Executive's guidance (see paragraphs 33-40 of the document at www.hse.gov.uk/firstaid/review/firstaidl74.pdf). Expired items must be removed from the kit and replaced. No first aid kits carried in a vehicle licensed by this Council shall contain medication.

The Council does not advocate drivers carrying out first aid which they are not trained to do except in an emergency.

APPENDIX B

Hackney carriage and private hire vehicle licensing procedures and requirements

Applications for a new or renewal of a vehicle licence

The applicant will be required to complete in full, the necessary **Application Form** as follows:-

New Application for Hackney Carriage/Private Hire Vehicle Licence
Renewal Application for Hackney Carriage/Private Hire Vehicle Licence

which must be submitted and accompanied by the following.-

- Evidence that the vehicle is appropriately insured for third party risks to cover 'Public Hire or 'Private Hire'. This will be by way of **original Cover Note or Certificate of Insurance**. Note: Faxes, photocopies and emails will not be accepted.
- The **Vehicle Registration Document** issued by the DVLA in the name of the applicant (or a 'New Keeper Supplement' part of the registration document if the applicant is awaiting the full document from the DVLA). The Registration Document may be in the name of a leasing company so long as a letter from them is submitted with the application, confirming that they give approval for the vehicle to be licensed.
- The current **Certificate Of Compliance** issued by one of the Council's nominated testing stations
- The current **fee**

The following may be required:

- An 'ECWVTA' (European Community Whole Vehicle Type Approval) for vehicles intended to carry passengers in their wheelchairs and applicants requesting to claim the 50% reduction in fee
- VOSA approved certification from either the manufacturers or installers or both for vehicles which have been modified. For vehicles which have been modified to include equipment to make them more accessible to those with disabilities (but that have not been issued with the

above ECWVTA), this / these documents are required for applicants requesting to claim a reduction in fee

- An 'SVA' (Single Vehicle Approval) for stretched limousines
- European Whole Vehicle Type Approval or 'Low Volume Approval' certification issued by the Vehicle Certification Agency or any other documentation advised as necessary for imported vehicles, converted vehicles and stretched limousines

If the documentation is complete, photocopies will be taken and all original documents returned. If applying by post, applicants are advised to send their applications by Recorded Delivery, especially if original documents are included. Any original documents received in the post will be returned by Recorded Delivery.

Any incomplete applications will be returned to the applicant.

APPENDIX C

Transfer of hackney carriage and private hire vehicles

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle WITH THE LICENCE ISSUED IN RESPECT OF IT to another person. Notice of the transfer must be given to the Council within 14 days.

Both parties will complete in full, the necessary **Application Form** as follows:-

Transfer Application for Hackney Carriage/Private Hire Vehicle Licence

and bring with them:

- Evidence that the vehicle is appropriately insured for third party risks to cover either 'Public Hire' or 'Private Hire'. This will be by way of **original Cover Note or Certificate of Insurance**. Note: Faxes, photocopies or emails will not be accepted.
- The Vehicle Registration Document issued by DVLA showing the change of ownership (or a 'New Keeper Supplement' part of the registration document if the applicant is awaiting the full document from the DVLA)
- The current Certificate Of Compliance issued by one of the Council's nominated testing stations
- The fee

These documents are required to be brought into the Council's Offices by both parties together, by prior arrangement. The signing of the transfer form must be carried out in front of a member of the Licensing Team in order to confirm that the present licence holder is aware of the transaction and ensure as far as possible, that they are not under duress.

If the documentation is complete, photocopies will be taken and all original documents returned.

Any incomplete applications will be returned to the applicant.

If the application is complete and satisfactory, a licence will be issued in the new proprietor's name with the same expiry date as previously. [See page 16 of policy]

APPENDIX D

Hackney carriage and private hire driver and operator licensing procedure

Application for a licence to drive a hackney carriage/private hire vehicle

The applicant will complete in full, the necessary 'Application for a Licence to Drive A Hackney Carriage/Private Hire vehicle' which will be submitted and accompanied by the following.-

- Full GB **driving licence** (or equivalent EEA State, Accession State or Northern Ireland driving licence) which has been held for at least 12 months [see pages 20-21 of policy]
- Signed and dated **application form for a GB licence** if from an EEA State, Accession State or Northern Ireland to show proof of application to convert [see page 21 of policy]
- **A DVLA 'D4' (Group 2 standard) medical examination certificate** signed within the last month by a G.P. at the surgery at which you are registered [see pages 21-22 of policy]
- **A completed application form for an Enhanced CRB (Criminal Records Bureau) disclosure and original supporting identity and proof of address documents as required.** The documentation required to be supplied is detailed in the leaflet, 'An Applicant's Guide To Completing The CRB Application Form'. (Additional guidance can be found at www.crb.gov.uk or on 0870 90 90 844) [see pages 22-23 of policy]

OR an Enhanced Disclosure applied for by the Licensing Team (issued within the last month) [see pages 22-23 of policy]

- If necessary, **an authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies [see pages 22-23 of policy]
- Documents from List A or List B as **Proof of Right to Work in the UK** [see pages 24-25 of policy]
- 2 colour **photographs** of passport size and standard
- The **fee**

Applicants will be required to sit a Knowledge Test and when attending for the test, will be required to bring their photo-card and Counterpart driving licence and will be required to undergo

a **DVLA check** either there and then over the telephone or by signing authorisation and paying the £5 fee for the postal service.

If the documentation is complete, photocopies will be taken and all original documents returned. If applying by post, applicants are advised to send their applications by Recorded Delivery, especially if original documents are included. Any original documents received in the post will be returned by Recorded Delivery.

Any incomplete applications will be returned to the applicant.

Application for a renewal of a licence to drive hackney carriage/private hire vehicle

The applicant will complete in full, the necessary 'Application to Renew a Licence to Drive Hackney Carriage/Private Hire vehicle' which will be submitted and accompanied by the following.-

- **Full GB driving licence** [see pages 20-21 of policy]
- 2 colour **photographs** of passport size and standard
- The **fee**
- If the Licensing Unit have not already photocopied proof, documents from List A or List B as **Proof of Right to Work in the UK** [see pages 24-25 of policy]
- If necessary, **A DVLA 'D4' (Group 2 standard) medical examination certificate** signed within the last month by a G.P. at the surgery at which you are registered. This is necessary if:
 - the last medical certificate was dated more than 3 years ago
 - the applicant is more than 65 years of age
 - the Medical Practitioner indicated on the last certificate that more frequent examination and certification was required

[see pages 21-22 of policy]

- If necessary, **a completed application form for an Enhanced CRB (Criminal Records Bureau) disclosure and original supporting identity and proof of address documents as required**. The documentation required to be supplied is detailed in the leaflet, 'An Applicant's Guide To Completing The CRB Application Form'. (Additional guidance can be found at www.crb.gov.uk or on 0870 90 90 844) [see pages 22-23 of policy]

OR an Enhanced Disclosure applied for by the Licensing Team (issued within the last month). [See pages 22-23 of policy]

One of the above is necessary if the last CRB Enhanced disclosure is dated more than 3 years ago or you are requested to undergo a further check by a member of the Licensing Team.

- If necessary, **authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies. This is necessary if the applicant has lived overseas for 3 or more consecutive months since the issue of the last licence [see page 22-23 of policy].

If the documentation is complete, photocopies will be taken and all original documents returned. If applying by post, applicants are advised to send their applications by Recorded Delivery, especially if original documents are included. Any original documents received in the post will be returned by Recorded Delivery.

Any incomplete applications will be returned to the applicant.

Application for private hire operator's licence

The applicant will complete in full, the necessary **Application Form**, '*Application for Private Hire Vehicle Operator's Licence*' which will be submitted and accompanied by the following.-

- A **completed application form for a Basic CRB (Criminal Records Bureau) disclosure and original supporting identity and proof of address documents as required**. The documentation required to be supplied is detailed in the leaflet you were given when you applied, 'An Applicant's Guide To Completing The CRB Application Form'. (Additional guidance can be found at www.crb.gov.uk or on 0870 90 90 844) [see pages 28-29 of policy]

OR a Basic or Enhanced Disclosure applied for by the Licensing Team (issued within the last month). [See pages 28-29 of policy]

One of the above is necessary if the last CRB Basic or Enhanced disclosure is dated more than 3 years ago or you are requested to undergo a further check by a member of the Licensing Team.

- If necessary, **authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies [see pages 28-29 of policy].
- If the Licensing Team have not already photocopied proof, documents from List A or List B as **Proof of Right to Work in the UK** [see pages 29-30 of policy]
- Evidence that the applicant has the right to occupy and use the premises without restriction for the purpose intended, by the provision of **copy of the lease, utility bill**, etc.
- **Proof of planning consent** (if required)
- **Proof of public liability insurance** (if the premises are open to the public)
- The **fee**

If the documentation is complete, photocopies will be taken and all original documents returned. If applying by post, applicants are advised to send their applications by Recorded Delivery, especially if original documents are included. Any original documents received in the post will be returned by Recorded Delivery.

Any incomplete applications will be returned to the applicant.

Application to renew a private hire operator's licence

The applicant will complete in full, the necessary **Application Form**, '*Application for To Renew a Private Hire Operator's Licence*' which will be submitted and accompanied by the following.-

- A **completed application form for a Basic CRB (Criminal Records Bureau) disclosure and original supporting identity and proof of address documents as required**. The documentation required to be supplied is detailed in the leaflet you were given when you applied, 'An Applicant's Guide To Completing The CRB Application Form'. (Additional guidance can be found at www.crb.gov.uk or on 0870 90 90 844) [see pages 28-29 of policy]
- OR a Basic or Enhanced Disclosure applied for by the Licensing Team (issued within the last month). [see pages 28-29 of policy]

One of the above is necessary if the last CRB Basic or Enhanced disclosure is dated more than 3 years ago or you are requested to undergo a further check by a member of the Licensing Team.

- If necessary, **authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies [see pages 28-29 of policy]. This is necessary if the applicant has lived overseas for 3 or more consecutive months since the issue of the last licence.
- If the Licensing Team have not already photocopied proof, documents from List A or List B as **Proof of Right to Work in the UK** [see pages 29-30 of policy]
- Evidence that the applicant still has the right to occupy and use the premises without restriction for the purpose intended, by the provision of **copy of the lease, utility bill**, etc.
- **Proof of Public Liability Insurance** (if the premises are open to the public)
- The **fee**

If the documentation is complete, photocopies will be taken and all original documents returned. If applying by post, applicants are advised to send their applications by Recorded Delivery, especially if original documents are included. Any original documents received in the post will be returned by Recorded Delivery.

Any incomplete applications will be returned to the applicant.

APPENDIX E

The knowledge test

1. Introduction

In order to maintain the high standards that the Council expects of its drivers operating within the District a review of the Knowledge Test has taken place.

Complaints are received from time to time by the Council from members of the public regarding a driver's ability to find destinations and read local road maps.

1.1 Composition Of Test

The written (or if necessary, verbal) test taken before a Hackney Carriage or Private Hire Driver's Licence is issued will consist of:

Local geography

Applicants will be tested on their knowledge of the geographical area of the Vale of White Horse District Council by recording the shortest routes between locations in the area.

Highway Code

Applicants will be asked to answer questions about driving skills, road information and good practice as set out in the Highway Code.

The hackney carriage and private hire licensing legislation, council conditions and policy

Applicants will be tested on their knowledge and understanding of the most important and relevant aspects of the above.

Maths

Applicants will be asked to answer basic maths questions to ensure that they will charge the correct fare and give the correct change. They will also be asked to write an example receipt.

1.2 Procedure, fees and failure of the test

The above is detailed in pages 18-29 of the Council's Policy.

APPENDIX F

Guidelines relating to the relevance of previous convictions

The Council has generally worked to the guidelines set out in the DfT Circular 2/92 and HO Circular 13/92, in assessing the relevance of specific criminal convictions to a particular application.

General policy

1. Each case will be decided on its own merits.
2. 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.
3. 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.
4. Some discretion may be appropriate 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.
5. The following examples afford a general guide on the action which might be taken where convictions are disclosed.

(a) Offences of dishonesty

Drivers of Hackney Carriage and Private Hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.

For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before an application is likely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for an offence of:-

- Theft
- Burglary
- Fraud
- 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

and the conviction is less than 3 years prior to the date of the application.

Between 3 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(b) Violence

As Hackney Carriage and Private Hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

In particular:-

(i) An application will normally be refused where the applicant has a conviction for an offence of:-

- 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)

and the conviction is less than 10 years prior to the date of application.

(ii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act)
- Robbery (s. 8 (1) Theft Act 1968)
- 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)

and the conviction is less than 8 years prior to the date of application.

Between 8 and 10 years after conviction more weight will be given to the circumstances of the offence and any evidence showing good character since the date of conviction.

(iii) An application will normally be refused where the applicant has a conviction for an offence of:-

- 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)
- Assault on police
- Affray
- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Harassment under the Protection from Harassment Act 1997
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest
- Any other similar offence of violence, threatening behaviour or harassment including those under Sections 4, 5, 18-23 and 38 of the Public Order Act 1986 (causing alarm, harassment, distress, fear/provocation of violence and racial hatred offences)

and the conviction is less than 3 years prior to the date of application.

Between 3 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence showing good character since the date of conviction.

(c) Drugs

An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.

In addition applicants will normally be required to show a period of at least 5 years free from taking drugs and/or 5 years after detoxification treatment if (s)he was an addict.

(d) Indecency Offences

As Hackney Carriage and Private Hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

In particular, an application will normally be refused where the applicant has a current conviction for an offence of:-

- Rape
- Indecent assault
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- Any other similar offence of indecency, including offences involving indecent images

and the conviction is less than 10 years prior to the date of the application.

(e) Motoring Convictions

(i) Major traffic offences

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

A list of offences to which this paragraph applies is attached at Appendix I.

(ii) Minor traffic offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. 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 6 months.

In particular, an application will normally be refused where the applicant has 9 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 6 months.

A list of offences to which this paragraph applies is attached at Appendix II.

(iii) Hybrid traffic offences

Offences of the type listed at Appendix III will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

(iv) Disqualification

Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse a Hackney Carriage or Private Hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

(f) Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

(g) Drunkenness

(i) With a motor vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

(ii) Not in a motor vehicle

An isolated conviction for drunkenness need not prevent an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

(h) Spent convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

(i) Other penalties

For the purpose of these guidelines warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties shall be treated as though they were convictions whether spent or unspent.

Relevance of previous convictions - Appendix I

Major traffic offences (Paragraph (e) (i) 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)

Relevance of previous convictions - Appendix II

Minor traffic offences (Paragraph (e)(ii) 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)

Relevance of previous convictions - Appendix III

Hybrid traffic offences (Paragraph (e) (iii) 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)

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 G

Code of good conduct for licence holders

In order to promote its licensing objectives with regard to Hackney Carriage and Private Hire licensing, the Council has adopted the following Code of Good Conduct which all licence holders must comply with.

1. Responsibility to customers, the trade and council officers

Licence holders must behave in a civil, orderly and respectful manner at all times.

Discrimination in the form of, or verbal insults or abuse regarding race, religion, sexual orientation, gender, age or disability will not be tolerated and evidence of such will be used in reconsidering whether a licence holder is still fit and proper to hold a licence.

2. Responsibility to residents

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

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally or repeatedly
- (b) keep the volume of audio and communications equipment to a reasonable level
- (c) switch off the engine if required to wait
- (d) take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.

3. Rank etiquette

At taxi ranks drivers shall, in addition to the requirements above:

- (a) queue in an orderly manner and proceed along the rank in order and promptly
- (b) 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

- (c) assist in improving air quality in the Vale 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
- (d) remain in or within close proximity of the vehicle
- (e) not park on the rank when not working

4. Private hire operator bases

At private hire offices a licence holder shall:

- (a) not allow their audio or communications equipment to cause disturbance to residents of the neighbourhood
- (b) take reasonable action to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

5. General

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public
- (b) be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

6. Local authority powers

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licence:-

- (a) where the driver has been convicted since the grant of the licence, of an offence involving dishonesty, indecency or violence or
- (b) where the driver has been convicted of an offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or
- (c) for any other reasonable cause.

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 mobile 'phone

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 H

Consideration of applications

1. Applications will not be considered unless they are complete.
2. Licensing Team Officers have delegated authority to grant Hackney Carriage and Private Hire driver and vehicle licences and Private Hire Operator's Licences.
3. Successful applicants will be issued with the appropriate licence and their names entered onto the public register of licence holders.
4. If the application does not conform with the Council's agreed Policy, it shall be referred to the Head Of Legal and Democratic Services or a General Licensing Sub-Committee depending on the circumstances of the case. A decision will be made to either grant a licence, refuse a licence or grant a licence and attach conditions to it.
5. The procedures and terms of reference of the Sub-Committees will be the subject of a separately published procedure. These terms of reference and procedures are available on request.
6. Both the Head of Legal and Democratic Services and the Sub-Committees have powers to suspend and revoke licences within the scope of the Local Government (Miscellaneous Provisions) Act 1976.
7. There is a right of appeal against a decision of the Council. The appeal against the refusal to grant a Hackney Carriage Proprietor's licence (a vehicle licence) is direct to the Crown Court. Appeals against the suspension, revocation, the refusal to renew or the attachment of conditions to a Hackney Carriage Proprietor's licence are to the Magistrates' Court within 21 days. Appeals against the refusal to grant, renew, suspend or the attachment of conditions to Hackney Carriage / Private Hire Driver licences, Operator licences and Private Hire vehicle licences are to Magistrates' Court within 21 days.