

General Licensing Committee Agenda



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Date:
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A meeting of the **General Licensing Committee** will be held on Thursday 8 October 2009 at 2.30pm Guildhall, Abingdon

Members of the Committee:

Councillors

Richard Farrell (Chair)
Terry Fraser (Vice-Chair)
Bob Johnston
Julie Mayhew-Archer
Janet Morgan
Zoe Patrick
Alison Rooke
Val Shaw
Richard Webber

Gareth Jennings (Opposition Spokesman)
James McGee
John Morgan
Peter Saunders
Robert Sharp
Elaine Ware

Substitute councillors

Tony de Vere
Jenny Hannaby
Dudley Hoddinott
Angela Lawrence
Pat Lonergan
Jerry Patterson
Laurel Symons
John Woodford

Terry Cox
Bill Melotti
Melinda Tilley
Reg Waite

A large print version of this agenda is available. In addition any background papers referred to may be inspected by prior arrangement.

Please note that this meeting will be held in a wheelchair accessible venue. If you would like to attend and have any special access requirements, please let the Democratic Services Officers know beforehand and they will do their very best to meet your requirements.



Margaret Reed
Head of Legal and Democratic Services

Members are reminded of the provisions contained in the code of conduct adopted on 30 September 2007 and standing order 34 regarding the declaration of personal and prejudicial interests.

Agenda

Open to the Public including the Press

Map and vision (Page 4)

A map showing the location of the venue for this meeting is attached. A link to information about nearby car parking is http://www.whitehorsedc.gov.uk/transport/car_parking/default.asp

The council's vision is to build and safeguard a fair, open and compassionate community.

1. Notification of substitutes and apologies for absence

To record the attendance of substitute members, if any, who have been authorised to attend in accordance with the provisions of standing order 17(1) with notification having been given to the proper officer before the start of the meeting and to receive apologies for absence.

2. Minutes

To adopt and sign as a correct record the minutes of the committee meeting held on 10 July 2009 (previously circulated).

3. Declarations of interest

To receive any declarations of personal or personal and prejudicial interests in respect of items on the agenda for this meeting.

Any councillor with a personal interest or a personal and prejudicial interest in accordance with the provisions of the code of conduct, in any matter to be considered at a meeting, must declare the existence and nature of that interest as soon as the interest becomes apparent in accordance

with the provisions of the code.

When a councillor declares a personal and prejudicial interest he shall also state if he has a dispensation from the Standards Committee entitling him/her to speak, or speak and vote on the matter concerned.

Where any councillor has declared a personal and prejudicial interest he shall withdraw from the room while the matter is under consideration unless

- (a) his/her disability to speak, or speak and vote on the matter has been removed by a dispensation granted by the Standards Committee, or
- (b) members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, the councillor can also attend the meeting for that purpose. However, the councillor must immediately leave the room once he/she has finished; or when the meeting decides he/she has finished whichever is the earlier and in any event the Member must leave the room for the duration of the debate on the item in which he/she has a personal and prejudicial interest.

4. Urgent business and chair's announcements

To receive notification of any matters, which the chair determines, should be considered as urgent business and the special circumstances, which have made the matters urgent, and to receive any announcements from the chair.

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

Any statements, petitions and questions from the public under standing order 32 will be made or presented at the meeting.

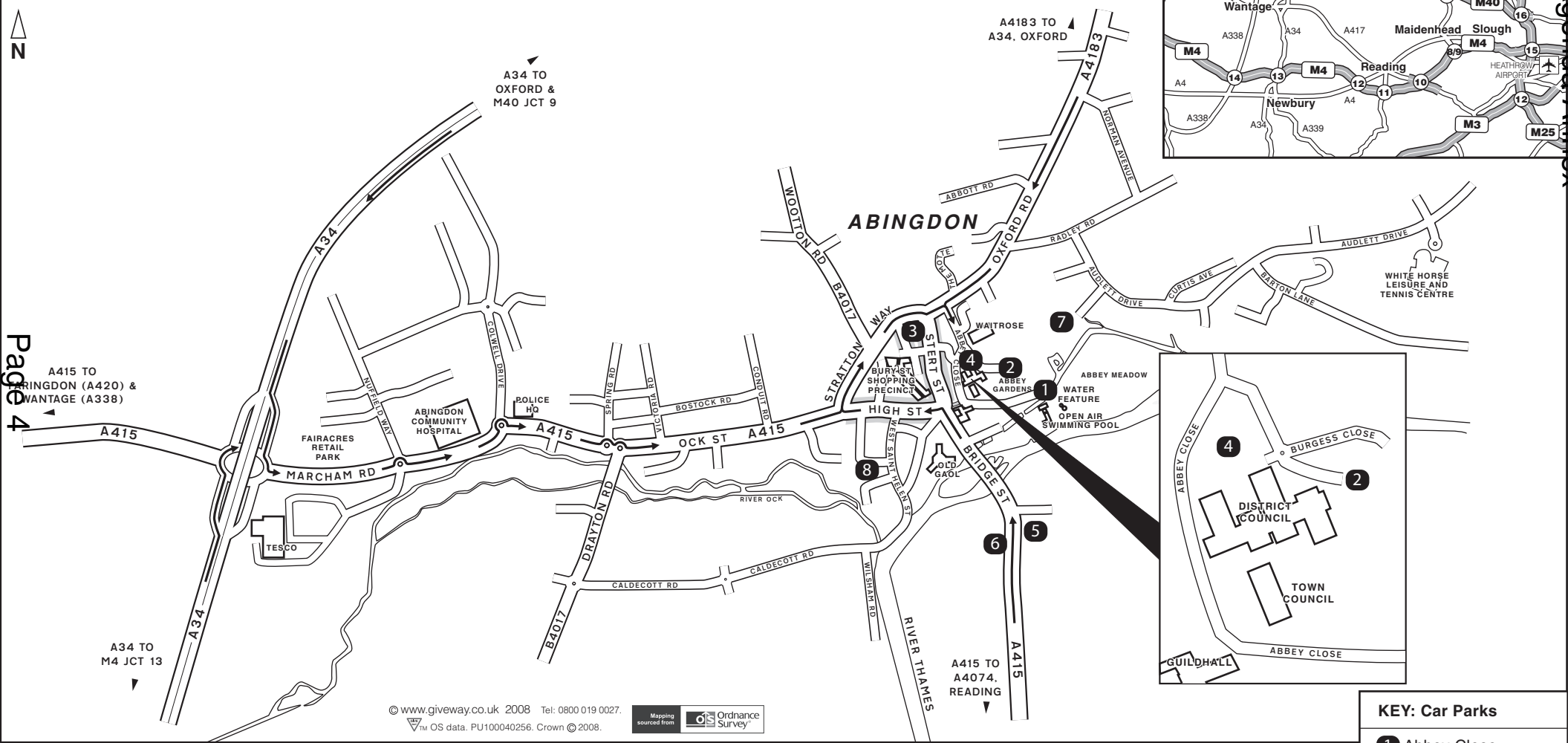
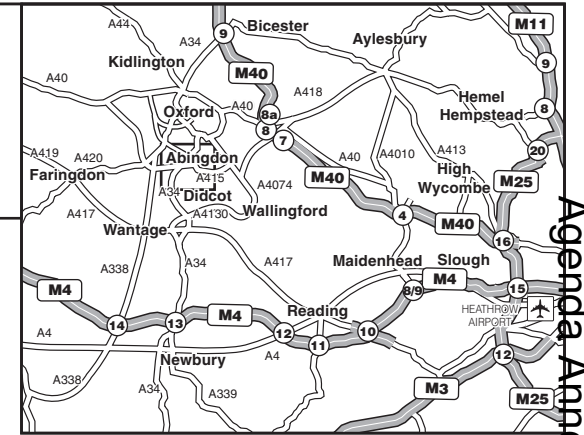
6. Taxi Licensing policy

(Pages 5 - 78)

To receive and consider report 56/09 of the Head of Legal and Democratic Services.

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

None



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KEY: Car Parks

- 1** Abbey Close
- 2** Cattle Market
- 3** Charter Multi-storey
- 4** Civic
- 5** Rye Farm
- 6** Hales Meadow
- 7** Audlett Drive
- 8** West St Helen Street

By rail – the nearest main line railway stations to Abingdon are either Didcot Parkway (seven miles) or Oxford (eight miles). Radley railway station is located on the main line between Oxford and Didcot and is three miles from Abingdon town centre. For details of train times visit www.nationalrail.co.uk or call 08457 484950

By bus – there are a number of bus routes serving Abingdon town centre. For details of services and timetables, visit Oxfordshire County Council's website at www.oxfordshire.gov.uk. Contact details for bus operators can be found on the travel information pages on our website www.whitehorsedc.gov.uk

Parking – details of car parks charges can be found on our website

General Licensing Committee



8 October 2009

Report of **Head of Legal & Democratic Services**

Report No. 56/09

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Wards Affected
All

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Draft Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy – Post Consultation

Recommendations

That the committee:

- 1) considers the responses to the consultation and decides whether to make any changes to the draft policy*
- 2) authorises the Head of Legal and Democratic Services to update the policy for submission to Council, reflecting the committee's decisions*
- 3) recommends Council A) to adopt the hackney carriage and private hire driver, vehicle and operator policy as submitted to Council with effect from 1 January 2010 and B) to authorise the Head of Legal and Democratic Services to make any minor changes necessary*

1. Purpose of Report

1.1 To inform the committee of the feedback received during the consultation period on the draft Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy, to ask them to consider any changes that may be necessary and to ask the committee to recommend adoption of the new policy to Council.

2. Relationship with Corporate Plan

2.1 The draft policy would satisfy our Corporate Priority of 'Supporting a vibrant local economy' in particular by:

- a) working in partnership to sustain vibrant market towns and
- b) supporting rural businesses and communities

2.2 The draft policy also supports the Corporate Priority of 'Helping to maintain a safe Vale' by:

- a) helping to maintain, or further reduce low levels of crime and anti-social behaviour and
- b) by reducing the fear of crime and anti-social behaviour

2.3 Thirdly, the draft policy is consistent with the priority, 'Rising to the challenge of climate change' by:

- a) minimising the impact on the causes of climate change.

3. Background

3.1 The council has responsibility for licensing hackney carriage and private hire drivers, vehicles and operators.

3.2 In July 2007 the council's first policy on these matters came into force and was duly reviewed earlier this year. The licensing team has prepared a revised draft policy, based on their experiences of working with the current policy and in the light of new legislation and the Department for Transport's existing Best Practice Guidance and current Best Practice Guidance Consultation document.

3.3 After a few minor amendments, the General Licensing Committee approved the draft policy for consultation with the hackney carriage and private hire trade on 10 July 2009. Consultation was undertaken with the trade and other interested parties for a six week period ending on 28 August 2009. The draft policy was also posted on the council's website, was available at both Abingdon and Wantage Local Services Points and at local libraries.

3.4 In addition, during the consultation period, a meeting with the hackney carriage and private hire trade took place during which attendees were invited to ask questions or ask for clarification on the proposed changes and were reminded to submit any comments in writing by the consultation end date.

3.5 A response was received from the Vale's Community Safety Manager supporting all proposals. Only two members of the trade responded in writing and their comments have been considered and included below in paragraph 4. A Schedule of Proposed Amendments is attached as **Appendix 1**, setting out the main proposed amendments and giving an explanation and reasons for them. The draft policy is attached as **Appendix 2**.

3.6 It is proposed that the new policy shall come into effect on 1 January 2010.

4. Options

4.1 Where no comments have been received by the trade or interested parties, the committee is asked to approve the proposed amendments that were outlined at the meeting of the General Licensing Committee on 10 July 2009. Where comments have been received, the issues have been stated below along with officers' recommendations. The number in brackets stated after the subject matter gives reference to the relevant point in the Schedule of Proposed Amendments (**Appendix 1**) which details the proposed wording. The committee is asked to approve these recommendations or suggest suitable, workable alternatives which would achieve the same aims.

4.2 Requirement that vehicles manufactured or adapted to carry passengers in their wheelchairs have side (not rear) loading facilities (5.3.3.) This was proposed as it is recommended by disabled persons' groups and other relevant bodies, however it has since been noted by officers that vehicles on two of Abingdon's taxi ranks (Ock Street and the proposed 'The Square' rank) load from the right side and not all side-loading vehicles load from both sides therefore meaning that vehicles with left side only loading on right sided ranks will retain the same risk to passengers in wheelchairs by causing them to be pushed into the road in order to board the vehicle. **Recommendation:** To approve the proposal for side-loading only vehicles to be permitted, subject to the following timescale, as this still reduces the numbers of people put at risk. Timescale: Each new vehicle licence application (after the date of introduction of the new policy) for a wheelchair accessible vehicle shall be for a vehicle with side-loading facilities. Currently licensed (at the date of the introduction of the new policy) rear-loading only wheelchair accessible vehicles will continue to be licensed so long as there is no lapse in the licence and the licence is not transferred to another person.

4.3 Removal of the option to have magnetic licence plate and magnetic door stickers (5.6.6 and 5.6.8). Both letters received from the trade during consultation mention this issue. One respondent was concerned that the adhesive stickers damaged vehicles, however officers have asked this question at a taxi trade meeting previously where all seven attendees, two of which represented companies with several vehicles, agreed they did not. This respondent also mentioned that adhesive stickers caused paint fading which the other respondent was also concerned about. Officers maintain that if the magnetic stickers remained on the vehicle throughout its licensed period as prescribed in the policy, the same amount of fading would result. Furthermore, officers are also of the opinion the decision to use a vehicle as a taxi is a business one and legal requirements and of those of local policy must be considered when owners make this decision. **Recommendation:** The option to have magnetic licence plates and stickers should be removed in the interests of safety and for the prevention of misuse.

4.4 Discreet identification stickers for private hire vehicles exempted from displaying the licence plate (5.6.11). One respondent commented on this proposal and was in favour, stating this should be made compulsory as all passengers should be aware that they are in a licensed vehicle. **Recommendation:** To approve the proposal that discreet identification stickers must be displayed in exempted vehicles.

4.5 The council's definition of a 'low emission vehicle' (5.8.6). No comments were received about this definition however since proposing the wording the Government has published additional tax bands, changing the levels of CO2 emissions in several bands. The proposed definition is now therefore, 'vehicles with CO2 emissions of 120g/km or lower' which is the same level as the level in the previous wording of 'Tax Bands A & B'. **Recommendation:** Approve the definition of a 'low emission vehicle' as one with CO2 emissions of 120 g/km or lower.

4.6 Licensed hackney carriages or private hire vehicles used for weddings (5.11.3). No comments were received however licensing officers have reconsidered this in the light of several recent difficulties enforcing the display of stickers and roof signs and are now of the opinion that this would be unenforceable, could be seen as not giving a consistent message and would create problems if the option to have magnetic stickers is removed as recommended in 4.3 above. **Recommendation:** To remove this provision from the draft policy, reverting to the current position where both should be displayed throughout the period a vehicle is licensed.

4.7 Introduction of disability awareness training (6.4.4). One of the respondents commented he did not think this training should be compulsory for all, only for the drivers of

vehicles able to carry disabled passengers. Licensing officers would like to highlight their inability to control both which licensed drivers drive licensed vehicles and which drivers drive for which companies. In addition the training would educate drivers in assisting people with a range of disabilities, not just those with significant mobility problems who are most likely to use the vehicles he describes. **Recommendation:** To approve the proposal for compulsory disability awareness training to be undertaken within the first six months of licensing for new applications (after the date of the introduction of the new policy) for hackney carriage and private hire drivers' licences and for currently licensed hackney carriage and private hire drivers to be trained within the first six months of licence renewal.

4.8 **Requirement to undergo medical examination every three years (6.5.4).** One of the two respondents made comment that he would be in agreement with this only if he could be convinced that the existing period of five years is insufficient and that passengers are put at risk if this period is not shortened. The Department for Transport's (DfT) current Best Practice Guidance Consultation document states, 'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal.' As the DfT also recommends three year licensing it can be said that they recommend three yearly medical examinations. **Recommendation:** To approve the proposal for medicals to be carried out every three years.

4.9 **Proof of right to work / prevention of illegal working (6.8).** One of the respondents commented on this and was in agreement. **Recommendation:** To approve 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 is not permanent.

4.10 **Position of door stickers (Appendix A, page 3 of the policy).** No comments were received about the proposals. However no timescale for the introduction of a prescribed fixing location for the door stickers has been previously suggested and therefore officers suggest a phased approach the same as that for other new conditions, for example each new vehicle licensed should have its stickers displayed in the new prescribed manner with currently licensed vehicles' stickers to be relocated if necessary to comply with the new condition if the vehicle licence lapses, is transferred to another person or new stickers are required. **Recommendation:** To approve that door stickers should be affixed both horizontally and vertically central on the rear passenger doors of hackney carriages subject to the timescale outlined.

4.11 **Vehicle registration document to be in the same name as the applicant (Appendix B of the policy).** Since the wording of this proposed addition to the policy, it has been noted that it is necessary to reflect the situation for those leasing vehicles and therefore an amendment to the proposed wording would read, 'the vehicle registration document issued by the DVLA in the name of the applicant or, if applicable the leasing company...' with a separate bullet point to be added to the list of necessary documentation: 'in the case of leased vehicles, a letter from the leasing company to confirm they give approval for the vehicle to be licensed.' **Recommendation:** To approve this requirement with the change of wording as stated above.

5. Financial, legal and any other implications

5.1 The cost of administering the revised policy once it has been adopted 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.

6. Conclusion

6.1 The Committee is requested to consider the consultation feedback from the taxi trade alongside the officers' comments and recommendations and to recommend Council to adopt the revised policy with effect from 1 January 2010.

Background Papers:

- 'Department for Transport - Hackney Carriage and Private Hire vehicle Licensing: Best Practice Guidance, published in November 2006
- Vale of White Horse District Council Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy, July 2007
- Department for Transport's Best Practice Guidance Consultation document, published May 2009

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<u>Subject</u>	<u>Current policy / wording</u>	<u>Proposed amendment and reasoning / explanation</u>
5.2.6 ‘Q’ plate registrations	Any vehicle with a ‘Q’ plate registration will not be licensed if in excess of 4 years old	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 with a significant proportion of used parts. ‘Q’ plates are also used to disguise stolen or ‘rung’ cars.
5.3.1 Accessibility	The Council will carry out further research on this subject	Since April 2008, there has been a 50% reduction in vehicle fees for ‘wheelchair-accessible vehicles’ but with no further definition of eligibility, causing confusion. It is proposed to offer a reduction in fees to vehicles which have been given a ‘Group 2 European Community Whole Vehicle Type Approval Standard’ Certificate (an ECWVTA) meaning that all internal components required for the safe carriage of passengers in their wheelchairs have been checked. A further proposal to offer a smaller percentage reduction in fees where a vehicle has not been issued with this certificate but has several minor modifications to make the vehicle more accessible to people with disabilities and the modifications have been carried out by VOSA approved installers, is suggested.
5.3.3 Requirement that vehicles manufactured or adapted to carry passengers in their wheelchairs have side-loading facilities	No current policy	The Council will require licensed vehicles manufactured or adapted to carry passengers in wheelchairs to have side-loading facilities. Rear-loading shall be prohibited. This is a safety measure requested by a numbers of disabled persons’ groups, the Royal Society for The Prevention of Accidents and

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		<p>the National Taxi Association, in order to minimise the chance of injury to the passenger. The Council also feels this condition is necessary to ensure passengers in wheelchairs are treated equally. It is currently policy that passengers should be able to exit vehicles in an emergency without the removal or folding of any seat and therefore wheelchair users should be able to exit the vehicle in an emergency through the side door and not have to wait for someone to open the boot before they can escape.</p>
<p>5.5.3 Trade disputes with one of the Council's Nominated Testing Stations</p>	<p>Anyone who wishes to complain about or is in dispute with the nominated testing station may contact the Licensing Unit who will investigate.</p>	<p>Anyone who wishes to complain about or is in dispute with either nominated testing station may contact the Licensing Unit who will investigate. Complaints about the part of the test that checks the Council's conditions will be dealt with by the Licensing Unit with reference to an expert if necessary. Council Officers will immediately refer any complaint about the mechanical / MOT part of the test to VOSA who have a procedure in place for such disputes.</p>
<p>5.6.6 Removal of option to have magnetic licence plates</p>	<p>Open policy, purely mentioning the requirement to display a plate.</p>	<p>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.</p>

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5.6.7 Option for trade to add business details etc. to taxi roof sign	All Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI" and nothing else...limited advertising concerning the proprietors business will be permitted but will be strictly controlled.	Addition of the wording: 'Any other additional wording requested on the roof sign will require prior approval of the Council.'
5.6.8 Door stickers	No mention in body of policy, only at Appendix A. Open policy, purely mentioning the requirement to display them.	Added to main body of policy. 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.
5.6.10 'Pre-book only' signs for Private Hire vehicles	The Guidance recommends a licence condition which requires such a sign. The Council will formulate details for such a sign.	As in the Council's area there does not appear to be a problem with of 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.
5.6.10 Signs to show that a charge lower than the Council's maximum tariffs is made	The Council will formulate details for such a sign.	It is the choice of proprietors if and how they let customers know they charge less than the Council's maximum fare tariffs.
5.6.11 Discreet	No current requirement.	Those Private Hire vehicles which have been granted

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<p>identification stickers for exempted Private Hire vehicles</p>		<p>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 shall contain a tax disc holder and vehicle / licence details to 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 will also display 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.</p>
<p>5.7.3 Notices to set out what is acceptable behaviour by passengers</p>	<p>No current notices.</p>	<p>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 is proposed 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.</p>

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<p>5.8.6 The Council's definition of a 'low emission' vehicle</p>	<p>The Council will carry out further research to promote cleaner fuels.</p>	<p>The Council has offered a reduction in fees of 15% to vehicles with 'low emissions' since April 2008, but a definition of this was not given. Since 1st January 2009, eligible vehicles have been specified as those which come under 'Vehicle Tax Bands A & B'. This definition has avoided confusion over which vehicles are eligible and continues to encourage the purchase of less polluting vehicles.</p>
<p>5.8.7 Air Quality / Control of Emissions</p>	<p>At present there are no local emission controls applicable in the Council's area. An Air Quality Action Plan is scheduled for development in 2007 and such controls may be brought in as part of that plan.</p>	<p>Add: '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 & 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 in DVLA Tax Bands 'A' and 'B' but 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,</p>

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		less polluting fleet.
5.11.3 Licensed Hackney Carriages or Private Hire vehicles used for weddings	Not currently mentioned.	If a licensed Hackney Carriage or Private Hire vehicle is used for a wedding the licence plate must still be displayed. However Licensing Officers will consider a written request for removal of a Hackney Carriage roof sign and door stickers for the period of the wedding.
5.13 Requirement for both parties to attend Council offices in person to carry out a transfer	Transfer not currently defined and no requirement to attend in person.	Added for clarification. Both parties shall be required to attend the Council offices in person as we have become aware of a case where the 'previous' licence holder alleged that they were unaware of the transfer and their signature must have been forged.
6.3.3 Basic maths in the Knowledge Test	Not currently mentioned in the main body of the policy.	Added as has been part of the test since its introduction in January 2008.
6.3.3. Time limit for the Knowledge Test	No time limit officially set but applicants have been given 2 hours.	Proposal for a time limit of 1 hour as it is felt that if the answers are known, this is sufficient time. Also drivers would not have as long in reality to locate places on a map or find them using their Sat Navs as they take in the test.
6.3.5 Offer of a verbal Knowledge Test	No current policy but has been done in practice and been found to be helpful.	Firm up the chance to sit a verbal Knowledge Test in the policy.
6.3.6 Maximum number of Knowledge Tests in one application	Not currently a maximum in the policy but in practice 5 has been the maximum.	An applicant may sit a maximum of four tests (combined total of verbal or written). From the Licensing Unit'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. Five tests have 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

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		applicants would become more likely to pass solely on guessing what the questions might be.
6.3.6 Fee for a re-sit of the Knowledge Test	A fee has been charged since April 2009, however this is not currently detailed in the policy.	Add to the policy.
6.4.4 Introduction of Disability Awareness Training	Not currently required.	Government may decide on mandatory training on this and other aspects of customer care, however the DfT's guidance already suggests disability awareness training as a minimum. 13% of the Vale's residents are disabled and 15% are over 65 years of age (although there may be some overlap between these two figures). Proposal: Mandatory attendance for each new applicant for a Hackney Carriage or Private Hire driver's licence to undergo the training within the first 6 months of their licence and currently licensed drivers to be trained within the first six months of licence renewal. Current training prices are £24 per delegate for a whole day's course. However, there will be also costs involved in hiring a venue and the intention is to pass this onto the delegates. The course can be tailor made to suit the Council area's demographics (i.e. to include the safe handling and transportation of a wheelchair or communicating with sight or hearing impaired passengers). The courses are generally a mix of tuition and practical exercises.
6.4.5 Non GB issued driving licences	Requirement of a 12 month qualification period post licence conversion prior to the issue of a Hackney Carriage or Private Hire driver's licence.	To comply with the DfT's guidance, 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 /

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		Private Hire vehicle drivers 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.
6.4.6 DVLA checks	All new driver applicants checked.	Proposal to check this on renewal of a driver's licence as well. Such checks have brought to light driving offences which do not show on the licence the applicant shows the council as they have reported a licence as lost/stolen and the points are on the other licence or the other licence has been taken away by the court.
6.5.2 Medicals to be carried out by a G.P. at the surgery the applicant is registered at	Currently go to any G.P.	Proposal to change this in order that the G.P. examining the applicant has access to their medical history. Still gives a choice of G.P.
6.5.4. Requirement to undergo medical examination every three years	Medical examination every five years, unless over 65 or a different period set by the G.P. or consultant.	The DfT's guidance is that Hackney Carriage & Private Hire drivers are medically examined to a DVLA Group 2 medical standard every 3 years. Proposal: to change the frequency of examination considering the importance of a driver's physical and mental health when carrying members of the public. The proposal would result in increased costs to drivers but this impact needs to be balanced against the requirement for public safety.
6.6.3 CRB (Criminal Records Bureau) disclosures only accepted if less than	Accepted if less than three months old and if issued by another body, so long as it is the appropriate level of disclosure.	Officers must be satisfied that when granting (or renewing) a licence the applicant is at that point fit and proper to hold the licence. A CRB disclosure of less than one month old assists officers to make this

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one month old and obtained by this Council		judgement using as much up to date knowledge as possible, within reason. Disclosures are obtained by the applicant first showing a combination of different proofs of ID or address. Other authorities have been found to be more lax at checking these documents, leading to the possibility that the person whose criminal record is being checked, is not the same person as the applicant for the licence.
6.6.3. Certificate of Good Conduct required for ‘overseas’ applicants	Required for applicants who ‘have been living’ overseas.	Clarification of which countries can feed into the CRB and therefore applicants who have lived in which overseas countries require a Certificate Of Good Conduct. ‘Has been living elsewhere’ changed to ‘has ever lived’ (see below also) for clarification.
6.6.3 Translation of a Certificate Of Good Conduct submitted in a language other than English	No current policy, however usual practice has been to get the document translated and pass the fee onto the applicant.	Current procedure to be added to policy. The passing on of the fee has been deemed to be acceptable, non-discriminatory practice by the Councils’ Equality Officer. Proposal also to not grant a licence if this fee is not paid.
6.6.4 Age from which Certificate Of Good Conduct should cover	Not currently identified.	Clarification needed as frequently asked by applicants. No suggestions from DfT so common sense and fair approach of the age of 10 is suggested, in line with the age of criminal responsibility in the UK and therefore how far back a UK resident would have their criminal record checked.
6.6.8 Keeping CRB findings confidential	The Council will not divulge information obtained to any third parties.	Addition of, ‘except to other agencies (never individuals) as part of its obligation to prevent crime and disorder and for reasons of public safety’. Self-explanatory.
6.6.9 Reporting of	Licensed drivers are required to notify the Council without	Expanded upon to include other penalties /

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offences	delay of any criminal convictions, formal cautions or fixed penalty notices against them.	punishments. Time limit of 21 days proposed.
6.7.7 Nine points on a DVLA licence	In particular, applications will be referred to the Sub-Committee where an applicant's record includes...more than nine points.	Change and clarify wording to 'nine or more points' as this already shows a poor driving record. 10 and above is considered too many.
6.8 Proof Of Right To Work / Prevention Of Illegal Working	No current policy.	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. Current licence holders will be checked at renewal of their licence. Licences issued for a period consistent with their right to work if their right is not permanent.
6.12.6 Council not obliged to send reminder letters	Council officers will send a reminder letter... in order to assist applicants. It is the proprietor's or operator's responsibility to ensure that all necessary documentation is available for processing by Council staff in sufficient time.	Clarification/re-wording. Council officers will endeavour to send reminder letters but are not obliged to do so and the responsibility of ensuring licences do not expire remains with the licence holder.
7.1.3 All three Private Hire licences to be with the same Authority	Not currently mentioned.	Added to state legal requirement for this.
7.9 Record keeping	Private Hire Operators are required to keep records	Proposal to add a) fare quoted, b) pick-up time and c)

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	including the name of the passenger, the destination, the name of the driver and the number of the vehicle.	date and time of booking.
7.10.1 Public liability insurance	The Council will check that appropriate public liability insurance has been taken out for the premises that are open to the public (e.g. taxi waiting rooms).	Change of wording to: ‘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’ for clarification.
7.13 Private Hire operators sub-contracting work	No mention currently.	Added to clarify legal position.
Appendix A Permanent removal of seats	The vehicle shall be constructed and designed...with access to all passenger seats which will not require...the removal of any seat...’	Additional wording of, ‘(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) to clarify this as members of the trade have queried under what circumstances they are permitted to remove seats.
Appendix A Access/egress condition	The vehicle shall be constructed and designed with access to all passenger seats which will not require the laying flat, folding, removal or re-positioning of any seat or equipment.	Additional wording of ‘and egress’ (as this is what has actually been agreed by the trade and Council) and additional wording of ‘N.B. Licences issued before 1 st January 2009 are exempt from this condition provided that there has been no gap in licensing or a transfer of a licence to another person has taken place’ to clarify exemptions to new applicants and current licence holders. This timescale was previously agreed by the trade and Council but detail was not added to the policy.
Appendix A, page 2 Mirrored windows	Mirrored glass is prohibited for all new vehicle applications.	Additional wording of, ‘and existing licensed vehicles that do not already have mirrored windows. Any vehicle with mirrored windows that was licensed before

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		<p>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 and transfers will not be accepted) to clarify exemptions to new applicants and current licence holders. This timescale was previously agreed by the trade and Council but detail was not added to the policy.</p>
<p>Appendix A, page 2 Tinted windows</p>	<p>Tinted glass is prohibited for all new vehicle applications.</p>	<p>At the end of 2008, the then Licensing Portfolio Holder agreed with the then Head Of Environmental Health to a more considered approach to tinted windows to take into account that most new vehicles are manufactured with some degree of tint. In January 2009, this new approach was brought in. Since January the approach has been to only licence vehicles in which the facial expressions of the passengers can be seen from outside the vehicle but with an additional qualification that the ‘Visual Light Transmission’ (VLT) be of a certain percentage. The law prescribes a minimum VLT for the windscreen and the front passenger windows of a vehicle, but not the rear. It was agreed to apply the lower percentage of VLT for the front side windows to the rear passenger windows and the back window. In practice, officers have found the two-pronged approach to be problematic and suggest the fairer, simplistic approach of only licensing vehicles with tinted windows in which passengers’ facial expressions can be seen from the outside of the vehicle. The Council’s Nominated Garages have been checking this as part of</p>

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		the routine test. Any vehicles on which there are conflicting opinions are referred to officers. This has been a practice that has worked well and officers would like this formalised in the policy.
Appendix A, page 2 Tinted windows – timescales	No timescale for clarified procedure currently mentioned in the policy.	Added ‘any vehicle with tinted windows that was licensed before 1 st 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) to clarify this exemption to new applicants and current licence holders. This timescale was previously agreed by the trade and Council but detail was not added to the policy.
Appendix A, page 3 Rear-facing seats	Each passenger seat shall be forward-facing, with the exception of tip-down seats which may face to the rear.	Proposal: to allow the licensing of vehicles manufactured with rear-facing seats so long as each seat has a working seatbelt. Officers cannot find any justification for not licensing such vehicles. In fact it is easier to make a rear-facing seat safer than a forward-facing one. Side-facing seats are not permitted as they are not considered safe, being the least favourable position to be in during an impact.
Appendix A, page 3 Location of vehicle licence plate	The licence plate shall be affixed to the vehicle and be clearly visible to the public at all times.	In the past the Council has advised that, ‘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’ and therefore this wording is suggested as it does not currently appear anywhere in the policy. This specification ensures

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		plates being readily visible and a uniformed approach makes for a smarter fleet.
Appendix A, page 3 Position of door stickers	The 'signs' provided by the Council shall be affixed to the vehicle at the centre of both rear doors.	Added, 'in the centre both vertically and horizontally' as there seems to be confusion over this and therefore some stickers have been placed incorrectly.
Appendix A, page 4 (i) Meters to be set at maximum agreed tariffs or lower	The taximeter shall be set for the current maximum tariff agreed by the Council.	Addition of, '(or can be set at a lower tariff, however the maximum tariffs must still be displayed) to clarify that this is a legal option.
Appendix A, page 4 Meters to be sealed by one of the Council's Nominated Garages	The taximeter shall be sealed to prevent unauthorised adjustment.	Addition of: sealed by one of the Council's Nominated Garages as has always been the practice.
Appendix A, page 4 'No-smoking' stickers	Not currently mentioned.	'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 order by telephone on 0800 169 1697' added to comply with the introduction of The Health Act 2006.
Appendix A, page 5 Fire Extinguishers	These shall be provided' ...'at all times when the vehicle is used for hire and reward' ... 'suitable and efficient'.	Added: '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

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		vehicle should familiarise themselves with the use of the fire extinguisher contained in the vehicle.’ To clarify that licensed vehicles must contain a fire extinguisher at all times, that it must be ‘in-date’ and that foam extinguishers will be permitted but these needs to be larger than the 1kg for dry powder and that the driver should familiarise themselves with the use of the extinguisher, or else the condition is futile.
Appendix A, page 5 First Aid Kits	Mentioned in the Vehicle Testing Manual provided to the garages but not listed in the policy.	Added, ‘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 & Safety Executive’s guidance (see paragraphs 33-40 of the document at www.hse.gov.uk/firstaid/review/firstaid174.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.’ Self explanatory.
Appendix B Vehicle registration document to be in name of applicant and to be submitted with renewals	The vehicle registration document issued by the DVLA (new applications only).	The Vehicle Registration Document issued by 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). Added to ensure that the applicant still owns the vehicle for which they wish to renew the licence and to provide for the situation where a vehicle has just

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		been purchased.
Appendix D, page 2 Requirement for renewal applications for driver and operator licences to be accompanied by Certificate Of Good Conduct if the applicant has lived 'overseas' for 3 consecutive months or more since the grant of the last licence	No current policy / requirement.	Required as CRB may not have been notified of any offences committed 'overseas'.
Appendix F Various Ensuring all offences are considered	Specific offences listed.	As the classification of offences can often change and there are frequent additions to offences or new Acts this was felt to be too prescriptive. Proposal: add the wording, 'and any other offence of a similar nature' under each section (i.e. dishonesty, violence etc.) The existing guidelines on taking such offences into account will still apply as explained in the rest of this appendix.
Appendix F, page 3 More Public Order, provocation of violence and racial hatred offences specified	Currently racially aggravated Public Order offences specified but not those which do not have a racial element. No racial hatred offences listed.	Offences added as missing.
Appendix F, page 4 Indecent images	Not currently specified.	Offence (s) added as missing.
Appendix F, page 4 (ii)	An application will normally be refused where an applicant	Change to 9 or more as per page 1 of this document.

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Reduction in amount of driving licence points before an application is normally refused	has 12 or more penalty points.	
Appendix F, page 6 Other penalties to be considered	‘For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions’.	Needs updating, too prescriptive / exclusive as per page 8 of this document
Appendix F, last page List not exhaustive	Not currently mentioned.	‘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.’ Self-explanatory.
Appendix G Various amendments	See Appendix G in current policy	(i) ‘Responsible’ changed to ‘respectful’, (ii) ‘Council Officers’ added (iii) ‘discrimination will not be tolerated’ added, (iv) drivers and proprietors to ‘ensure vehicles are not causing an obstruction or nuisance to local residents’ added. (v) ‘If approached by a potential customer, direct them to the Hackney Carriage at the front of the rank unless the passengers specifically asks for a particular driver or company’ added after recent problems (vi) 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 (vii) Criminal offences taken out of the code as it was felt that the Council should not be asking licence

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		holders not to do things which are already deemed illegal. Reference has been made and a list updated of the types of offences licence holders should be aware of.
Appendix H Re-wording (was Appendix D)	Duplicates some information already explained elsewhere. No mention of the Head Of Legal & Democratic Services.	No change to how applications are considered, purely duplication removed and procedure clarified.



VALE OF WHITE HORSE DISTRICT COUNCIL

**HACKNEY CARRIAGE & PRIVATE
HIRE DRIVER, VEHICLE &
OPERATOR POLICY**

Draft Policy For Consultation

Review date: October 2012

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1. EXECUTIVE SUMMARY

1.1 The main purpose of this document is to:

- Outline the Department for Transport Best Practice Guidance and the Department for Transport's 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 & 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 is underlined.

3. BACKGROUND

3.1 Role of Hackney Carriages and Private Hire vehicles

3.1.1 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

3.2.1 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. The Hackney Carriage and Private Hire trade within the Council’s area is fairly comprehensive and provides its population with a reasonable service. This policy builds on the trade’s existing strengths.

3.3 Licensing Profile

3.3.1 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 & 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 & 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, highlighted in bold text.

3.5 Best Practice Guidance & 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.

4. INTRODUCTION TO THE POLICY

4.1 Powers and Duties

4.1.1 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

4.2.1 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 & 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 vehicles 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 also 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 site the need for the passenger to have an alternative exit in the case of an emergency. The Council will therefore require all licensed vehicles that have been manufactured or adapted to carry passengers in their wheelchairs, to have side-loading facilities and rear-loading shall be prohibited.

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.

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 Unit who will investigate. Complaints about the part of the test that checks the Council's conditions will be dealt with by the Licensing Unit with reference to an expert if necessary. Council Officers 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 3 years. However, the Council requires both 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 5.5.1 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 & 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, both 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.

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. These 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.

5.6.8 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 Licensing Officers in order to ensure that it could not be considered inappropriate or offensive.

5.6.9 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.

5.6.10 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. In

addition, the Council feels that it is the choice of proprietors whether and how they let passengers know they charge less than the Council's maximum fare tariff.

5.6.11 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 shall contain a tax disc holder and vehicle / licence details to 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 will also display 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.

5.7 Security & 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 judgment 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. They 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.

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 & 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 in DVLA Tax Bands 'A' and 'B' but 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 introduced 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. Because 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).

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

5.14.1 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 while it is being 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 must still be displayed, however Licensing Officers will consider a written request for removal of a Hackney Carriage roof sign and door stickers for the period of the wedding.

5.12 Livery

5.12.1 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 para. 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

5.9.1 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.

5.10 Grant and Renewal of Licences

5.10.1 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.

5.10.2 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.

5.10.3 It is the proprietor or operator's responsibility to ensure that 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.

5.10.4 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.

5.10.5 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.

5.10.6 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, 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.

5.10.7 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 7 days.

6. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

6.1 Parallel Procedures

6.1.1 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, 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 & 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.

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 Unit'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 might be.

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, 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

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 & 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 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 will 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 sensory 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 licences. 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 a 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.

6.4.4 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.

6.4.5 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.

6.4.6 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 Unit. 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 Unit. 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. Drivers aged 65 and over must be examined annually. More frequent checks will also be required if, in the opinion of the medical practitioner, it is necessary.

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 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 drivers 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 10. Although there are suggestions that this should be raised to 14, this is not because it is no longer

thought that children aged 10 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 10 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. Disclosures will be kept for three years (or until surrender of the licence if this is sooner) and will then be destroyed.

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, the Licensing 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**.

6.7.4 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.

6.7.5 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.

6.7.6 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.

6.7.7 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.

6.7.8 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 the same 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, 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.

6.9 BEHAVIOUR & 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 & 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.

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 documents to be processed, applicants should ensure that the Licensing Unit receives their complete application at least six to eight weeks before the expiry date if a CRB Disclosure is required and at least 10 working days before expiry if it is not. The application procedure is set out at Appendix D.

6.12.6 Council officers will endeavour to send a reminder letter to drivers eight weeks before their existing licence expires if a CRB disclosure is also required 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 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 (once a CRB Disclosure and any Certificate Of Good Conduct required is received) is required before the appropriate licence can be issued.

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 & 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 10. Although there are suggestions that this should be raised to 14, this is not because it is no longer thought that children aged 10 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 10 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.

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

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

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

7.6.11 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. Disclosures will be kept for three years (or until surrender of the licence if this is sooner) and will then be destroyed.

7.6.2 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.

7.7 Proof Of Right To Work In The U.K.

7.7.1 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'.

7.7.2 Whilst not being the employer 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.

7.7.3 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.

7.7.4 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.

7.8 Conditions

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

7.9 Record Keeping

7.9.1 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.

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

7.10 Insurance

7.10.1 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.

7.11 Address from which an Operator may operate

7.11.1 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 7.9.1 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.

7.11.2 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.

7.12 Bases outside the Vale of White Horse District Council Area

7.12.1 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.

7.13 Sub-contracting

A Private Hire Operator may sub-contract a booking to another licensed operator, however the second operator may not be outside the Council's area and a record of who the booking was sub-contracted to and when must be made.

7.14 APPLICATION PROCEDURE

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**.

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

7.15 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**.

7.16 Grant and Renewal of Licences

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.

7.16.2 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.

7.16.3 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.

7.16.4 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.

7.16.5 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.

7.17 Change of Details

7.17.1 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.



HACKNEY CARRIAGE & 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 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.

Where the age of a vehicle is not identifiable, the age will be calculated as three years old at the date of registration in line with the policy of the D.V.L.A.

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 has been no gap in licensing.
- 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 Council 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 29) 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).

No other signs of whatever nature shall be provided 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 Garages 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 Council's 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 Garages 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 Garages, 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 Garages 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 order 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 & Safety Executive's guidance (see paragraphs 33-40 of the document at www.hse.gov.uk/firstaid/review/firstaid174.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.

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING PROCEDURES & 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 current **Certificate Of Compliance** issued by one of the Council's Nominated Garages
- 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 Limos
- 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 Limos

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.

TRANSFER OF HACKNEY CARRIAGE & 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 Garages
- 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 Unit 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 15 of policy]

HACKNEY CARRIAGE & 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 page 19 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 19 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 19-20 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 20-21 of policy]

OR an Enhanced Disclosure applied for by the Licensing Unit (issued within the last month) [see pages 20-21 of policy]

- If necessary, **an authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies [see page 21 of policy]
- Documents from List A or List B as **Proof of Right to Work in the UK** [see page 22 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 page 19 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 page 22 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 19-20 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 20-21 of policy]

OR an Enhanced Disclosure applied for by the Licensing Unit (issued within the last month). [See pages 20-21 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 Unit.

- 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 21 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 page 25 of policy]

OR a Basic or Enhanced Disclosure applied for by the Licensing Unit (issued within the last month). [See pages 25 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 Unit.

- If necessary, **authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies [see page 25 of policy].
- 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 page 22 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 page 25 of policy]

OR a Basic or Enhanced Disclosure applied for by the Licensing Unit (issued within the last month). [See pages 25 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 Unit.

- If necessary, **authenticated Certificate(s) Of Good Conduct** from the relevant embassy/ies [see page 25 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 Unit have not already photocopied proof, documents from List A or List B as **Proof of Right to Work in the UK** [see page 22 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.

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 the 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 & Failure Of The Test

The above is detailed in pages 16-17 of the Council's Policy.



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 adduced to show 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 adduced to show 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.

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 & Council Officers

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

Discrimination on the grounds 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 & Private Hire Driver, Vehicle & 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.

CONSIDERATION OF APPLICATIONS

1. Applications will not be considered unless they are complete.
2. Licensing Officers have delegated authority to grant Hackney Carriage & Private Hire driver & 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 & 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 & 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 issue a Hackney Carriage Proprietors licence is direct to the Crown Court. Appeals against refusal to grant, refusal to renew, suspensions, revocations or appeals against conditions attached to the licence are to the Magistrates' Court within 21 days.