

# General Licensing Committee Agenda



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Date: 12 March 2012

Website: [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

A meeting of the

## General Licensing Committee

will be held on Monday, 12 March, 2012 at 2.30 pm

South Oxfordshire District Council Offices, Benson Lane, Crowmarsh Gifford,  
Wallingford, Oxon, OX10 8ED

### Members of the Committee:

#### Councillors

Melinda Tilley (Chairman)

Marilyn Badcock (Vice-Chairman)

John Amys

Mike Badcock

Charlotte Dickson

Anthony Hayward

Dudley Hoddinott

Bob Johnston

Peter Jones

Pat Lonergan

Ron Mansfield

Julie Mayhew-Archer

Gill Morgan

Janet Shelley

John Woodford

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.

A handwritten signature in cursive script, appearing to read "M Reed".

Margaret Reed

Head of Legal and Democratic Services

Vale of White Horse District Council & South Oxfordshire District Council  
General Licensing Committee agenda - Monday, 12TH March, 2012

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**

A map showing the location of the venue for this meeting is found below.

<http://www.southoxon.gov.uk/about-us/contact-us/our-offices/how-find-us-location-maps>

Free car parking is available on site.

The council's vision is to take care of your interests across the Vale with enterprise, energy and efficiency.

### **1. Notification of substitutes and apologies for absence**

To record the attendance of substitute councillors, 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. Declarations of interest**

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

### **3. Minutes**

To adopt and sign as a correct record the minutes of the committee meeting held on 18 May 2011 (previously published and circulated separately).

### **4. Chairman's introduction and explanation of the format of the meeting**

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. Resolution to adjourn the meeting for a joint briefing and discussion with South Oxfordshire District Council General Licensing Committee on item 7**

*Adjournment for discussion*

## **7. Licensing policy for hackney carriage and private hire: joint statement of licensing policy**

**(Pages 4 - 135)**

To receive the report of the Head of Legal and Democratic Services, key changes (appendix 1) and draft statement of policy (appendix 2) **(attached)**.

A copy of the Department for Transport's 'Taxi and private hire vehicle licensing: Best practice guidance' is also

Purpose: The committee is asked to:

- discuss the policy and make any recommendations for changes to the policy before officers publish it for consultation;
- authorise officer to publish the draft policy for consultation with stakeholders for the statutory 12 week period.

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

None

# General Licensing Committee Report



Report of Head of Legal and Democratic Services

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Wards affected: All

To: General Licensing Committee (South)

To: General Licensing Committee (Vale)

DATE: 12 March 2012

DATE: 12 March 2012

**SOUTH:**

**AGENDA ITEM 6**

**REPORT NO 7**

**VALE:**

**AGENDA ITEM 7**

**REPORT NO 79/11**

## Licensing policy for hackney carriage and private hire: draft for consultation

### Recommendations

The committees are recommended to:

- (a) agree the proposed joint licensing policy for hackney carriage and private hire for consultation with the public and the trade.
- (b) authorise the Head of Legal and Democratic Services to make any further minor editorial changes to the proposed policy, prior to the document being issued for consultation.

### Purpose of Report

1. To present the two General Licensing Committees with a report to consider a revised and harmonised licensing policy for hackney carriage and private hire to be agreed for consultation with the public and the trade.

### Strategic Objectives

2. A revised taxi licensing policy will further the council's role in improving public safety in both district council areas. A harmonised policy will also promote economic development through consistent standards. In addition, it will improve the efficiency of the two council licensing teams by ensuring that processes and procedures are aligned.

## Background

3. Vale of White Horse District Council adopted its Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy from 1 January 2010. South Oxfordshire District Council adopted its Licensing Policy for Hackney Carriage and Private Hire from 1 June 2009. The Head of Legal and Democratic Services agreed minor amendments to the policy in consultation with the chairman of the General Licensing Committee with effect from 1 April 2011. As the policies are due for renewal the opportunity has been taken to harmonise the two policies into a single policy for both councils.

## Proposed policy

4. The key changes that are proposed are summarised in **appendix one** to this report and reflected in the draft policy.
5. Operating both the current policies in practice has highlighted some issues that would merit a review. Differences in practices between the two councils provide an opportunity to identify best practice and apply it across the two districts unless there is a good reason to do otherwise. A table setting out the key issues that officers are proposing for review is attached as appendix one to this report. A draft joint policy for consultation is attached as **appendix two** to this report.
6. In accordance with Home Office guidance, the councils will consult for a period of 12 weeks to ensure that all interested parties have the opportunity to engage with and respond to the revised policy. The consultation papers will be posted on the each of the council's websites. Comments will be sought from the trade, Oxfordshire County Council transport, councillors, disability access groups and the public. After the consultation period, officers will report all comments received back to a further joint meeting of the two General Licensing Committees, which will then make recommendations to each Council on a final revised policy.

## Financial Implications

7. The taxi licensing budget is a ring fenced budget. The councils are required to set fees at such a level as to recover their costs only. Some aspects of the costs of taxi licensing are excluded from this cost recovery so there will always be some cost borne by the councils. However, there are no financial implications arising from the proposed policy.

## Legal Implications

8. The joint policy has been drafted to reflect current legislative requirements. All applications for licences under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 have to be made and determined in accordance with the councils' taxi licensing policy.

## Risks

9. Failure to reflect the requirements of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 in the policy for hackney carriage and private hire could result in the councils not complying with the

legislation. Having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

## **Conclusion**

10. The committees are asked to approve the draft licensing policy for hackney carriage and private hire for consultation with the public and the trade.

## **Background Papers**

Vale of White Horse Council: Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy

South Oxfordshire Council: Licensing Policy for Hackney Carriage and Private Hire

Department for Transport guidance

# **REVIEW AND HARMONISATION OF SOUTH OXFORDSHIRE AND VALE OF WHITE HORSE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE**

## **ISSUES PAPER**

### **Background**

Currently both councils have separate policies for the licensing of hackney carriage and private hire vehicles, drivers and operators. The policy at South Oxfordshire District Council came into force following extensive consultation on 1 July 2009. The policy at Vale of White Horse came into force on 1 January 2010. There are a considerable number of similarities between policies and there are some notable differences.

An interim review of the policy at South Oxfordshire District Council was scheduled for December 2010 to look at the issue of MOT testing stations for vehicles. In addition, a minor review of the policy was carried out in January 2011 and implemented on 1 April 2011 following consultation with the Chairman of the General Licensing Committee; however, this review highlighted, but did not address a number of major changes necessary to the policy. The minor review dealt with issues relating to clarification of terms, typographical errors, changes in legislation and government advice.

An interim review of the policy currently in force at Vale of White Horse is scheduled for October 2012 and a number of minor changes have been highlighted as necessary.

As the policies are due for renewal the opportunity has been taken to harmonise the two policies into a single policy for both councils.

The regulation of both trades is the same however, there are differences in the nature and size of the two distinct hackney carriage and private hire operations. South Oxfordshire has approximately 720 drivers, 500 vehicles and 50 operators whereas Vale of White Horse has approximately 220 drivers, 200 vehicles and 40 operators. The South Oxfordshire trade operates more out of area than in area particularly in Reading, Wokingham, Buckinghamshire and at Heathrow, whereas the Vale of White Horse trade operates more around the district area itself and Oxford with limited trips to Heathrow.

The proposed policy boxes have been 'traffic light' coded with regard to likely risk.

| ISSUE   | CURRENT SOUTH POLICY   | CURRENT VALE POLICY  | SUGGESTED POLICY   |
|---|--|--|--|
| <p><b>VEHICLES</b></p> <p>Age of Vehicle</p> <p>Policy Vehicle 8</p>  | <p>Currently no age restriction</p> <div data-bbox="443 292 1115 735"> <p><b>SOUTH OXFORDSHIRE AGE OF LICENSED VEHICLES</b></p> <p>Y-axis: NUMBER (0 to 600)<br/>X-axis: AGE IN YEARS (LESS THAN) (1 to 17)</p> <p>Legend: 2010 (blue line), 2011 (magenta line)</p> </div> <p>Median Age of vehicles<br/>2010 - 5.97 years<br/>2011 - 6.86 years</p> <p>Although the median age of vehicles has increased the number of the oldest vehicles i.e. more than 16 years old has reduced from 19 to 13</p> | <p>Currently no age restriction</p> <div data-bbox="1140 292 1783 735"> <p><b>VALE OF WHITE HORSE AGE OF LICENSED VEHICLES</b></p> <p>Y-axis: NUMBER (0 to 300)<br/>X-axis: AGE IN YEARS (LESS THAN) (1 to 19)</p> <p>Legend: 2010 (blue line), 2011 (magenta line)</p> </div> <p>Median Age of vehicles<br/>2010 - 6.95 years<br/>2011 - 6.21 years</p> <p>Although the median age of the vehicles has reduced slightly there are more older vehicles and the number of the oldest vehicles has increased from 9-15</p> | <p>Option 1: Maximum age of vehicle when first licensed five years. Specialist wheel chair accessible vehicles (WAV) seven years.</p> <p>Option 2:<br/>As above but with maximum vehicle age limit of 10 years and 12 years for WAVs</p> <p>Option 3<br/>No age restriction ie no change to current policy</p> |
| <p>In general, licensed vehicles will typically travel in excess of 50,000 miles per annum and therefore vehicles will have a limited life. Newer vehicles have lower emissions and promote the council's air quality objectives especially within the air quality management areas of Abingdon, Botley, Wallingford, Watlington and Henley. They also offer improved passenger safety. Office of Fair Trading data shows that around 50% of councils have an age limit on private hire or hackney carriage vehicles.</p> |  |  |  |
| <p>Reading</p> <p>Maximum age at first licence 5 years. All HC vehicles are WAVs</p>  | <p>West Oxfordshire</p> <p>Maximum age for HC 10 years. Maximum age for PHV 15 years including WAVs</p>  | <p>Cherwell</p> <p>Maximum age at first licence 5 years. Maximum vehicle age 7 years. All new HC must be WAVs</p>  | <p>West Berkshire</p> <p>No restrictions except plate exempt vehicles which must be less than 5 years old</p>  |

| ISSUE  | CURRENT SOUTH POLICY  | CURRENT VALE POLICY  | SUGGESTED POLICY  |
|--|---|--|---|
| <p>Disabled Access</p> <p>Policy Vehicle 5 &amp; 6</p> | <p>There are currently 30 disabled access vehicles within the hackney carriage and private hire fleet, this equates to 5.4% of the total fleet. Ten are private hire vehicles used for school contracts. The Government have been considering introducing a provision to set a percentage of vehicles that should be disabled accessible for a number of years. The disabled groups in the district raise this issue each year. The Equalities Impact Assessment (EIA) recognised this issue and there is a specific target within the EIA to address this matter within the policy review.</p> | <p>There are currently 28 disabled access vehicles within the hackney carriage and private hire fleet, this equates to 13% of the total fleet. 13 are private hire vehicles used for school contracts. The policy does not allow the rear loading of disabled persons (although vehicles licensed when the policy came into force in 2010 can continue to be licensed if there is no lapse in licence). The Joint EIA has raised the issue of disabled access vehicles as an issue, which needs to be addressed.</p> | <p>Harmonise to allow suitably adapted WAVs with rear access via tail lifts or ramps.</p> <p>Work with OCC to require all WAV to be registered as PH or HC.</p>                                 |
| <p>MOT Testing</p> <p>Policy Vehicle 10</p>            | <p>Vehicles can be tested at any MOT centre. Difficulties have arisen with the quality of some of the MOTs and the standard of reports. There is an outstanding issue from the last policy review to go out to tender to appoint a number of MOT testing stations within South Oxfordshire District Council's area that all vehicles would have to be tested at.</p>  | <p>Two garages appointed as MOT Stations that all vehicles have to use to be tested. Both MOT stations were appointed after a tender exercise.</p> <p>The garages do not charge extra for the additional 'taxi' related checks that are over and above the MOT standard.</p>   | <p>Move to an 'approved' MOT centre approach:<br/>Two in Vale<br/>Three in South<br/>Plus: one in Oxford and two in Reading using test centres already approved by neighbouring authorities</p> |
| <p>Roof Signs</p> <p>Policy Vehicle 12</p>             | <p>The policy specifies the requirements for a roof sign and specifies the size, dimensions and wording.</p>  | <p>The policy specifies the requirement for a roof sign but does not specify the size dimensions and wording.</p>  | <p>There should be a harmonised style of roof sign. Signs display the relevant council logo. To be phased in over one year at vehicle licence renewal.</p>                                      |

| ISSUE   | CURRENT SOUTH POLICY  | CURRENT VALE POLICY  | SUGGESTED POLICY  |
|---|---|--|---|
| <p>Plate Exemption</p> <p>Policy Vehicle 14</p> | <p>The policy allows for plate exemption in respect of private hire vehicles but at present implies plate exemption for life. A fee for plate exemption was introduced in 2011, which has made operators consider if they wish to continue. The policy should make clear that plate exemption has to be justified on an annual basis to allow it to continue.</p> <p>There are currently four plate exempt vehicles in SODC</p>   | <p>The policy allows for plate exemption. The policy implies plate exemption for life. A fee for plate exemption was introduced in 2011, which has made operators consider if they wish to continue. The policy should make clear that plate exemption has to be justified on an annual basis to allow it to continue.</p> <p>There are currently 12 plate exempt vehicles in VWHDC</p>  | <p>Plate exemption only granted in respect of PH Vehicles. The exemption will be reviewed on an annual basis and applicants for exemption will be required to demonstrate that their customers are requiring plate exemption for security or business reasons and that these customers are contributing to the majority of income for that vehicle.</p> |
| <p>Tariff</p> <p>Policy Tariff 1</p>            | <p>There is no tariff within South Oxfordshire District Council's area and the council is the only one within the country that does not set a tariff. This leads to complaints from members of the public of overcharging especially at special events such as Henley Regatta when individual drivers set their own tariff. The lack of an official tariff leads to community safety issues in that vulnerable people can be left stranded because they have insufficient funds. This means that these people are either left stranded or start walking home late at night both of which scenarios leaves the person in a vulnerable situation. There is growing consensus within the trade to move towards an official council set tariff.</p> | <p>Vale of White Horse Council has a council set tariff, which was last changed in 2008. There have been consultations with the hackney trade in 2010 and 2011 to review the tariff. On both occasions, there has been no support from the vast majority of the trade to increase the tariff and it has therefore remained at the 2008 level. The meter tariff is the maximum payable charge. Many operators charge less than the meter tariff for regular customers or longer journeys.</p> | <p>There has been some support in South Oxfordshire for the council to set a tariff. There are considerable community safety and customer equality reasons why there should be a tariff in both councils.</p>   |

| ISSUE   | CURRENT SOUTH POLICY   | CURRENT VALE POLICY  | SUGGESTED POLICY  |
|---|--|--|---|
| Accident Notification<br><br>Policy Vehicle 22      | There is currently no requirement to notify the council when a vehicle has been involved in an accident that could affect the performance and safety of the vehicle.   | There is currently no requirement to notify the council when a vehicle has been involved in an accident that could affect the performance and safety of the vehicle.   | There should be a requirement for all accidents resulting in damage to a vehicle that requires repair to be reported to the council. This allows officers to assess the impact of that damage on the safety of and the vehicle condition.   |
| Advertising<br><br>Policy Vehicle 13                | Advertising is allowed. In the first instance it has to be approved by the council's licensing officer   | There is no provision in the policy regarding licensing  | Advertising the proprietor or operator's business will be permitted with prior permission of Licensing Officers   |
| <b>DRIVERS</b>                                      |  |  |   |
| Driving Standards – DSA Test<br><br>Policy Driver 4 | There is currently no requirement for drivers to demonstrate their driving skills other than that they have held a DVLA driving licence for at least 12 months. Hackney carriage/private hire drivers are professional drivers and should be able to demonstrate a higher standard of driving. Complaints about driving standards are regularly received from members of the public. There is a DSA professional drivers test available. | There is currently no requirement for drivers to demonstrate their driving skills other than that they have held a DVLA driving licence for at least 12 months. Hackney carriage/private hire drivers are professional drivers and should be able to demonstrate a higher standard of driving. Complaints about driving standards are regularly received from members of the public. There is a DSA professional drivers test available. | The DSA provides a test for Hackney Carriage drivers. It is proposed that drivers who have been the subject of substantiated complaints about their driving standards, have got nine points on their DVLA driving licence or have been suspended for other driving offences should have their licence suspended until they have passed this DSA test. |

| ISSUE                                   | CURRENT SOUTH POLICY   | CURRENT VALE POLICY  | SUGGESTED POLICY   |
|---|--|--|--|
| Spoken English Test<br>Policy Driver 3  | There is currently no requirement to demonstrate a proficiency in spoken English and the council offers support to those applicants who's first language is not English  | There is currently no requirement to demonstrate a proficiency in spoken English and the council offers support to those applicants who's first language is not English  | The councils should set a minimum standard of spoken English. If the applicant cannot meet this standard then they should be required to pass an independent and externally accredited test.                             |
| Knowledge Test<br>Policy Driver 2       | The policy requires applicants to sit a knowledge test. There is no limit on the number of times that an applicant can sit the test. The policy sets the percentage pass mark (80%)  | The policy requires applicants to sit a knowledge test. The policy prescribes that applicants can only sit a maximum of 4 tests. The policy sets the percentage pass mark (70%) and the time limit for the test.   | The policy should set the requirement for a pass mark. This should be harmonised at 80%. The operational guidance for the tests should be in guidance notes not in the policy. There should be a maximum of five resits. |
|   | The two tests have recently been standardised to a multiple-choice format but with separate pass marks.  |  |  |
| Driver Conditions<br>Policy Driver 23   | Thames Valley Police have requested a condition on driver's licences to protect both passengers and drivers. There must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty<br><br>Reading BC have this condition |  | There must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty  |
| Disability Awareness<br>Policy Driver 6 | There is currently no requirement for drivers to demonstrate a knowledge of disability awareness   | Drivers are required to demonstrate knowledge of disability awareness within 6 months of being first licensed and for existing drivers within 6 months of renewal. The council sets the standards expected and offers courses at cost for drivers. Drivers who can demonstrate suitable alternative qualifications are exempt from this requirement. | Applicants for a hackney carriage/private hire driver's licence will be required to undergo disability awareness training. Alternative qualifications are accepted at the discretion of the council.                     |

| ISSUE   | CURRENT SOUTH POLICY   | CURRENT VALE POLICY  | SUGGESTED POLICY   |
|---|--|--|--|
| Duration of Licence<br><br>Policy Driver 25<br>Private Hire Operator 12 | The council only offers licences lasting three years   | The council offers licences of one year and three years in length but the vast majority of drivers opt for the three year licence  | Licences should be for three years only.   |
| Medicals<br><br>Policy Driver 9   | <p>Applicants are required to have a medical meeting DVLA Group 2 Standard by a registered GP. Medicals last three years although drivers over 65 are required to have a medical annually</p> <p>There have been issues with drivers going to “medical centres” where the GP has no knowledge of the driver’s medical history. This can result in ‘hidden’ long term illnesses like heart disease or diabetes being missed and the public being put at risk.</p> | Applicants are required to have a medical meeting DVLA Group 2 Standard by a registered GP. Medicals last three years although drivers over 65 are required to have a medical annually | The current requirement for three year medicals and annual medicals for those over 65 should continue. The policy should be amended to require the driver to have the medical with a GP at the surgery the applicant is registered. The GP must confirm that they have checked the applicant’s personal medical records. |

| OPERATORS   | CURRENT SOUTH POLICY  | CURRENT VALE POLICY   | SUGGESTED POLICY  |
|---|---|---|---|
| <p>Planning Permission</p> <p>Private Hire Operator 9</p> | <p>The current policy states: “The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a private hire operator’s licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.”</p> | <p>The current policy states: “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.”</p> | <p>The following is recommended for inclusion in the policy: “To avoid inoperative operator licences being granted, the councils will not normally determine an application unless the applicant can demonstrate that the premises have either (in terms of activity and hours of use sought) planning consent or that it is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered, although the planning status of the premises has not been finalised.</p> |
|   | <p>Problems have arisen with operators operating from addresses where no planning permission exists.</p>  |   |   |

| GENERAL  | CURRENT SOUTH POLICY   | CURRENT VALE POLICY  | SUGGESTED POLICY  |
|--|--|--|---|
| <p>Information Sharing</p> <p>Policy Driver 28</p>         | <p>There is no reference to information sharing</p>                                  | <p>There is no reference to information sharing</p>                                  | <p>The following policy statement should be included within the policy:-<br/>           “The councils will share all information with other enforcement bodies including other councils, the police, UK Border Agency, HMRC and the Department for Work and Pensions on enforcement related issues involving licensed drivers, operators and vehicle owners.”</p> |
| <p>Mobile Phones</p> <p>Appendix G<br/>Policy Driver 4</p> | <p>There is nothing in the policy about the use of mobile phones whilst driving.</p> | <p>There is nothing in the policy about the use of mobile phones whilst driving.</p> | <p>Include a statement that drivers seen using mobile phones whilst driving will be subject to a penalty or suspension.</p>   |

| <b>BREACHES</b>  | <b>CURRENT SOUTH POLICY</b>  | <b>CURRENT VALE POLICY</b>                 | <b>SUGGESTED POLICY</b>  |
|--|--|--|--|
| Penalty Points Scheme<br><br>Policy Enforcement 1 Appendix H | There is no penalty points scheme in place<br><br>A sample penalty points scheme has been attached to indicate how a penalty point system operates.  | There is no penalty points scheme in place | Implement a penalty point scheme that allows enforcement officers to issue points for breaches of the licensing conditions. Points allocation is proportional to severity of offence. Once a certain number of points are exceeded the licence will be suspended. Drivers or operators may then appeal to the committee/panel. |
|  | The use of a penalty point system allows transparent and flexible enforcement by licensing officers whilst maintaining a committee based statutory oversight. This system mirrors that used by DVLA so is well understood by drivers. The adoption of a points based system provides a transparent set of offences and proportionate penalties. This builds on the current enforcement policies. The system is widely used by licensing authorities. Reading BC operates such a scheme, it has proven effective, and legally robust with no cases appealed to the magistrate's court having been lost. |  |  |

## Sample penalty points scheme

This council has adopted a penalty points scheme as a transparent disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, non-compliance of the law or because of unsatisfactory conduct.

Serious breaches of licensing conditions or the law may result in offenders being referred directly to the relevant sub-committee or panel.

The main features of the scheme are as follows;

- points are issued to licence holders for breaches of licensing conditions, legislation or byelaws
- a total of 12 points credited to an individual licence/licensee in any 12 month period will result in a review of the licence by committee/panel or by delegated officer.
- in the case of a private hire operator licence the total number of points credited in any licensing year is extended to 30 points
- any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued

There is no financial penalty associated with this scheme and you may continue to work if points are awarded.

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

|     | <b>Breaches</b>   | <b>Driver</b> | <b>H/C Prop</b> | <b>P/H Vehicle</b> | <b>P/H Operator</b> |
|-----|---|---------------|-----------------|--------------------|---------------------|
| 1.  | Failure to display drivers ID badge in the correct manner   | 3             |                 |                    |                     |
| 2.  | Unsatisfactory appearance of the driver   | 2             |                 |                    |                     |
| 3.  | Failure to notify change of address/any convictions received /medical grounds not to drive                            | 3             | 3               | 3                  | 3                   |
| 4.  | Failure to behave in a civil and orderly manner towards customers and other members of the public at all times        | 1-5           |                 |                    |                     |
| 5.  | Obstruction of an authorised officer  | 3-6           | 3-6             | 3-6                | 3-6                 |
| 6.  | Failure to produce licence/insurance when requested by authorised officer   | 4             | 4               | 4                  | 4                   |
| 7.  | Failure to report accident damage within 72 hours   | 3             | 3               | 3                  | 3                   |
| 8.  | Overdue medical examination   | 2             |                 |                    |                     |
| 9.  | Carrying more passengers than permitted by the vehicle licence  | 5             |                 |                    |                     |
| 10. | Refusal to carry passengers without a reasonable excuse   | 5             |                 |                    |                     |
| 11. | Failure to convey or assist with carrying luggage   | 2             |                 |                    |                     |
| 12. | Failure to display tariff of fares correctly  | 2             | 2               | 2                  | 2                   |
| 13. | Failure to recalibrate meter to the correct tariff  |               | 2               | 2                  | 2                   |
| 14. | Failure to display interior and/or exterior identity plate correctly  | 3             | 3               | 3                  | 3                   |
| 15. | P/H Exempt vehicles only:-<br>Failure to display interior plate, carry exemption certificate and carry exterior plate | 2             |                 | 2                  | 2                   |
| 16. | Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.                       | 5             |                 |                    |                     |
| 17. | Failure to be with taxi on rank   | 2             |                 |                    |                     |
| 18. | Failure to comply with the conditions/use of bus lanes  | 3             |                 |                    |                     |
| 19. | Failure to display door signs on Private Hire Vehicle   | 2             |                 | 2                  | 2                   |
| 20. | Failure to have operational fire extinguisher fitted  | 2             | 2               | 2                  | 2                   |
| 21. | Failure to carry adequate first aid kit   | 2             | 2               | 2                  | 2                   |
| 22. | Failing to display approved roof sign   | 3             | 3               |                    |                     |
| 23. | Unsatisfactory condition of vehicle interior/exterior   | 3             | 3               | 3                  | 3                   |
| 24. | Failure to deal appropriately with items of property accidentally left in vehicle                                     | 2             | 2               | 2                  | 2                   |
| 25. | Using/permitting licensed vehicle with no insurance   | 9-12          | 9-12            | 9-12               | 9-12                |
| 26. | Using licensed vehicle without current certificate of compliance/MOT  | 3             | 6               | 6                  | 6                   |
| 27. | Unauthorised advertising on licensed vehicle  |               | 3               | 3                  | 3                   |
| 28. | Standing or plying for hire in a private hire vehicle   | 5             |                 |                    | 3                   |
| 29. | Failure to attend a hiring punctually   | 3             |                 |                    | 3                   |
| 30. | Touting   | 6             |                 |                    |                     |
| 31. | Defective taxi meter  | 3             | 3               | 3                  | 3                   |
| 32. | Failure to keep or produce records of private hire bookings/documents required to be kept or produced.                |               |                 |                    | 4-6                 |
| 33. | Any other breach or unsatisfactory behaviour  | 1-6           | 1-6             | 1-6                | 1-6                 |

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

## **Joint statement of licensing policy**

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on **XXXX** and South Oxfordshire District Council at the meeting of Council on **XXXX** and comes into force on **XXXX** and will remain in force for a period of three years from that date unless previously amended.

## FOREWORD

This policy statement has 4 main purposes, which are:

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

## Using this policy

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

If you have any queries about licensing issues please contact the Licensing Teams at the following addresses: -

The Licensing Unit  
Vale of White Horse District Council  
Abbey House,  
Abingdon,  
OX14 3JE

Tel. 01235 520202

E mail: [licensing.unit@whitehorsedc.gov.uk](mailto:licensing.unit@whitehorsedc.gov.uk)

The Licensing Unit  
South Oxfordshire District Council  
Benson Lane,  
Crowmarsh Gifford,  
Wallingford,  
OX10 8NL

Tel: 01491 823209

E mail: [licensing@southoxon.gov.uk](mailto:licensing@southoxon.gov.uk)

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## GLOSSARY OF TERMS

| Term                        | Description   | Reference for Details |
|-----------------------------|---|-----------------------|
| Council                     | <p>The Vale of White Horse District Council in its capacity as licensing authority for the area of Vale of White Horse, and/or</p> <p>South Oxfordshire District Council in its capacity as licensing authority for the area of South Oxfordshire.</p>  |                       |
| Planning Authority          | Either council in its capacity as a planning authority for the respective area.   |                       |
| Police Authority            | Thames Valley Police  |                       |
| General Licensing Committee | <p>The committee of councillors of the Vale of White Horse District Council that is responsible for the Council's hackney carriage and private hire licensing functions in the area of Vale of White Horse.</p> <p>The committee of councillors of South Oxfordshire District Council that is responsible for the Council's hackney carriage and private hire licensing functions in the area of South Oxfordshire.</p> |                       |
| Sub-Committee               | Means a General Licensing Sub-Committee of the Vale of White Horse District Council   |                       |
| Panel                       | Means a Taxi Licensing Panel of South Oxfordshire District Council  |                       |
| Designated Officer          | The Head of Legal and Democratic Services   |                       |
| Vehicle or Licensed Vehicle | Means both a hackney carriage and private hire vehicle  |                       |

|                                      |   |  |
|--------------------------------------|---|--|
| Hackney Carriage                     | Means a vehicle licensed to ply for hire throughout the respective district.  | Town Police Clauses Act 1847   |
| Private Hire Vehicle                 | Means a vehicle licensed to carry passengers for hire or reward by prior booking  | Local Government Miscellaneous Provisions Act 1976   |
| 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     | Local Government Miscellaneous Provisions Act 1976   |
| 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 March 2010 |  |
| Taxi                                 | This word has no meaning in law and is often used generically to describe both hackney carriages and private hire vehicles                | In this document, in order to avoid confusion, the use is limited to instances where reference is made to other documents which have used it |
| DVLA                                 | Driver and Vehicle Licensing Agency   |  |
| DVLA driving licence                 | Means a full original GB driving licence  |  |
| DSA                                  | Driving Standards Agency – an Executive Agency of the Department for Transport  |  |
| EEA                                  | Means European Economic Area  |  |
| Low Emission Vehicle (LEV)           | One with CO <sub>2</sub> emissions of 120 g/km or lower   |  |
| DfT guidance on stretched limousines | Means the Department for Transport Guidance for Operators of Stretched Limousines, published 22 September 2009                            |  |

|                          |   |  |
|--------------------------|---|--|
|                          |   |  |
| CRB                      | Criminal Records Bureau   |  |
| Convictions and Cautions | Any reference to convictions and cautions also includes any convictions, 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.                     |  |
| Fit and Proper Person    | Means “a person who is free from relevant convictions, has passed a Group 2 medical and has satisfactorily demonstrated their knowledge of the law and the council’s licensing policy relating to hackney carriage and private hire operations, the highway code and local geography.”                  |  |
| Group 2 Medical          | Means the DVLA Group 2 standard of medical fitness for professional drivers.  |  |
| Judge on its own merits  | Means to evaluate something on its good and bad points and nothing else.  |  |
| PSV                      | Means Passenger Service Vehicle   |  |
| HGV                      | Means Heavy Goods Vehicle   |  |
| Regulated Occupation     | The principles of the 1974 Act do not apply to applicants for hackney carriage and private hire drivers’ licences. This is because the driving of taxis is listed as a “Regulated Occupation” in relation to which questions may be asked as to the suitability of individuals to be granted a licence. | Rehabilitation of Offenders Act 1974<br><br>Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 |

## INTRODUCTION

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

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

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

3 This policy contains information about legal requirements, government guidance, council policy, procedures and standards. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 which places on the councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

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

4 The councils' Hackney Carriage and Private Hire Licensing Policies have been introduced and reviewed at different times. A review of the policies and procedures has taken place to produce a single joint policy covering both councils. Following consultation and adoption by the councils the policy will remain in existence for a period of three years, during which time it shall be kept under review and revised as necessary. The Head of Legal and Democratic Services in consultation with the Chairmen of the General Licensing Committees is authorised to make minor amendments to the policy where necessary.

5 The policy refers to guidance that is available to applicants, drivers and operators to assist them with the application processes and the running of the service. This guidance, application forms and current fees are available on the relevant council website. Applicants, drivers and operators should not store these

forms on their own system but should download the latest version of a form when it is required.

## **BACKGROUND**

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

6 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.

### **Licensing profile**

#### **SOUTH OXFORDSHIRE**

The council currently licenses 552 vehicles; 376 hackney carriages and 176 private hire vehicles. There are 774 hackney/private hire drivers and 61 operators licensed by the council.

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

The council currently licenses 213 vehicles; 107 hackney carriages and 106 private hire vehicles. There are 244 drivers and 44 Operators licensed by the Council.

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

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

8 The DfT guidance is directed at local authorities in England and Wales with responsibility for hackney carriage and private hire licensing who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

9 The councils have taken account of the DfT guidance to develop this policy. 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 be followed by a statement of the councils' policy in respect of that specific issue shown in a text box and separately numbered.

10 This policy also takes account of the legislative basis of the councils' taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended which they have adopted.

## **Costs and benefits of licensing policies**

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

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

13 The cost of administering the policy including the cost of enforcement where the law allows will be met from licensing fees. In adopting this policy the councils have had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade, public safety and the delivery of other council policies.

## **Enforcement**

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. This may be of the statutory requirements or the council's policies as directed by regulations and current best practice. All enforcement schemes need to be proportionate and transparent. While the ultimate authority is the court the expectation is that enforcement will be carried out by licensing officers overseen by the General Licensing Committees and their associated sub-committees or panels.

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

There is a strong professional relationship between the licensing teams and the trade. This is based on the application of consistent standards for all parties. The

adoption of a points based system provides a transparent set of offences and proportionate penalties. This builds on the current enforcement policies. The points system does not affect the driver's or operator's rights of appeal within the councils' democratic systems and ultimately the magistrates court. The details of the system are shown in Appendix H.

#### **POLICY ENFORCEMENT 1: Penalty Points System**

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

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

Drivers who exceed 12 points in any 12 month period will be suspended pending a hearing before the relevant sub-committee or panel.

### **Tariff**

The adoption of a tariff for hackney carriages is almost universal across the country. South Oxfordshire is now the only council in England without a hackney carriage tariff. The tariff does not apply to private hire vehicles or pre-booked journeys where the cost is agreed in advance. A tariff allows a clear pricing framework for users, operators and drivers. It does not limit competition or increase fares. The tariff is a maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. It prevents over charging at times of peak demand (such as Henley regatta) when the council receives complaints from users. Drivers are free to charge any amount for a journey provided it does not exceed the fare on the meter.

As in the Vale all South Oxfordshire hackney carriage vehicles must have a meter fitted, the key issue being that currently owners and drivers set their own tariffs rather than one being set for the whole district. This allows drivers to dramatically increase the tariff with no warning to customers. This results in a public safety issue in that passengers may find that the amount they had budgeted for from last weeks journey is now inadequate and they have to complete a journey on foot late at night. Elderly and vulnerable passengers on limited budgets may also be unable to undertake or complete journeys with no warning. There is a clear statutory process for setting the tariff in a district based on consultation with the hackney carriage trade and users.

## **POLICY TARIFF 1**

South Oxfordshire District Council will introduce a hackney carriage tariff to bring it into line with all other licensing authorities across England. The Vale of White Horse District Council will continue to operate its current hackney carriage tariff.

## **Hackney carriage and private hire vehicles**

### **LIMITATION OF NUMBERS**

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

Many councils do not impose any quantity restrictions on hackney carriages and the DfT regards this as best practice. Where restrictions are imposed, councils are encouraged 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 hackney carriage and Private Hire vehicle users.

If the council were to take the view that a quantity restriction could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

## **POLICY VEHICLE 1: Numbers**

The councils do not intend to set a limit on the number of hackney carriages that they license, since no evidence has been provided of any difficulty arising from this position.

### **SPECIFICATIONS AND CONDITIONS**

Councils have a wide range of discretion over the types of vehicle that they can license as hackney carriages and private hire vehicles.

The DfT guidance suggests that best practice is for local councils to adopt the principle of specifying as many different types of vehicle as possible. Councils are encouraged to leave it open to the trade to put forward vehicles of their own choice

that can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be taken into account.

Councils are asked to be 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 encouraged to make use of the “type approval” rules within any specifications they determine.

The councils are empowered to impose such conditions as they consider 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 important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

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

#### **POLICY VEHICLE 2: Minimum standards**

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

#### **POLICY VEHICLE 3: Number of passengers**

Vehicles will in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications set out in Appendix A. These will apply to private hire vehicles unless they are treated as a “special vehicle”.

#### **POLICY VEHICLE 4: Q plate vehicles**

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

## Accessibility

### SOUTH OXFORDSHIRE

The council currently licenses 552 vehicles; 376 hackney carriages and 176 private hire vehicles. Of these 20 (11.36%) private hire vehicles and 10 (2.66%) hackney carriages are wheelchair accessible.

### VALE OF WHITE HORSE

The council currently licenses 213 vehicles; 107 hackney carriages and 106 private hire vehicles. Of these 13 (12.26%) private hire vehicles and 15 (14.02%) hackney carriages are wheelchair accessible.

The councils are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission, that, "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment and healthcare, as well as social and family life, is significantly improved when journeys become accessible." For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

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

Due to the limited number of disabled access vehicles available, any wheelchair accessible hackney carriage meeting the European Community Whole Vehicle Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the M1 test standard will be given a reduced licensing fee. The councils will give careful consideration to other incentives to increase the number of disabled access vehicles within the districts.

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

The councils will continue to encourage the licensing of vehicles that are wheelchair accessible by giving a reduction in vehicle licence fees. The eligibility of such vehicles is defined as any vehicle that has been modified to accommodate disabled passengers. The licence fee reductions are subject to annual review.

#### **Vehicle type**

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils.

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

When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the M1 test standard. Prior to the first licensing of the vehicle the operator must produce certification that the vehicle meets the above standards.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owners cost.

#### **Access**

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

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

## Equipment

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

### Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

### Wheelchair lift

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

### Anchorage

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC).

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

Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. This is required by (European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

A VOSA certificate of compliance to M1 standard following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards.

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

#### **POLICY VEHICLE 7: Private hire vehicles and hackney carriage vehicles - rear loading access for disabled people**

The councils will require all new hackney carriage and private hire vehicles that have been manufactured or adapted to carry passengers in their wheelchairs and have rear-loading facilities to have been fitted with an appropriate tail lift that has been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. Any driver must be fully trained in the safe operation of the equipment. The equipment must be maintained in good working order and available for use at all times.

#### **Maximum age of vehicles**

The DfT guidance reminds councils that it is possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate.

Councils are 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.

The councils are mindful of the policy objectives set out at the beginning of this policy namely the protection of the public and the environment and access to an effective and efficient transport service.

**POLICY VEHICLE 8:** Maximum age of vehicles – three options are presented for consideration:

In the interests of the public and in order to improve reliability, safety and the overall standards of the vehicles licensed by the councils:-

Option 1: Maximum age of vehicle when first licensed 5 Years.  
Specialist wheelchair adapted vehicles (WAV) 7 years.

Option 2:  
As above but with maximum vehicle age limit of 10 years and 12 years for WAVs

Option 3  
No age restriction ie no change

## VEHICLE TESTING

The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is appropriate. More frequent tests are not recommended, except for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages.

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

**POLICY VEHICLE 9:** Certificates of compliance

No vehicle may be used as a hackney carriage or private hire vehicle unless it has been given a certificate of compliance from an approved testing station and has been appropriately licensed by the councils.

The councils will only accept certificates of compliance that are valid for at least 11 months.

Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the licensing team who will investigate. Complaints

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about the part of the test that checks the councils' conditions will be dealt with by the licensing team with reference to an expert if necessary. Officers from the licensing team may refer any complaint about the mechanical / MOT part of the test to VOSA who have a procedure in place for such disputes.

#### **POLICY VEHICLE 10: Compliance testing requirements**

The councils require all vehicles to be licensed as hackney carriages and private hire vehicles to undergo a compliance test before the issue of a licence, regardless of the age of the vehicle. This testing must be undertaken in a council approved testing centre. In addition to this vehicles must be tested and licensed in accordance with POLICY VEHICLE 9: Certificates of compliance above.

hackney carriage and private hire vehicles will be tested once each year until four years old. Brand new registered vehicles that have less than 1,500 miles on the clock will not have to undertake a vehicle test. If the vehicle is over four years old when a licence is issued it must undertake two tests each year falling at the start of the licence and six months into the licence. The test must take place in accordance with the council's testing procedures.

#### **SIGNAGE AND ADVERTISING**

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 and creating livery for hackney carriages will address this.

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

Both hackney carriages and private hire vehicles must display a licence plate on the rear of the vehicle.. The plates are different colours for hackney carriages and private hire vehicles. The council proposes to continue using different colours and styles for the different type of licences. Hackney carriages must also display a roof sign measuring 18 inches (45 cm) long by six inches (15 cm) high and six inches (15 cm) deep; this is a key feature in helping to identify licensed hackney carriage vehicles.

Limited advertising will be permitted on hackney carriages. Details of any signs or advertising shall be submitted, in the first instance, to the council's licensing officers for approval.

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

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

The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. No temporary fixing such as magnets or Velcro are allowed. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with Policy Vehicle 13 and Policy Vehicle 14.

DRAFT

## POLICY VEHICLE 12: Hackney carriage roof signs

A hackney carriage licensed by the council must carry a fully illuminated roof-mounted sign. The Vale of White Horse council does not currently stipulate the design or size of the roof sign. The introduction of a standardized roof box as shown will only affect hackney carriages currently licensed by Vale of White Horse council. The requirements for the roof sign are:

- the roof sign is an aerodynamic triangular structure and is referred to by some sign manufacturers as the “streamline or aerodynamic sloped”
- the long dimension is 18 inches (45 cm) , the base is six inches (15 cm) and the height is six inches (15 cm)
- the roof sign has a white background
- when a vehicle has a taximeter, the roof sign must be connected to it to be automatically controlled.
- the roof sign must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
- the relevant council’s logo, measuring 12.5cm wide and 9.5cm high (see appendix D), must be displayed on the far left of the front of the roof sign. The proprietor’s surname or company name, must be displayed in the remaining space. The word taxi may also be displayed in conjunction with the owner or company name
- nothing else is displayed on the front of the roof sign.

The roof sign must be affixed to the vehicle at all times. The only exceptions to this are:

- when the vehicle is parked at a proprietor’s home or in a taxi office car park for security reasons
- when the vehicle is undergoing maintenance work or is being cleaned.

In both cases the roof sign must be put back on the vehicle before the vehicle is used again as a licensed vehicle.

There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign. In this case the council's logo, measuring 12.5cm wide and 9.5cm high, must be displayed in both rear passenger door windows.

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

**POLICY VEHICLE 13: Advertising on licensed vehicles**  
Advertising the proprietor or operator's business will be permitted with prior permission of licensing officers.

#### PLATE EXEMPTION FOR PRIVATE HIRE VEHICLES

Private hire vehicles which are used for contract work for at least 75 per cent of the time can be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the relevant council will require evidence from the client as to why plate exemption is required. Where an exemption is granted the vehicle will display a prescribed licence in accordance with Policy Vehicle 14 below. The licence contains vehicle / licence details and must be visible from the outside and the required 'No Smoking' sign and vehicle / licence details must be visible from the inside.

The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The relevant council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

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

**POLICY VEHICLE 14: Plate exemption**  
Plate exemption will only be granted to private hire vehicles.

#### POLICY VEHICLE 15: Plate exemption

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

#### SECURITY AND CLOSED CIRCUIT TELEVISION (CCTV)

The DfT recommends councils to look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. Whilst the councils will not insist that owners and drivers fit CCTV in their vehicles they will permit them to do so as a means of preventing crime.

#### POLICY VEHICLE 16: CCTV

The councils will not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator.

The DfT guidance suggests councils might consider drawing up notices to set out not only what passengers can expect of drivers but vice versa. The councils consider that there would be difficulties 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 affix notices to the vehicle. If the notices were not securely fixed they could be easily removed. In the spirit of the suggestion, it has been decided to add a sentence to the tariff card that 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.

## ENVIRONMENTAL CONSIDERATIONS

The DfT guidance asks councils 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. The guidance suggests that councils may wish to consider setting vehicle emissions standards by promoting cleaner fuels. It also states that councils may wish to note that a review carried out by the National Society for Clean Air and Environmental Protection in 2005 found taxis were more likely than other vehicles to fail emissions tests. The requirement for two vehicle tests a year for vehicles over four years old will ensure that the vehicles are able to meet the national emission standards.

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

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

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

Band CO2 emission (g/km)

|   |  |
|---|--|
| A | Up to 100  |
| B | 101-120  |
| C | 121-150  |
| D | 151-165  |
| E | 166-185  |
| F | Over 185   |
| G | Over 225 – for cars registered before the 1st March 2001 |

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

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

The policy of restricting the age of licensed vehicles (Policy Vehicle 8) if introduced would bring about a move to newer vehicles that will meet the more stringent Euro 5 standard in respect of emissions and the more frequent testing of older vehicles, on the grounds of safety, also encourages a younger, less polluting fleet.

**POLICY VEHICLE 17: Reduced licence fees for less polluting vehicles**  
The councils will seek to achieve a reduction in emissions from hackney carriages and private hire vehicles by continuing to offer a reduction in fees for vehicles with CO<sub>2</sub> emissions of 120 g/km or lower.

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

DRAFT

## STRETCHED LIMOUSINES AND OTHER MODIFIED VEHICLES

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

Councils are sometimes asked to license stretched limousines as private hire vehicles. The DfT guidance suggests that such requests should be considered on the basis that these vehicles have a legitimate role to play in the private hire trade in meeting public demand. The councils will assess licence applications for these vehicles in accordance with the “special vehicle policy” set out in appendix B.

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

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

### POLICY VEHICLE 18: Stretched limousines

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 SVA or IVA as set out in Policy Vehicle 19.

### POLICY VEHICLE 19: Single Vehicle Approval (SVA) certificates

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

## POLICY VEHICLE 20: Imported stretched limousines

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

## FUNERAL AND WEDDING VEHICLES

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

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

## LIVERY

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

## TRANSFERS

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

## POLICY VEHICLE 21: Transfer of licences

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

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 license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such, which is an application for a 'new vehicle licence'.

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

## ACCIDENTS

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

A licensing officer or approved testing station will examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle.

### POLICY VEHICLE 22: Accidents

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

## APPLICATION PROCEDURE

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

### POLICY VEHICLE 23: Application

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

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

**POLICY VEHICLE 24: Consideration of applications**

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

**Consideration of applications**

**GRANT AND RENEWAL OF LICENCES**

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

**POLICY VEHICLE 25: Duration of vehicle licences**

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

**POLICY VEHICLE 26: Operator's responsibility**

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

The councils will only accept complete applications comprising all the necessary paperwork as set out in Policy Vehicle 26. 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. The vehicle will then be unlicensed and must not be used as a hackney carriage or private hire vehicle.

**CHANGE OF DETAILS**

**POLICY VEHICLE 27: Change of details**

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

## Hackney carriage and private hire drivers

### PARALLEL PROCEDURES

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

### AGE AND EXPERIENCE

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 un-necessary, advising that applicants should be assessed on their merits.

#### **POLICY DRIVER 1: Age and experience**

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

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

### KNOWLEDGE TEST

Hackney carriage and private hire drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street, whereas private hire vehicle drivers will normally have time to check the shortest or quickest route on a map and discuss the options with the hirer prior to the hire commencing. The DfT recognises that most councils require prospective drivers to pass a test of local topographical knowledge as a condition of gaining a licence.

In order to maintain the high standards expected of drivers, the councils will not grant a licence to drive a hackney carriage or private hire vehicle unless it is satisfied that the applicant is a fit and proper person. In this context the ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.

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

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

### POLICY DRIVER 2: Knowledge test

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

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

### POLICY DRIVER 3: Spoken English test

Drivers who cannot demonstrate a basic level of spoken English will be required to pass an independently administered English test prior to their application for a private hire or hackney carriage drivers licence being considered.

### TEST FAILURE AND RE-SITS

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

There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 12 month period.

## DRIVING PROFICIENCY, QUALIFICATIONS AND GIVING ASSISTANCE

The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers. Whilst most councils rely on the standard DVLA driving licence as evidence of driving proficiency, others require the DSA or some further driving test to be taken. Councils considering this route are asked to consider 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. 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 councils encourage such training as this enhances the standing of the trade as one with recognised qualifications to demonstrate competence.

The councils have concluded that the standard DVLA driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles in the districts. However where a driver has been suspended by the council because of proven complaints about the standard of their driving or has been suspended because they have accumulated nine penalty points on their DVLA driving licence will be required to pass the DSA Taxi and Private Hire Drivers Assessment before their licence will be reinstated.

### **POLICY DRIVER 4: Competence to drive**

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

### **POLICY DRIVER 5: National Vocational Qualifications**

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

13 per cent of both South Oxfordshire's and the Vale's populations are registered disabled. 18.2 per cent of the South Oxfordshire population are over 65 years of age and this is projected to rise by 39.6 per cent by 2026. 17.8 per cent of the Vale's population are over 65 and this is projected to rise by 42.7 per cent by 2026. The councils consider that given this information there is a need to train drivers in assisting those requiring assistance. There are training companies with packages which can be specifically designed to suit the needs of local groups. Successful candidates are given a certificate to show that they are aware of the needs of people with disabilities. This will promote the scheme and will provide easy identification of those who have been trained to those requiring assistance or their carers.

#### POLICY DRIVER 6: Disability awareness qualification

Applicants for a hackney carriage/private hire driver's licence will be required to undergo disability awareness training. Applicants with existing, equivalent qualifications such as an NVQ in Road Passenger Transport must produce documentary evidence at the time of application. Alternative qualifications are accepted at the discretion of the council. Qualifications obtained more than five years prior to application will not be accepted. All disability awareness training must be completed within the first six months of licensing and those already licensed to be trained within the first twelve months of licence renewal. The cost of the training shall be met by the applicant / licence holder or their employer.

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 councils.

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

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

#### POLICY DRIVER 7: Driving licences

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

Applicants from EEA Accession States are eligible to acquire a hackney carriage/private hire driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an Accession State.

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 DVLA licence for 12 months prior to being issued with a hackney carriage/private hire vehicle driver's licence. However, those who have held a driving licence issued by an EEA state, an Accession state or Northern Ireland for 12 months will be eligible to apply immediately post conversion.

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

## POLICY DRIVER 8: DVLA check

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

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

## MEDICAL EXAMINATION

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 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.

A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, is obtainable from the licensing team. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report will be submitted to the council. The GP completing the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination. The applicant may request a copy of the report.

The DfT's Guidance suggests hackney carriage and private hire drivers undergo the Group 2 standard of medical every three years. The councils support this, given the importance of a driver's good physical and mental health in protecting the public.

Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing.

Licence holders must advise the licensing team, in writing, of any deterioration in their health that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the council may require the applicant to undergo a further medical examination by a medical practitioner appointed by the council. In these circumstances the councils will pay for the examination. Where there remains any doubt about the fitness of any applicant, the relevant council sub committee/panel will review the medical evidence and make the final decision.

**POLICY DRIVER 9: Medical examination**

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

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

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

**POLICY DRIVER 11: Medical problems**

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

**CRIMINAL RECORD CHECKS**

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 as these disclosures include details of spent convictions and police cautions.

**POLICY DRIVER 12: Criminal Record Bureau checks**

The councils will require an Enhanced Criminal Records Bureau disclosure before a licence is granted and then every three years. The councils will not accept CRBs from other organisations.

The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as "spent" and not normally require disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude hackney carriage and private hire drivers from the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a

“Regulated Occupation” in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

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

The councils are approved Criminal Records Bureau bodies. Therefore applicants can deal with the CRB through the relevant council. The councils will not accept portability of CRBs. The councils may request another disclosure at any time if a further check is considered necessary. As a further safeguard a regime of random Enhanced CRB checks on drivers will be carried out. If a driver is given notice to undertake a random CRB check by the council they must do so within 28 days of the request.

**POLICY DRIVER 13: Random CRB checks.**

Driver's given notice to undertake a random CRB check by the council must do so within 28 days of the request or their licence will be suspended until the CRB check has been satisfactorily received by the relevant council.

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

The councils are bound by rules of confidentiality, and will not divulge any information to third parties. The applicant for a CRB disclosure is sent a separate disclosure report to their home address, and the council also receives a copy. The councils will manage information arising from disclosures in accordance with the CRB's codes of practice.

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

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

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

Licensed drivers are obliged to report all new convictions, warnings, reprimands, ABSOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) to the council in writing within seven working days.

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 lived in countries other than these, an authenticated certificate of good conduct from the relevant embassy/ies will be required. If an applicant submits a certificate of good conduct in a language other than English, the council 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.

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. As many of the applicants already require a certificate of good conduct, determining an age from which any criminal offences are checked is necessary and so the councils will require a certificate of good conduct to cover an applicant from the age of ten as necessary, thereby staying in line with what is checked for the remainder of applicants who are checked through the CRB. The relevance of convictions at young ages will be taken into account as outlined below.

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

Applicants who have lived outside of England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, must provide an authenticated certificate of good conduct from the relevant embassy. If an applicant submits a certificate of good conduct in a language other than English, the council 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.

**POLICY DRIVER 17: Age limits for certificates of good conduct.**  
There is no suggested age or period of time that a certificate of good conduct should cover. As many of the Councils applicants already require a certificate of good conduct, determining an age from which any criminal offences are checked is necessary and so the relevant council will require a certificate of good conduct to cover an applicant from the age of ten in line with what is checked for the CRB. The relevance of convictions at young ages will be taken into account as outlined below

## RELEVANCE OF CONVICTIONS AND CAUTIONS

The DfT guidance recommends that, when considering an individual's criminal record, authorities must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends that authorities have a clear policy for the consideration of criminal records that must address:

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

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

## POLICY DRIVER 18: Consideration of previous convictions

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

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

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

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

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

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

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

can appeal against a refusal to grant or decision to suspend or revoke the licence under the Public Health Act 1936.

In particular, applicants or an existing licence holder will be referred to the relevant sub committee/panel where the applicant/existing licence holder's record includes one or more of the following:

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

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

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

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

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

**POLICY DRIVER 20: Release of information**

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

PROOF OF RIGHT TO WORK IN THE U.K.

Since 2008 employers have been liable to a civil penalty of up to £10,000 per illegal worker if they have not established 'an excuse' for employing someone who does not have the right to work in the UK. The UK Border Agency has produced guidance "Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006: - Comprehensive Guidance for Employers on Preventing Illegal Working. November 2010.

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/private hire driver's licence. The councils agree that this is not only good practice but helps protect the income of those currently licensed who do have the right to work. All applicants can be provided with a copy of the Agency's 'List A – Documents Which Provide An Ongoing Excuse' and 'List B – Documents Which Provide An Excuse For Up To 12 Months' so that they are aware of what documents they are required to submit. A copy of all new applicants' documentation will be taken and will remain on file. If the document is from 'List A' they will not be asked to prove their right to work again.

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

The councils will refer to the UK Border Agency's Guidance Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006: - Comprehensive Guidance for Employers on Preventing Illegal Working. November 2010 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.

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 to which they are not entitled.

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

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

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

## BEHAVIOUR AND CONDUCT OF DRIVERS

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

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 Code of Good Conduct will form a part of the conditions attached to a hackney carriage/private hire Driver's licence.

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

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

Failure to comply with any aspect of the Code of Good Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which licensing officers will use to help decide upon subsequent enforcement action. This may result in warnings or penalty points being given by licensing officers or if necessary, by the relevant sub committee/panel. Repeated breaches following such advice or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

## SEXUAL ACTIVITY

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

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

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

## APPLICATION PROCEDURE

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

#### **POLICY DRIVER 24: Consideration of applications**

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

The licence fees payable to the relevant council are subject to annual review and will be published together with other council licensing fees on the relevant council's website.

#### **GRANT AND RENEWAL OF LICENCES**

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 advocated as the best approach.

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

#### **POLICY DRIVER 25: Duration of driver licences**

The councils will only offer drivers three year licences.

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

Licensing officers will aim to send a reminder letter to drivers ten weeks before their existing CRB Disclosure expires and six weeks before their existing licence expires if a CRB is not required in order to assist applicants in their prompt submission of renewal applications. Drivers are reminded that the councils are not obliged to do this and the responsibility of ensuring licences and CRB Disclosures do not expire remains with the licence holder.

The councils 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.

## CHANGE OF DETAILS

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

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

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

## SHARING OF INFORMATION

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

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

### **POLICY DRIVER 27: Sharing of information**

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

## Private hire operators

### REQUIREMENTS AND OBLIGATIONS

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

A private hire vehicle may only be dispatched to a customer by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle. A private hire operator must ensure that every private hire vehicle he operates is licensed by the same council who issued him with his operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

Applicants must apply for an operator's licences using the prescribed form, and submit the correct fee. All new private hire operators must submit a business plan and undergo a Basic CRB disclosure (if the operator is also a licensed driver with the council the requirement for the CRB disclosure is waived as the driver will have been subject to an Enhanced Disclosure). The council will then decide whether the applicant is a fit and proper person to hold such a licence. The applicant must provide the relevant council with proof that they are entitled to work within the UK. For details of the requirement and guidance please see above.

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

The councils 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.

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.

### CRIMINAL RECORD CHECKS

Private hire operators are not exempt from the Rehabilitation of Offenders Act 1974. Before it considers an application for a private hire operator's licence the relevant council requires the applicant to undertake a standard CRB disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant. If the operator holds a hackney carriage or private hire driver's licence with the council, no CRB disclosure is required.

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

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

#### POLICY PHO 2: CRB disclosure

The councils require a Basic Criminal Records Bureau disclosure and Certificate of Good Conduct (if required) before a licence is granted and then every three years.

#### POLICY PHO 3: Applications

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

## CONDITIONS

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

## RECORD KEEPING

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

- the time and date of the booking
- the name of the hirer
- the fare quoted

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

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

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

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

**POLICY PHO 4: Record keeping**

Operators are required to keep records of each booking, including date and time of booking, the name of the passenger, the pick-up point, the destination, the name of the driver, the registration and plate number of the vehicle and any fare quoted at the time of the booking.

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

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

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

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

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

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

**INSURANCE**

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

**POLICY PHO 8: Public liability insurance**

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

**ADDRESS FROM WHICH AN OPERATOR MAY OPERATE**

Upon grant of an operator's licence, the council will specify the address from which the operator may operate. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

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.

**POLICY PHO 9: Planning consent required before licence application**

Councils will not normally determine an application for an operators licence unless the applicant can demonstrate that the premises have either (in terms of activity and hours of use sought) planning consent, or that is otherwise lawful.

## BASES OUTSIDE THE RELEVANT COUNCIL AREA

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

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

## SUB-CONTRACTING

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

## APPLICATION PROCEDURE

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

### POLICY PHO 11: Consideration of applications

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

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

## 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. However, it is considered that five years is a long time in the context of the life of a business of this type.

All private hire operators licences will be issued for three years to bring them into line with private hire drivers licences. Licences of a shorter duration may be issued if required.

### **POLICY PHO 12: Duration of licences**

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

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

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

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

The councils 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.

### **CHANGE OF DETAILS**

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

### **POLICY PHO 13: Change of details**

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

## APPENDIX A

### HACKNEY CARRIAGE VEHICLE SPECIFICATION AND SCHEDULE OF CONDITIONS

#### HACKNEY CARRIAGE VEHICLE CONDITIONS

1. A hackney carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage proprietor's licence from the council, before they are legally entitled to use the vehicle for plying for hire.
2. Licences can be obtained by making an application to the relevant council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the councils. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, 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 sub committee/panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

#### SPECIFICATION

3. The vehicle must meet the following specification:
  - a. The vehicle must be capable of carrying not less than four passengers and no more than eight.
  - b. Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle.
  - c. The seat provided for each passenger will have a minimum width of 16 inches measured across its narrowest part.
  - d. Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that "tilt" forward by a single operation. If permitted by the council, the driver must inform the passengers of the operation of the seats before a journey commences.
  - e. Will be right hand drive.
  - f. Will have four road wheels.
  - g. Have an engine with a capacity of at least 1400cc. including vehicles badged by the manufacturer as "1.4" models.

- h. Will in addition to the driver's door, have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
- i. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
- j. Estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
- k. No alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
- l. The front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacturer tints are permitted on the vehicle.

## VEHICLE AGE

- 4. In normal circumstances the councils will not licence a vehicle that is older than five years old (to be agreed following consultation) when first presented for licensing and will not licence any vehicle at all that is over ten years old at the time of licensing. In normal circumstances the councils will not licence a wheel chair accessible vehicle that is older than seven years old when first presented for licensing and will not licence any vehicle at all that is over twelve years old at the time of licensing.
- 5. Vehicles are required to be tested once each year until they are four years old. If the vehicle is over four years old at the time of the licence being granted or renewed it will be required to undertake two tests per year falling at the granting of the licence and six months into the vehicle's licence.
- 6. The vehicle test is an MOT test. The council will only accept MOT tests that are valid for over 11 months at the start of the hackney carriage licence and have been carried out by one of the councils' nominated testing centres. Brand new registered vehicles with less than 1,500 miles on the clock are not required to have a vehicle test.

## EQUIPMENT

- 7. The vehicle must carry the following equipment:
  - An in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times when the vehicle is licensed shall be securely fixed 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.
  - A spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete

the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the relevant council:

- a jack and tools for changing the wheels
- a spare auto lamp kit applicable to the vehicle and the taxi sign
- a warning triangle
- a torch
- a first aid kit.

## CONDITION OF VEHICLE

8. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

## INSURANCE AND OTHER DOCUMENTATION

9. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward / public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance an original of the new certificate must be provided to the council. The councils will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.

10. The proprietor must produce when requested the vehicle registration document, a valid MOT certificate (Certificate of Compliance) and must ensure that the vehicle displays a valid vehicle excise licence. Any advisory item on the MOT/Certificate of Compliance must be corrected and a "clean certificate" issued before the vehicle will be licensed. Only original documents are acceptable.

## LICENCE PLATES

11. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket. The licence plate remains the property of the council at all times. If

required to do so at any time the licence holder is required to return the plate to the council within seven days.

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## TAXI SIGNS, LIVERY AND ADVERTISING

12. No external signs, other than those required by law, which are visible from the outside of the vehicle shall be displayed other than as set out below:

- the roof sign is an aerodynamic triangular structure and is referred to by some sign manufactures as the “streamline or sloped”
- the long dimension is 18 inches (45cm), the base is six inches (15cm) and the height is six inches (15cm).
- the roof sign has a white background
- when a vehicle has a taximeter, the roof sign must be connected to it to be automatically controlled
- the roof sign must be fully illuminated when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
- the council’s logo, measuring 12.5cm wide and 9.5 cm high (see appendix B), must be displayed on the far left of the front face of the roof sign and the licence plate number on the far right of the front of the roof sign. The proprietors surname or company name, must be displayed in the remaining space. The word taxi may also be displayed with the proprietors surname or company name
- nothing else is displayed on the front face of the roof sign.

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

14. The roof sign must be permanently affixed to the vehicle at all times whatever journey or job the vehicle is undertaking. The roof sign can be removed when the vehicle is parked at a proprietor’s home or in a taxi office car park for security reasons. The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned. In both cases the roof sign must be put back on the vehicle before the vehicle is used again as a licensed vehicle.

15. There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign. In this case council’s logo, measuring 12.5cm wide and 9.5cm high, must be displayed on both rear passenger doors.

### Interior of the vehicle

16. Advertisements are permitted on the interior of purpose built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. The permitted sizes are as follows:

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

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

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

#### EXTERIOR OF THE VEHICLE

19. Advertisements are permitted on the exterior doors and the boot of hackney carriages; the permitted sizes are:

- single door 76cm x 46cm
- double door 185cm x 46cm
- boot 30cm x 10cm.

20. Proprietors wishing to have full livery will only be permitted with the written consent of the relevant council.

21. Operators are also permitted to display the following on the vehicle:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a first aid kit sticker
- any other material supplied by government or a government organisation or corporation with the permission of the council.

#### AUDIO, VIDEO OR SURVEILLANCE SYSTEMS

22. No audio, video or recording systems shall be installed or operated in the vehicle without the prior written permission of the council.

#### SMOKING

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

#### METERS/FARE CARD

24. The vehicle shall be fitted with a taximeter approved by the councils and be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. The taximeter shall be set 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 approved testing stations to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences and the taximeter brought into operation.

25. The taximeter must:

- be of the clock calendar type and change according to the wording of the relevant council's agreed current maximum fare tariff or a lower tariff set by the operator
- not be altered or tampered with except with the approval of the relevant council and must be retested by one of the councils' approved testing stations if it is altered
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
- be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

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

## WHEELCHAIR ACCESS

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

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

## TRAILERS

29. Trailers may only be used with the prior written approval of the relevant council. The trailer can only be used in connection with pre booked bookings and cannot be used for plying for hire on a rank or the street.

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

## LOST PROPERTY

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

## CONVICTIONS/ CHANGE IN PARTICULARS OF PROPRIETOR

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

## LEGISLATION

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

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

## APPENDIX B

### PRIVATE HIRE VEHICLES LICENCE AND PRIVATE HIRE OPERATORS CONDITIONS

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

2. Licences can be obtained by making an application to the relevant council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the councils. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a sub committee/panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

#### SPECIFICATION

3. The vehicle must meet the following specification:

- The vehicle must be capable of carrying not less than four passengers and no more than eight
- Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle.
- The seat provided for each passenger will have a minimum width of 16 inches measured across its narrowest part
- Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that "tilt" forward by a single operation. If permitted by the council, the driver must inform the passengers of the operation of the seats before a journey commences.
- Will be right hand drive
- Will have four road wheels

- Have an engine with a capacity of at least 1400cc. including vehicles badged by the manufacturer as “1.4” models
  - Will in addition to the driver’s door, have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
  - The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
  - Estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
  - No alteration to the manufactures specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
  - The front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.
4. A private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

#### VEHICLE AGE

5. In normal circumstances the councils will not licence a vehicle that is older than **five** years old (to be agreed following consultation) when first presented for licensing and will not licence any vehicle at all that is over ten years old at the time of licensing. In normal circumstances the councils will not licence a wheel chair accessible vehicle that is older than seven years old when first presented for licensing and will not licence any vehicle at all that is over twelve years old at the time of licensing.
6. If the vehicle is over four years old at the time of the licence being granted it is required to undertake two tests per year falling at the granting of the licence and six months into the vehicle’s licence.
7. The vehicle test is a MOT test. The council will only accept MOT tests that are valid for 11 months or over. Brand new registered vehicles with less than 1,500miles on the clock are not required to have a vehicle test.

#### EQUIPMENT

8. The vehicle must carry the following equipment:

- An in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times when the vehicle is licensed shall be securely fixed 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
- A spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the relevant council
- a jack and tools for changing the wheels
- a spare auto lamp kit applicable to the vehicle and the taxi sign
- a warning triangle
- a torch
- a first aid kit.

#### CONDITION OF THE VEHICLE

9. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the generality of the Motor Vehicle (Construction and Use) Regulations which currently apply.

#### INSURANCE AND OTHER DOCUMENTATION.

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

11. The proprietor must produce when requested the vehicle registration document, a valid MOT certificate (Certificate of Compliance) and must ensure that

the vehicle displays a valid vehicle excise licence. Any advisory item on the MOT/Certificate of Compliance must be corrected and a "clean certificate" issued before the vehicle will be licensed. Only original documents are acceptable.

## LICENCE PLATES

12. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder is required to return the plate to the council within seven days of being requested to do so. The penalty for failing to comply with this request is a fine not exceeding Level 3 on the Standard Scale. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer.

## PRIVATE HIRE SIGNS AND ADVERTISING

13. The proprietor must ensure that their vehicle does not display any advertising or promotional material, subject to the following exceptions:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a sign which requires passengers not to smoke
- a first aid kit sticker
- any other material supplied by government or a government organisation or corporation with the permission of the council.

## AUDIO/VIDEO OR SURVEILLANCE SYSTEMS

14. No audio/video or recording systems shall be installed or operated in the vehicle without the prior written permission of the council.

## SMOKING

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

## METERS/FARE CARD

16. A private hire vehicle may be fitted with taximeter. If the vehicle is fitted with a taximeter it shall be fitted with a taximeter approved by the councils and be compliant with The Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times.

17. The taximeter must:

- be of the clock calendar type and change according to the wording of the proprietor's current fare tariff;
- not be altered or tampered with except with the approval of the relevant council and must be retested by one of the councils' approved testing stations if it is altered;
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

#### WHEELCHAIR ACCESS

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

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

#### TRAILERS

20. Trailers may only be used with the prior written approval of the council and subject to the following requirements:

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

#### LOST PROPERTY

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

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## CONVICTIONS/CHANGE IN PARTICULARS OF PROPRIETOR

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

## PRIVATE HIRE OPERATORS CONDITIONS

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

24. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

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

If the operator uses a computerised booking system the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.

25. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used. All records kept by the operator shall be kept for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.

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

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## LEGISLATION

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

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

## POLICY ON SPECIAL EVENT VEHICLES

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

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

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

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

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

33. Each vehicle will be considered and assessed on merit taking account of:

- the overall condition of the vehicle
- the number of passengers for which it is required to be licensed
- the specific criteria for which exemption is sought.

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

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

## SPECIFICATION

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

- the vehicle must not have fewer than four road wheels
- the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
- the vehicle must comply with Constructions and Use Regulations.

36. Exemptions will not be granted from the following standard vehicle conditions:

- A fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council.
- A first aid kit.
- A spare wheel suitable for immediate use.
- A jack and tools for changing the wheels.
- The screen sticker, if supplied by the council, must be displayed in the lower nearside corner of the rear windscreen.
- Spare light bulbs.
- No audio or video recording system shall be installed or operated in the vehicle without the prior written permission of the council and any system for which approval is granted shall be installed and operated in accordance with statutory guidelines.

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

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

39. No age limit will be set for "special vehicles" but they are required to be tested once per year until they are four years old. If the vehicle is over four years old at the time of the licence being granted it is required to undertake two tests each year falling at the granting of the licence and six months into the vehicles licence. Brand new registered vehicles with less than 1,500 miles on the clock will not be required to have a vehicle test.

40. A vehicle test will be replaced with a MOT test. The council will only accept MOT tests that are valid for more than 11 months.

41. The individual nature of a special event vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence.

## PLATE EXEMPTION

39 Vehicles which are used for contract work for at least 75 per cent of the time can be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the council will require evidence from the client as to why plate exemption is required. Such vehicles must display a rear windscreen badge, which will be provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

## APPENDIX C

### HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CONDITIONS AND CODE OF CONDUCT

- 1) All drivers are required to be familiar with all parts of this policy and comply with the requirements of the policy and the conditions which form a part of their licence.
- 2) Any hackney carriage/private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If required to do so at any time the licence holder is required to return the badge to the council within 14 days of being requested to do so. The penalty for failing to comply with this request is a fine not exceeding Level 1 on the Standard Scale.
- 3) Whilst in control of a hackney carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.
- 4) The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalties or change of their registered particulars, e.g. address or change of name.
- 5) If a driver is given notice to undertake a random CRB check by the council they must do so within 28 days of the request.
- 6) The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 7) Any driver of a hackney carriage/ private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council shall be deemed not to be a fit and proper person to hold a licence.
- 8) No driver of a hackney carriage/private hire vehicle shall at any time engage in any sexual activity in a licensed vehicle, whether consensual or otherwise, with a fare. Any driver who contravenes this condition will be deemed not to be a fit and proper to hold a licence.
- 9) Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.

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

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

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

- 12) Under Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons.

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

14) At taxi ranks drivers shall:-:

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

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

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

## LEGISLATION

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

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

Notwithstanding the relevant legislation, the Council's conditions, the Council's hackney carriage and private hire Driver, Vehicle and Operator Policy and the Council's Byelaws, drivers, proprietors and operators should be aware of the following criminal offences:

- failure to give assistance to wheelchair users or failure to carry them safely
- charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
- refusal to carry an assistance dog without a medical exemption
- driving whilst using a mobile telephone
- smoking in a hackney carriage or private hire vehicle
- driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- exceeding the safe permitted number of working hours
- claiming benefits for which there is no entitlement
- and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take action as it sees fit. This may include prosecution.

## APPENDIX D

### Hackney carriage roof box



Front



Back (Telephone number optional)



Side

## APPENDIX E

### CONSIDERATION OF APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF LICENCES

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

## APPENDIX F

### TESTING APPLICANTS – THE KNOWLEDGE TEST

#### INTRODUCTION

1. In order to maintain the high standards that the council expects of its drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a written test and will contribute to satisfying the requirement to be a fit and proper person. If a driver is not able to satisfactorily complete the test due to difficulties with written English, the relevant council will offer support to them to help them or for them to seek out opportunities for language instruction.

#### LOCAL GEOGRAPHY

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

#### HIGHWAY CODE

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

#### THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING LEGISLATION AND COUNCIL RULES AND POLICY

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

#### DISABILITY ISSUES

5. In view of the special considerations to be made when dealing with passengers with differing physical abilities, it may be necessary to test the awareness of the applicant of these issues.

#### TEST RE-TAKES

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

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

PROCEDURES AND GUIDELINES FOR TESTS

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

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## APPENDIX G

### Guidelines relating to relevance of previous convictions

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

## THE REHABILITATION OF OFFENDERS ACT 1974

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

### MINOR TRAFFIC OFFENCES

8. Convictions for minor traffic offences should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence. However the number, type and frequency of such offences will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months., An application will be refused where an applicant or an existing licence holder suspended where the person 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. Where an application has been refused or an existing licence holder suspended because of this provision they will be required to pass the DSA Taxi and private hire Assessment in accordance with Policy Driver 4 before the licence is granted or the suspended licence reinstated.

### MAJOR TRAFFIC OFFENCES

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

### HYBRID TRAFFIC OFFENCES

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

## USE OF MOBILE PHONES WHILST DRIVING

11 Isolated convictions for use of a mobile phone should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence. However the number, type and frequency of such offences will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months. Existing licence holders who are seen by licensing officers using a mobile device whilst driving will suspend the driver under the provisions of Section 61 Local Government (Miscellaneous Provisions) Act 1976. Where an application has been refused or an existing licence holder suspended because of this provision they will be required to pass the DSA Taxi and Private Hire Assessment in accordance with Policy Driver 4 before the licence is granted or the suspended licence reinstated.

## OFFENCES UNDER THE TOWN POLICE CLAUSES ACT 1847 AND PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

12 One of the main purposes of the licensing regime set out in the above named acts is to ensure the protection of the public. For this reason a serious view is taken of convictions, warnings, reprimands, or cautions for offences under the Acts when deciding whether an applicant or an existing licence holder is to be treated as a fit and proper person to hold or continue to hold a licence.

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

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

## DRIVING UNDER THE INFLUENCE OF ALCOHOL OFFENCES

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

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

## PUBLIC DISORDER OFFENCES INVOLVING ALCOHOL

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

## DRUGS

18. An applicant with a conviction for a drug related offence will be required to show a period of a least five years free of convictions before an application is granted. An existing licence holder who is convicted of a drug related offence will be referred to the sub committee/panel who could order that all relevant licences are revoked. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account

considers that, based on all this information the applicant is not “fit and proper” or that an existing licence holder no longer is a “fit and proper” person, the licensing officer will submit a report for consideration by the Head of Legal and Democratic Services. If they conclude that the person is not a fit and proper person they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Legal and Democratic Services may refer the report to the relevant sub-committee/panel.

## INDECENCY OFFENCES

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

20. Where an existing licence holder is found to be in breach of Condition 8 of the hackney carriage and private hire driver conditions set out at Appendix C to this policy he/she will no longer be considered a fit and proper person and the licensing officer will submit a report for consideration by the Head of Legal and Democratic Services. If they conclude that the person is not a fit and proper person they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation to officers. The Head of Legal and Democratic Services may refer the report to the relevant sub-committee/panel.

## VIOLENCE

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

- murder
- manslaughter

- manslaughter or culpable homicide while driving
- arson
- malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- grievous bodily harm with intent (s.18 Offences Against the Person Act)
- grievous bodily harm (s.20 Offences Against the Person Act)
- robbery
- racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- racially aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
- racially aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- racially aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32 (1)(b) Crime and Disorder Act 1998).

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

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

- common assault
- common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)

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

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

## THEFT AND FRAUD

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

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

- Theft
- Burglary
- Fraud

- Perjury
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Any other similar offence of dishonesty

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

#### DRIVERS BEHAVIOUR

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

#### INFORMATION

29. The date of the court conviction is to be taken as the rehabilitation start date, unless a sentence of imprisonment or corrective training exceeding 30 months was imposed, in which case the period commences from the date of release.

30. The following examples are for guidance only. Each application will be considered on its individual merits taking into account the person's previous history of

behaviour to determine if they meet the fit and proper person criteria, and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer. If the licensing officer considers that the applicant is not a fit and proper person he will refer the matter to the Head of Legal and Democratic Services with an appropriate recommendation.

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

**SUMMARY OF REHABILITATION PERIODS APPLICABLE TO CERTAIN SENTENCES**

(SECTION 5 REHABILITATION OF OFFENDERS ACT 1974)

| <b>Sentence</b>   | <b>Rehabilitation Period</b>  |
|---|-------------------------------|
| A sentence of imprisonment, exceeding thirty months.  | Never                         |
| A sentence of imprisonment, detention in a young offenders institution or youth custody or corrective training for a term exceeding six months but not exceeding thirty months. | Ten Years                     |
| A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.  | Ten Years                     |
| A sentence of imprisonment, detention in a young offender's institution or youth custody for a term not exceeding six months.   | Seven Years                   |
| A sentence of dismissal from Her Majesty's service  | Seven Years                   |
| Any sentence of detention in respect of a conviction in service disciplinary proceedings  | Five Years                    |
| A fine or any other sentence subject to rehabilitation under this Act   | Five Years                    |
| Probation order or Community Order  | Five Years                    |
| Conditional Discharge, binding over, care order, supervision order or reception order (whichever is longer)   | 1 year or until order expires |
| Absolute Discharge  | 6 months                      |

Rehabilitation periods are subject to a reduction by half for persons under eighteen.

**Sex Offenders Register**

HOW LONG DO OFFENDERS REMAIN ON THE REGISTER?

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

## MAJOR TRAFFIC OFFENCES

(Appendix G Paragraph 9 refers)

AC10 Failing to stop after an accident

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

AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA30 Attempting to drive while disqualified by order of court

CD10 Driving without due care and attention

CD20 Driving without reasonable consideration for other road users

CD30 Driving without due care and attention or without reasonable consideration for other road users

CD40 Causing death through careless driving when unfit through drink

CD50 Causing death by careless driving when unfit through drugs

CD60 Causing death by careless driving with alcohol level above the limit

CD70 Causing death by careless driving then failing to supply a specimen for analysis

CD80 Causing death by careless or inconsiderate driving

CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle

DD80 Causing death by dangerous driving

DD90 Furious driving

DR10 Driving or attempting to drive with alcohol level above limit

DR20 Driving or attempting to drive while unfit through drink

DR30 Driving or attempting to drive then failing to supply a specimen for analysis

DR40 In charge of a vehicle while alcohol level above limit

DR50 In charge of a vehicle while unfit through drink

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR70 Failing to provide specimen for breath test

DR80 Driving or attempting to drive when unfit through drugs

DR90 In charge of a vehicle when unfit through drugs

IN 10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

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

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

### **Causing or permitting**

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

Inciting

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

## MINOR TRAFFIC OFFENCES

(Appendix G Paragraph 8 refers)

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable or traffic warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign

TS70 Undefined failure to comply with a traffic direction sign

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

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

**Causing or permitting**

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

**Inciting**

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

**HYBRID TRAFFIC OFFENCES**

(Appendix G Paragraph 10 refers)

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

CU80 Breach of requirements as to control of the vehicle, mobile telephones etc.

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

**Aiding, abetting, counselling or procuring**

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

**Causing or permitting**

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

**Inciting**

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

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

## APPENDIX H

### ENFORCEMENT

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

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

Usually enforcement action will be taken to:

- protect the public interests
- support the policies of the council
- respond to individual public and trade complaints
- support partnerships with other agencies like the Police and Vehicle Inspectorate
- compliment the council's corporate enforcement policy.

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

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

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

## PENALTY POINTS SCHEME

Should the councils adopt a penalty points scheme as a disciplinary code whereby points are issued to licence holders for breaches of licensing conditions or non-compliance of the law as an alternative to prosecution.

The main features of the scheme are as follows;

- points are issued to licence holders for breaches of licensing conditions or legislation
- a total of 12 points credited to an individual licence/licensee in any 12 month period will result in a review of the licence at committee/panel
- in the case of a private hire operator licence the total number of points credited in any licensing year is extended to 30 points
- any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued.
- licence holders have a written right of appeal within seven days of the points being issued.

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

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

|     | <b>Conduct in breach</b>   | <b>P/H<br/>H/C<br/>Driver</b> | <b>H/C<br/>Prop</b> | <b>P/H<br/>Vehicle</b> | <b>P/H<br/>Operator</b> |
|-----|--|-------------------------------|---------------------|------------------------|-------------------------|
| 1.  | Failure to display drivers ID badge in the correct manner  | 3                             |                     |                        |                         |
| 2.  | Unsatisfactory appearance of the driver  | 2                             |                     |                        |                         |
| 3.  | Failure to notify change of address/any convictions received /medical grounds not to drive                     | 3                             | 3                   | 3                      | 3                       |
| 4.  | Failure to behave in a civil and orderly manner towards customers and other members of the public at all times | 1-5                           |                     |                        |                         |
| 5.  | Obstruction of an authorised officer   | 3-6                           | 3-6                 | 3-6                    | 3-6                     |
| 6.  | Failure to produce licence/insurance when requested by authorised officer                                      | 4                             | 4                   | 4                      | 4                       |
| 7.  | Failure to report accident damage within 72 hours  | 3                             | 3                   | 3                      | 3                       |
| 8.  | Overdue medical examination  | 2                             |                     |                        |                         |
| 9.  | Carrying more passengers than permitted by the vehicle licence   | 5                             |                     |                        |                         |
| 10. | Refusal to carry passengers without a reasonable excuse  | 5                             |                     |                        |                         |
| 11. | Failure to convey or assist with carrying luggage  | 2                             |                     |                        |                         |
| 12. | Failure to display tariff of fares correctly   | 2                             | 2                   | 2                      | 2                       |

|     |   |      |      |      |      |
|-----|---|------|------|------|------|
| 13. | Failure to recalibrate meter to the correct tariff  |      | 2    | 2    | 2    |
| 14. | Failure to display interior and/or exterior identity plate correctly  | 3    | 3    | 3    | 3    |
| 15. | P/H Exempt vehicles only:-<br>Failure to display interior plate, carry exemption certificate and carry exterior plate | 2    |      | 2    | 2    |
| 16. | Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.                       | 5    |      |      |      |
| 17. | Failure to be with taxi on rank   | 2    |      |      |      |
| 18. | Refusal to carry an assistance dog without exemption  | 4    |      |      |      |
| 19. | Failure to have operational fire extinguisher fitted  | 2    | 2    | 2    | 2    |
| 20. | Failure to carry adequate first aid kit   | 2    | 2    | 2    | 2    |
| 21. | Failing to display approved roof sign   | 3    | 3    |      |      |
| 22. | Unsatisfactory condition of vehicle interior/exterior   | 3    | 3    | 3    | 3    |
| 23. | Failure to deal appropriately with items of property accidentally left in vehicle                                     | 2    | 2    | 2    | 2    |
| 24. | Using/permitting licensed vehicle with no insurance   | 9-12 | 9-12 | 9-12 | 9-12 |
| 25. | Using licensed vehicle without current certificate of compliance/MOT  | 3    | 6    | 6    | 6    |
| 26. | Unauthorised advertising on licensed vehicle  |      | 3    | 3    | 3    |
| 27. | Standing or plying for hire in a private hire vehicle   | 5    |      |      | 3    |
| 28. | Failure to attend a hiring punctually   | 3    |      |      | 3    |
| 29. | Touting   | 6    |      |      |      |
| 30. | Defective taxi meter  | 3    | 3    | 3    | 3    |
| 31. | Failure to keep or produce records of private hire bookings/documents required to be kept or produced.                |      |      |      | 4-6  |

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:  
BEST PRACTICE GUIDANCE**

**March 2010**

## TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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**Annex A - Useful questions when assessing quantity controls**

**Annex B - Sample notice between taxi/PHV driver and passenger**

**Annex C – Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard**

## **INTRODUCTION**

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - 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. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

## **THE ROLE OF TAXIS AND PHVs**

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

## **THE ROLE OF LICENSING: POLICY JUSTIFICATION**

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

### **SCOPE OF THE GUIDANCE**

11. This guidance deliberately 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. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

### **CONSULTATION AT THE LOCAL LEVEL**

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

### **ACCESSIBILITY**

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

### **Duties to carry assistance dogs**

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

### **Duties under the Part 3 of the DDA**

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at [http://www.equalityhumanrights.com/uploaded\\_files/code\\_of\\_practice\\_provision\\_and\\_use\\_of\\_transport\\_vehicles\\_dda.pdf](http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf). There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

## **VEHICLES**

### **Specification Of Vehicle Types That May Be Licensed**

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

### **Tinted windows**

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

### **Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)**

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at

[www.businesslink.gov.uk/vehicleapprovalschemes](http://www.businesslink.gov.uk/vehicleapprovalschemes)

## **Vehicle Testing**

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs\*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

\*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see  
<http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

- Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

### **Personal security**

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website ([www.ico.gov.uk](http://www.ico.gov.uk)). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

### **Vehicle Identification**

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be 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 PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which 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 licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

### **Environmental Considerations**

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

### **Stretched Limousines**

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

## QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing 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'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

## TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

## **DRIVERS**

### **Duration Of Licences**

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

### **Acceptance of driving licences from other EU member states**

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

### **Criminal Record Checks**

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity<sup>1</sup> and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at [www.isa.gov.org.uk/default.aspx?page=402](http://www.isa.gov.org.uk/default.aspx?page=402). [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want 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.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website ([www.crb.gov.uk](http://www.crb.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

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<sup>1</sup> "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

## **Notifiable Occupations Scheme**

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

## **Immigration checks**

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at [www.bia.homeoffice.gov.uk/employingmigrants](http://www.bia.homeoffice.gov.uk/employingmigrants). More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

## **Medical fitness**

67. 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. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

### **Age Limits**

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

### **Driving Proficiency**

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

### **Language proficiency**

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

### **Other training**

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

*GoSkills*, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: [www.goskills.org](http://www.goskills.org)

e-mail: [info@goskills.org](mailto:info@goskills.org)

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

### **Topographical Knowledge**

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

## **PHV OPERATORS**

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

### **Criminal Record Checks**

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

### **Record Keeping**

79. It is good practice to require 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 booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

### **Insurance**

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

### **Licence Duration**

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

## **Repeal of the PHV contract exemption**

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

## **ENFORCEMENT**

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - [www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk).

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

## **TAXI ZONES**

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

## **FLEXIBLE TRANSPORT SERVICES**

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985)**: licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985)**: such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985)**: owners of licensed taxis can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department’s publication ‘Flexible Transport Services’ which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

## LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

## TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

### Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

#### Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis;
  - increase waiting times for consumers;
  - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

#### Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

#### Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
  - all those working in the market;
  - consumer and passenger (including disabled) groups;
  - groups which represent those passengers with special needs;
  - local interest groups, eg hospitals or visitor attractions;
  - the police;
  - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

## TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

*Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you*

### The driver will:

- *Drive with due care and courtesy towards the passenger and other road users.*
- *Use the meter within the licensed area, unless the passenger has agreed to hire by time.*
- *If using the meter, not start the meter until the passenger is seated in the vehicle.*
- *If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.*
- *Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.*

### The passenger will:

- *Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).*
- *Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.*
- *Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.*
- *Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.*

**Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you**

**The driver will:**

- **Ensure that the passenger has pre-booked and agrees the fare before setting off.**
- **Drive with due care and courtesy towards the passenger and other road users.**
- **Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.**

**The passenger will:**

- **Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).**
- **Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.**
- **Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.**

## TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

### Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.